

SUBDIVISION ORDINANCE 2009-1

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TOWN OF METOMEN

SUBDIVISION ORDINANCE

2009-1

ARTICLE 1. IN GENERAL

Sec. 1-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a facility, structure, building or use which is accessory and necessary to the principal use of a property, structure or building.

Alley means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage and access is on a public street or road.

Block means a parcel of land or a group of lots bounded on at least one side by a street and on the other sides by natural or manmade barriers or unplanted land. Blocks may have an assigned consecutive number or letter through which they may be identified.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind.

Building setback lines means lines established along highways at specified distances from the centerline which prohibited buildings or structures shall be set back of, or outside of, and within which they may not be placed except as provided. Within the setback line means between the setback line and the highway right-of-way.

Certified survey map means a map of a land division, not a major subdivision, prepared in accordance with Wis. Stat. 236.34 and in compliance with the applicable provisions of this ordinance.

Common open space means a parcel of land or an area of water, or some combination of both, within a site designated for a planned unit development (PUD) or subdivision, and designed and intended for the use or enjoyment of residents of the PUD or subdivision. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of PUD residents.

County means Fond du Lac County, Wisconsin, including any agency, department or committee of the county board.

Developer means the owner of land proposed to be subdivided or his or her representative.

Development means any manmade change or improved or unimproved real estate. Including but not limited to construction of or additions or substantial improvements to buildings, other structures or accessory used or the placement of mobile homes.

Easement means authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

Extraterritorial plat approval jurisdiction means the unincorporated area within three miles of the corporate limits of a first, second or third class city, or 1.5 miles of a fourth class city or a village, if such municipalities have enacted an extraterritorial subdivision control ordinance.

Final plat means the map or plat of record and any accompanying material as required in section 4-3

Land division means the division of a lot, parcel or tract of land for the purpose of transfer of ownership or building construction where the act of division creates two parcels, lots or building sites, any one of which is 35 acres or less in area.

Lot means a parcel of land of 35 acres or less having frontage on a public street or other approved access, occupied or intended to be occupied by a principal structure or use.

Major subdivision means a subdivision that creates five or more parcels, lots or building sites regardless of size or ownership, or created by successive divisions within a period of five years.

Minor subdivision means all subdivisions of land as defined in this ordinance which are not major subdivisions. In accordance with Wis. Stats. 236.45, the following exceptions to this definition apply:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Sale or exchange of parcels of land between owners or adjoining property if additional lots are not created and the lots resulting are not reduced below the minimum sizes required by applicable laws or ordinances.
- (3) Leases for a term not to exceed ten years; mortgages or easements.
- (4) Cemetery plats created under Wis. Stats. 157.07 and assessor's plats made under Wis. Stats. 70.27.

Out lot means a parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An out lot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites.

Parcels means contiguous lands under the control of a sub divider, not separated by streets, highways or railroad right-of-way.

Planned unit development (PUD) means an area of land, controlled by a single owner or entity, to be developed as a single entity for a number buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot and density requirements of this ordinance and applicable town zoning ordinances.

Plat means a map of a subdivision

Preliminary plat means a map delineating the features of a proposed subdivision or when required, a land division as described in articles III and IV of this ordinance, submitted to the Town Zoning Board for consideration prior to the final plat.

Replat means the process of changing, or the map or plat which change, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or out lot within a recorded subdivision plat without changing exterior boundaries of such block, lot or out lot is not a replat.

Setback means the minimum horizontal distance from the centerline of the right-of-way and the nearest point of a building, or proposed building, or any projection thereof, including steps.

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

- (1) Arterial streets and highways. Those streets which provide for rapid movement or concentrated volumes of traffic over relatively long distances and have the most united access to assure rapid movement.
- (2) Collector streets. Streets which provide moderate speed movement of vehicular traffic from local streets to arterials. A collector street serves a neighborhood or major subdivision and should be designed so that no residential lots have access to it.
- (3) Local Streets. Streets which provide the greatest degree of access and are designed for low speed and low volume traffic connecting to collector streets.

- (4) Frontage road. Streets parallel and adjacent to arterial streets which provide access to abutting properties and separation from arterial through traffic.
- (5) Cul-de-sac. A local street closed at one end with a permanent turnaround at one end.

Subdivider means any person requesting review or action on a land division or subdivision.

Subdivision means the division of a lot or parcel of land for the purpose of transfer of ownership or of building construction. See Major subdivision and Minor subdivision.

Surety means any legal financial assurance or guarantee which guarantees performance of a subdivider's contract or obligation through forfeiture of the assurance or guarantee if such contract or obligation is unfulfilled by the subdivider.

Town means the Town of Metomen, the Town Board, the Planning Committee, and the Zoning Board.

Section 1- 2. Statutory Authorization

This Ordinance is adopted pursuant to sec. 60.10, 60.20; sec. 60.22, sec 60.23, sec 60.24, sec. 60.54 and sec. 81.01 of the Wisconsin Statutes, together with the Town's village powers and police powers, For the purpose of promoting the public health, safety and general welfare of the Town. This ordinance has been established to further the orderly layout and use of land as provided in the comprehensive plan; to lessen congestion of streets and highways; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding and undue concentration of the populace; to facilitate the adequate provision of public services including transportation , water, sewerage, schools, parks, playgrounds and similar facilities and services; and to facilitate the further resubdivision of large tracts into small parcels of land.

Section 1-3. Jurisdiction of Ordinance

This ordinance shall apply to all divisions of land resulting in parcels of 35 acres or less and must comply with the comprehensive plan, within the Town.

Section 1-4. Compliance with ordinance and sewer system regulations.

No approval shall be granted on any division of land until such time as adequate evidence is presented to show that the proposed subdivision would be in compliance with this ordinance, the comprehensive plan, and the county ordinances.

Any lots created under this ordinance not served by a sanitary sewer shall be required to pass percolation tests and/or soil borings, conducted in accordance with COMM 83 and chapter 58, article III, except that such test may be waived by the county planning agency or county planner if;

- (1) Lots being created are already served by an acceptable onsite sewage disposal system, off-site common sewage disposal system or municipal sewage system; or
- (2) The lots being created are for a use not requiring sanitary disposal facilities.

Section 1-5. Interpretation; conflict with other ordinances.

Interpretation and application of provisions in this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

Provisions of this ordinance are not intended to conflict with, interfere, abrogate or annul any other ordinance, rule or regulation, statute or other provision of the law. In review of confliction regulations or other provisions of the law, whichever provisions are more restrictive or impose higher standards shall control.

Section 1-6. Amendments to ordinance

For the purpose of protecting the public health, safety and general welfare, the Town Board may from time to time amend provisions imposed by these subdivision regulations.

Amendments shall be made by the Town Board upon the recommendation of the Town Planning committee and after a public hearing as required by state statutes.

Section 1-7. Uniform numbering and road names

At the time that any subdivision plat for a new subdivision is approved, the county planner shall issue each lot a building number under the county's uniform numbering system.

If during the road naming process a road name can not be agreed upon which does not duplicate or in any way conflict with existing road names, it shall be within the town's authority to assign a nonconflicting road name.

Section 1-8. Replats.

A replat or change of a boundary or all boundaries within a recorded subdivision, if it alters areas dedicated for public use, may not be recorded except after proper court action as detailed in Wis. Stat. 236.36.

Section 1-9. Fees.

The town board may, by resolution, adopt fees for the following; Preliminary plat review, final plat review, certified survey review, PUD review, variance applications and appeals of decision of the town board.

Section 1-10 Penalties for violation of ordinance

Any person who violates the provisions of this chapter, upon conviction thereof, shall forfeit to the town not less than \$10.00 or more than \$200.00 for each violation, plus the cost of prosecution for each violation. Each day that such violation continues shall be deemed to be a separate offense.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 2-1. Town chairman responsible for administration.

The town chairman shall be responsible for the administration of the chapter. He or she shall not engage, either directly or indirectly, in the business of surveying; and no map, plat or subdivision shall be received for record, or have any validity which has been prepared by or under the direction of the town chairman in violation of the provisions of this section, or any requirement of this ordinance.

Section 2-2. Enforcement.

No plat of any subdivision or land division shall be entitled to record in the office of the register of deeds or have any validity until it shall have been approved in a manner prescribed in this ordinance. Whenever it comes to the knowledge of the town chairman that any of the provisions of the ordinance have been violated, it shall be his or her duty to notify the town board of this, and the town board shall immediately take appropriate enforcement action.

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Section 2-3. Variance

Where the town board finds that extraordinary hardship or practical difficulties may result from rigid compliance with this ordinance and or the purposes of this ordinance may be served to a greater extent by an alternative proposal, it may recommend that the zoning board of appeals consider a variance to this ordinance, provided that such variance shall not have the effect of nullifying the intent and purpose of the ordinance; or violate the comprehensive plan, and further provided the zoning board of appeals shall, as a condition of approval, make findings based upon facts presented in each specific case that;

- (1) The granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property.
- (2) The conditions upon which the request for a variance is based are unique to the property in question and are not applicable to other property.
- (3) Because of the physical surroundings, shape or topographical conditions of the property involved, that are not self-imposed, a hardship to the owner would result if the strict interpretation of the ordinance are carried out.
- (4) The variance will not compromise the provisions of this ordinance, the comprehensive plan, or county ordinances.

In approving a variance, the zoning committee may require conditions that, in its judgment, meet the objectives of the standards and requirements of the ordinance.

In keeping with the intent of PUD provisions, in cases where a subdivision is part of a planned unit development, for which a PUD plat containing revised design standards is approved by the county planning agency, the waiver of a variance in the design standards required by this ordinance shall be considered to have been granted.

Section 2-4. Appeals

- (a) The following decisions made by the town chairman, zoning board of appeals, town board, may be appealed;

- (1) Rejection of a certified survey map, preliminary plat or final plat.
- (2) A determination that land is unsuitable for subdivision.

- (b) Whenever a subdivision is aggrieved by the decision of the town chairman, he or she may file an appeal to the planning committee from such decision within ten days of the date of such decision. Such appeal is to be filed with the town clerk and forwarded to the planning committee. The planning committee may affirm or reverse, in whole or in part, the decision made by the town chairman, which shall be confirmed by the town board.

- (c) Any person aggrieved by an objection to a plat or failure to approve a plat under the provisions of the ordinance may appeal therefrom as provided in Wis. Stat. 236.13 and 62.23(7)(e)10, 14 and 15 within 30 days of notification of the town board rejection of the plat; provided, however, that such person has taken appeals to conformity with subsections (a) and (b) of this section.

Section 2-5. Procedure for variances and appeals

Upon receipt of an appeal or application for a variance, the town clerk shall schedule and hold a public hearing on the matter within a reasonable time. The concurrence of five members of the zoning board of appeals is necessary to uphold an appeal or grant a variance. Reasons for each appeal or variance shall be found in finding of facts, conclusion of law, and order and determination. A class 1 notice of the public hearing must be published as required by Wis. Stats ch 985.

ARTICLE III. PLAT AND CERTIFIED SURVEY MAP PROCEDURES

Section 3-1. Plat procedures.

In accordance with Wis. Stat. 236.11 and 236.12, a preliminary plat and final plat are required for all major subdivisions within the town. Major subdivisions consist of a division of land into five or more parcels or buildings sites regardless of size ownership, or a successive division of and into five or more parcels of building sites regardless of size or ownership over a five-year period. Major subdivisions procedures are outlined in section3-2 through 3-5. Minor subdivisions shall be submitted in accordance with procedures outlined in section3-6, and may at the discretion of the town chair be subject to requirements of section3-4.

Section 3-2. Consultation with town chairman and county planner

Prior to submission of a certified survey map or preliminary subdivision plat, it is recommended that the subdivider first consult with the town chairman, and the county planner in order to obtain an understanding of all regulations and procedures to which the review process and assure compliance with state and local regulations before surveying of platting expenses are incurred.

Section 3-3. Letter of intent.

Prior to submission of a certified survey map or a preliminary plat, the subdivider or his/or her agent is required to submit to the town chair and county planner a letter of intent. The letter of intent must specify:

- (1) The name and address of the owner or subdivider of the property under consideration.
- (2) The name and address of the surveyor and/or contractor and/or broker, who may be working on the development;
- (3) The location, legal description and average of the property;
- (4) The present use of the land;
- (5) The estimated time table of development.

Section 3-4. Preliminary plat procedure.

- (a) Accompanying the letter of intent, and prior to submitting a plat for approval, the subdivider shall submit two copies of a preliminary plat, and 14 copies of the preliminary plat to the county planner. The plat shall be clearly marked 'preliminary plat' and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The plat shall be prepared in accordance with all specifications required in the ordinance and Wis. Stats ch 236.
- (b) The county planner shall, within two days after a preliminary plat is submitted for approval, transmit legible copies with a list of authorities to which the plat must be submitted for approval of objection. The indicated number of copies shall be submitted to the following authorities.
 - (1) Four copies to the planning agency
 - (2) One copy to each town board affected by the plat.
 - (3) One copy to the county highway department, for all plats abutting or adjoining county trunk highways.
 - (4) Two copies to any municipality, when the subdivision lies within the extraterritorial plat approval jurisdiction of such municipality.
 - (5) The appropriate number of copies shall be forwarded to the department of commerce (COMM) for review of compliance with minimum layout requirements of Wis. Stats. Ch 236.
- (c) For the purpose of this ordinance, review agencies shall be identified as follows:
 - (1) Approving agencies;
 1. The county planning agency
 2. the town board
 3. the applicable city or village with extraterritorial jurisdiction.
 - (2) Objecting agencies
 1. State department of commerce
 2. State department of transportation
 - (3) Advisory agencies
 1. County land conservation department.
 2. County highway department/surveyor.
 3. State department of natural resources.

- (d) All objecting agencies, within 20 days of receiving a copy of the preliminary plat, shall notify the subdivider and all other approving and objecting agencies of any objection based upon failure of the plat to comply with all state statutes, the local comprehensive plans and ordinances. If there are no objections, each agency shall so certify on the face of a copy of the plat and return that copy to the county planner. A plat shall not be approved or deemed approved until any and all objections have been satisfied. If an objecting agency fails to act within the 20-day limit it shall be deemed to have no objection to the plat. The county planner shall certify on the face of the plat that copies were forwarded as required, and the date thereof, and that no objections to the plat have been filed within the 20-day limit or, if objections were filed, they have been properly addressed.
- (e) Following review of the preliminary plat, letter of intent and comments from approving and objecting agencies, the county planner shall make a recommendation concerning the plat to the county planning agency. The planning agency and all other approving agencies, within 60 days of filing of the preliminary plat, shall approve, approve conditionally or reject the preliminary plat. Failure of the planning agency or any other approving agency to take action on the preliminary plat within the 60-day limit shall constitute an approval.
- (f) Upon action of the planning agency, one copy of the preliminary plat shall be returned to the subdivider, with the date of action and action endorsed upon. If the preliminary plat is approved conditionally or rejected, the conditions or reasons shall be clearly stated within the minutes of the meeting of the planning agency and in a letter to the subdivider and to the Comm if the plat was submitted for state review. Approved preliminary plat shall bear a certificate of approval.
- (g) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, unless the plat conforms substantially to the preliminary plat as approved, including conditions of the approval, and to local comprehensive plans and ordinances adopted as authorized by Wis. Stats. 236.11(1)(b); provided that the final plat is submitted for approval within one year of the last required approval of the preliminary plat.

Section 3-5. Final plat procedure.

- (a) Not later than one year after approval of the preliminary plat, the subdivider shall choose one of the following three options for submittal of the final plat:
 - (1) In accordance and conformity with Wis. Stats 236.12(2), submit the original plat to the county planner for review of conformity with the approved or conditionally approved preliminary plat.
 - (a). The county planner shall send the appropriate number of copies to the department of commerce (COMM) for review by the applicable objecting agencies. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the plat and the county planner shall so certify on the face of the original plat that copies were forwarded as

required, the date thereof and that no objections have been filed within the 20-day limit, or that objections, if filed have been met.

(b). The county planner shall, within two days after filing, transmit true copies of the plat to the agencies as specified in subsections 3-4 (b)(1-5)

(2) In accordance and conformity with Wis. Stat.236.12(2),submit the original final plat to the town clerk for review of conformity with the approved or conditionally approved preliminary plat.

a. The town clerk shall submit the appropriate number of copies to the department of commerce (COMM) for review by the applicable objecting agencies. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the plat and the town shall so certify on the face of the original plat that copies were forwarded as required, the date thereof and that no objections have been filed within the 20-day limit, or that objections, if filed, have been met.

b. The town clerk shall, within two days after filing, transmit true copies of the plat to the agencies as specified in subsection 3-4(b)(1-5).

(c) Approving agencies noted in subsections 3-4 (b)(1-5), within 60 days of the date of receiving a true copy of the final plat, shall notify the subdivider and all other approving and objection agencies of any rejection. If the plat is approved, they shall so certify on the face of the original plat.

(d)Within ten days of filing, the county planner shall review such plat and accompanying data for conformity with ;the provisions of this chapter, other applicable ordinances and the approved preliminary plat, and shall make a recommendation concerning the plat to the county planning agency. The county planning agency shall reject or approve, in writing, the plat within 60 days from the date of filing. If the county planning agency rejects any provisions of the final plat, the basis for such rejection shall be included in the report. Failure of the county planning agency to act on the final plat within 60 days, excepting where a time extension or unsatisfied objections exist, shall be deemed an approval.

(e)Upon approval of the final plat by the county planning agency, the county planner shall make the following certification on the face of the original and two true copies of the plat.

(f)The final plat shall substantially conform to the preliminary plat as approved, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time; provided, however, that such portion conforms to all requirements of this ordinance.

(g)If only a portion of an approved preliminary plat is presented for final approval, the subdivider shall within one year after conditional approval of the preliminary plat, apply to the county planner for an extension of the conditional approval of the unrecorded portion of such preliminary plat without being required to pay additional fees.

- (h) The final plat shall show all information required by and be in conformity with state statutes.
- (i) Within six months of the first approval and within 30 days of the last approval of the plat, the subdivider shall file such plat with the county register of deeds, and if not so filed shall have no validity and shall not be recorded without recertification by the county planning agency in accordance with this section. The subdivider shall pay a recording fee as determined by the county register of deeds. All recorded plats shall be filed with the county surveyor's office and the county tax listing office.

Section 3-6 Certified survey procedure

- (a) No person shall divide any land located within the town which shall result in a minor subdivision as defined by this ordinance without first filing a certified survey map for approval by the town and county subsequently recording said map shall comply fully with Wis. Stats. 236.34 and with all applicable requirements of this chapter
- (b) The subdivider or his or her agent shall submit a final certified survey map and three copies and a letter of intent to the town and county planner, who shall review each certified survey map for compliance with Wis. Stats. ch. 236, this chapter and any other applicable town and county ordinances. Within ten days, the county planner shall transmit the indicated number of copies to the following authorities:
 - a. One copy to the town
 - b. One copy to the county highway department for all certified survey maps abutting county or state trunk highways.
 - c. One copy to any city or village which exercises extraterritorial review authority.
- (c) The town board shall approve, conditionally approve or reject the certified survey map and/or dedication of streets or other public areas within 30 days from receipt of the certified survey map from the county, unless the time is extended by written agreement with the subdivider. A certified survey map not in compliance with all applicable town ordinances, comprehensive plan, and county ordinances shall be deemed to constitute an automatic rejection by the town board, and county planner
- (d) Review of each certified survey map shall be completed by the county highway department for applicable regulations. Recommendations or objection to a certified survey map shall be submitted to the county planner within ten working days from the submission date to the certified survey map.
- (e) The county planner, within 40 days from the date of filing of the certified survey map, shall approve, conditionally approve or reject the certified survey map based on a determination of conformance with all applicable county and town ordinances, comprehensive plan, state statutes and codes and any other applicable regulation. The county planner shall not approve any certified survey map which does not conform to town and county ordinances, comprehensive plans, and applicable state statutes. If a certified survey map is rejected, reasons shall be stated in written form and submitted to the subdivider or his/her agent.
- (f) Within 30 days of the last approval of the plat, the subdivider shall file such plat with the county register of deeds, and if not so filed, shall have no validity and shall not be recorded without recertification by the county planning agency in accordance with

this section. The subdivider shall pay a recording fee as determined by the county register of deeds. All recorded plats shall be filed with the county's surveyor's office, and one copy to the town, and the tax listing office.

- (g) Requirements for certified survey map survey and data requirements are set forth in section 4-1.1

ARTICLE IV. MAP SUBMISSION

Section 4-1 Certified survey map

All survey work and map preparation shall be completed by a surveyor registered in the state. Maps shall be prepared in accordance with Wis. Stats. 236.20(2)(a)—(c), (e), (g), (i)—(l) and 236.34. A preliminary plat may be required by the county planner or town for minor subdivisions, particularly those exceeding two lots. The certified survey map, along with three copies, shall be prepared on durable white paper or in the form of a silver haloid image on polyester film, 8 1/2 inches by 14 inches. It shall include on its face the information required in Wis. Stats. 236.34, as well as the following:

- (1) Name of the owner or subdivider.
- (2) Date of survey.
- (3) Graphic scale of not more than 500 feet to the inch.
- (4) Area of the parcels being created and keys of dedication in square feet and acres.
- (5) Proposed land use for each parcel created.
- (6) Location of each existing building within each parcel created.
- (7) Distances and bearings referenced to a line and corner of the U.S. Public Land Survey, or to and adjoining recorded plat. Where available, section corners with county coordinate values shall be referenced, and digital copies of the certified survey map must be submitted for available.
- (8) A surveyor's certificate of compliance with all provisions of this ordinance and other applicable laws.
- (9) Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stats. 236.21(2) and 236.34(1)(e).
- (10) Where the county planner finds that he or she requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, he or she shall have the authority to require additional information listed in section 4-2.

Section 4-2. Preliminary plat map.

Preliminary plats are required for all major subdivisions. The preliminary plat shall be based on a survey by a land surveyor registered in the state. The plat shall be submitted at a scale of not more than 100 feet to one inch. Shall conform to standards set forth in Wis. Stats. ch236 and shall additionally show the following information:

- (1) Name of the proposed subdivision.
- (2) Name and address of the owner, subdivider and land surveyor preparing the plat

- (3) Date, graphic and north arrow.
- (4) Location of the proposed subdivision by government lot, quarter section, township, range and county; and a location map showing the relationship between the plat and its surrounding area.
- (5) Entire contiguous area to the proposed plat which is owned or controlled by the subdivider. The county planner may waive this requirement where it is unnecessary to fulfill the purposes and intent of the ordinance and undue hardship would result from strict application of this requirement.
- (6) For areas within the 100-year floodplain or for other critical areas, the county planner may require two-foot contour interval maps, prepared by a surveyor or engineer registered in the state, in addition to all other requirements under this section as part of the preliminary plat review in floodplain areas.
- (7) The location and dimensions of the exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the acreage encompassed within. Where available, section corners with county coordinate values shall be referenced and digital copies of the plat must be submitted if available.
- (8) The location and dimensions of the existing property lines, buildings, streams and watercourses, lakes, ponds, groups of trees, easements, alleys, railroads and zoned shore land, wetland or floodplain area, within or adjacent to the proposed subdivision.
- (9) The location and names of any adjacent subdivisions, parks and cemeteries and owner of record of abutting unplatted lands.
- (10) Location, right-of-way width and names of any existing or proposed streets or other public ways, existing railroads and existing and proposed utility right-of-way and easements.
- (11) Layout and scale dimensions of all lots and proposed lot and block numbers.
- (12) Locations of soil borings and percolation test holes and results of such investigations tied to the appropriate COMM form as required by COMM 85 of the Wis. Admin. Code.
- (13) Existing and proposed land uses and zoning included within or adjacent to the proposed subdivision.
- (14) Draft of any proposed covenants, if any, to be imposed.
- (15) Surface drainage pattern mapping showing direction, flow and location and site of proposed drainage structures for the proposed subdivision.
- (16) Conceptual plans done in accordance with guidelines and standards of the county soil conservation office, which identify soil conservation and erosion control measures such as gutters, ditches, catch basins, storm sewers, culverts, open channels, retention or detention basins, terraces and similar practices, keyed to locations on the preliminary plat.

Where the county planner or town board, finds that additional information is required relative to a particular problem presented by a proposed development in order to review the preliminary plat, he or she shall have the authority to request such information from the subdivider.

Section 4-3 Final plat map.

Final plats prepared by a land surveyor registered in the state are required for all major subdivisions. Final plats shall comply in all respects with this chapter and the standards and specifications in Wis. Stats. Ch 236. Where the county planner finds that additional information is required for the final plat review process, he or she shall have the authority as set forth in section 4-2 to require such information from the subdivider.

ARTICLE V. DESIGN STANDARDS

5-1 Streets and roads.

- (a) The subdivider shall dedicate land and improve public streets in any new subdivision or land division in order to provide public access to all lots created. The arrangement, design and location of all streets and road shall conform to all applicable plans, official maps or highway width maps adopted by the town and the county and give due regard to other existing and planned streets, other improvements, proposed land uses and natural features of the property in question as well a adjacent lands.
- (b) The arrangement of streets and roads in a new subdivision shall be designed to allow for continuation of existing streets into adjoining areas.
- (c) Where adjoining, developable lands are not subdivider of developed, the arrangement of streets or roads to the boundary of the proposed development.
 - (1) Reserve strips controlling access to streets shall be prohibited except where their control is place with the town under conditions approved by the county planning agency.
 - (2) Dead-end streets other than culs-de-sac shall only be permitted when authorized by the county planner. When such dead-end are permitted on a temporary basis, and exceed 200 feet or two lot widths, a temporary turnaround shall be provided, and appropriate arrangements made for those portions of temporary turnarounds outside the right-of-way to revert to the abutting property owner upon extension of the street.
- (d) All street right-of-way widths, radii or curvature and grads shall conform to Wis. Stats 86.26 and this chapter. Where a range of widths is provided, the actual width to be acquired shall be determined by the town board and the county planner.

Street Type	Minimum Right of Way (feet)	Minimum Radius Curvature (feet)	Minimum Maximum Paved Widths (feet)	Maximum Grade (percent)
Collector	80	200	20/44	7
Local	66	100	20/44	10
Frontage	50	100	20/44	10
Cul-de-Sac	66	100	20/44	10

- (e) Where an existing dedicated or platted half-street is adjacent to a tract being subdivided, the other half of the street shall be platted and dedicated by the subdivider. In all other instances, the creation of half streets in new subdivision plats is prohibited.
- (f) Street jogs with centerline offsets of less than 150 feet shall not be allowed on local streets. Offsets of less than 600 feet shall not be allowed on collector or arterial streets.
- (g) Streets shall be designed in accordance with basic principles of functional classification where each street is designed to encourage or discourage through traffic according to its classification as defined in section 4-1.
- (h) No more than two streets shall intersect at one point. Such intersections shall be laid out so that the angle of intersection is as nearly as possible at right angles, and in no instance shall streets intersect at less than a 75-degree angle.
- (i) Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate measures shall be taken by the subdivider to protect residential property and limit arterial and highway access by separating through and local traffic by the following means:
- (1) Reverse frontage with screen planting or fencing contained in a nonaccess reservation long the back property line.
 - (2) A marginal access frontage road.
 - (3) "No access" provisions.
- (J) Alleys in residential areas are prohibited.
- (k) Cud-de-sac streets designed to have the terminus permanently closed shall not exceed 1,000 feet in length, measured from the centerline of the last through street to the center of the bulb. Where topographical, environmental or other natural constraints warrant, the length may be extended at the discretion of the county planner and town board. Culs-de-sac shall terminate in a circular turnaround centered on the roadway with a minimum right-of-way diameter of 120 feet and a minimum pavement diameter of 80 feet, and a minimum reverse curve radius of 50 feet.
- (l) Street names and numbering.
- (1) Street names for all proposed subdivisions shall comply with the provisions of the county section 46-93.
 - (2) Proposed streets which are a continuation of an existing street shall bear the name of the existing street. In all other instances, the proposed street name shall

not duplicate street names. The use of the "Street", "Road", "Avenue", "Boulevard", "Drive", "Court" or similar description shall not be a distinction sufficient to constitute compliance with this subsection or county 46, article III.

- (3) Dwelling and business addresses for all proposed in towns having adopted chapter 46, article III shall be assigned by the county planner.

Section 5-2 Blocks.

- (a) The layout and shape of all blocks shall be compatible with proposed land uses, zoning requirements, need for convenient access, control and safety of traffic flow and the opportunities and limitations of topography and other natural environmental factors. Block lengths in residential areas shall measure no less than 600 feet between centerlines unless dictated by topography or other limiting factors of good design.
- (b) Blocks shall have sufficient width to provide for two tiers of lots of a depth meeting requirements of the town ordinance, except where otherwise required to buffer residential development from through traffic.
- (c) Pedestrian ways or sidewalks may be required where deemed essential by the county planner, or the town, to provide adequate pedestrian circulation or access to school, parks or other recreation facilities, shopping centers, churches or other facilities.

Section 5-3 Lots

All lots proposed to be created under the terms of this chapter shall be served by a public sewage system or by a county and state approved private sewage system. Proposed unsewered subdivision and land divisions shall demonstrate the capability of passing county and state sanitary standards in accordance with COMM 83 level soil testing. General lot requirements are as follows.

- (1) Every lot shall have a minimum of 30 feet of frontage, unless the lot is located in the rural residential district as identified on the comprehensive plan map. And shall have vehicular access to such public street excepting lots created to transfer:
 - a. Homes existing prior to adoption of the first county subdivision control ordinance (August 20, 1968) and located on an existing private road.
 - b. Farmsteads existing prior to August 20, 1968, which are located 300 feet or more from a public street. An access easement must be provided for any lot created under this subsection.
- (2) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use proposed. Lot shape shall be of a compact nature in accordance with good subdivision design.
 - a. excessive depth to width ratios shall be avoided and a ratio of 2:1 shall be considered as a desirable maximum for lots, but may vary depending on topographic conditions.

- b. Side lot lines shall be at right angles to straight street lines or radial to curved street lines and cul-de-sac termini on which the lots face wherever possible.
 - c. Flag lots may be allowed where conditions necessitate, but in all instances, the long strip for a flag lot shall abut the lot or fence line and have a minimum width of 30 feet.
- (3) Lot dimensions and setback lines shall conform to the requirements of the town zoning codes. All lots shall have sufficient depth and width to permit adequate building setback from side streets, to conform with applicable zoning codes.
 - (4) Where applicable, lots lines shall follow municipal boundaries, fence lines, property lines, section or quarter-section lines or other manmade or natural dividing lines.
 - (5) Substandard lots and unusable remnants shall not be allowed unless dictated by floodways, unsuitable soils for building construction or excessive slopes, in which case they shall be labeled out lots.
 - (6) Double frontage and reverse image lots shall be prohibited except where necessary to provide separation of residential development from through traffic or and arterial street.
 - (7) Residential lots fronting or backing on arterial streets shall be platted with extra depth as required in section 5-8

Section 5-6 Easements.

The county planning agency shall require road or side lot line utility easements at locations and of widths deemed adequate by the agency, but in no case less than ten feet. The county planning agency shall require that easements of widths sufficient to accommodate maximum storm water or flood runoff be provided where a subdivision includes a segment of watercourses, drainage ways, channels or stream, but in no case shall widths be less than ten feet.

Section 5-7 Public dedication and reservation.

- (a) Subdivisions abutting on a navigable lake or stream shall provide public access as required by Wis. Stats. 236.16(3). The county planning agency reserves the right to require dedication for parks, open spaces, school or similar uses as a condition of approval of the plat.
- (b) The county planning agency may require that suitable sites be reserved for future public uses such as parks or open space. In location such sites, stands of trees, wetlands and shorelines shall be preserved wherever possible. Reservation of land for public acquisition shall be for a period not to exceed three years from the date of recording of the final plat.

Section 5-8 Treatment of limited access highways

Whenever a proposed subdivision contains or is adjacent to a limited access highway, the subdivider shall make provision for a buffer strip. A buffer strip at least 30 feet in

depth, in addition to normal lot requirements of the town zoning ordinance, shall be provided adjacent to the right-of-way. This 30-foot reserve buffer strip shall be a part of the platted lots, but following restrictions shall be written upon the plat:

"This strip reserved for the planting of trees and shrubs by the owner. The building of structures within this strip is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner"

Section 5-9 Planned unit developments

- (a) A planned unit development or PUD is a design incorporating the concepts of a density transfer and common open space. When a town permits the development of a PUD, the tract continues to maintain its standard zoning district classification. However, the addition of the PUD designation allows the sub divider to modify town and county standards regarding lot, block and setback requirements. The creative use of the PUD concept facilitates residential neighborhood design which is /can be more interesting and visually pleasing than the standard single-family lot arrangement.
- (b) A planned unit development is directed toward the following purposes:
 - (1) To encourage a more efficient use of land.
 - (2) To encourage design that results in smaller networks of streets and utilities.
 - (3) To preserve irreplaceable amenities of the natural environment.
 - (4) To lessen the burden of traffic on streets and highways.
 - (5) To provide common open space for utilization by neighborhood residents.
 - (6) To encourage the integration of compatible residential and nonresidential uses.
- (c) PUD development shall be designed, reviewed and constructed in accordance with all applicable town, and county ordinances and other regulations. Interpretation and application of this chapter shall take precedence when in conflict with any other sections of this ordinance.
- (d) Procedural and documentation requirements shall be the same as conventional subdivisions as provided in section 2.0,3.0,4.0,and5.0 of the ordinance. In addition, the following information shall be provided:
 - (1)All proposed land uses and proposed gross densities of each use on the preliminary plat.
 - (2) Proposed locations of all principal and accessory structures and associated parking areas.
 - (3)Proposed circulation systems and how they interrelate to neighboring streets and pedestrian ways.
 - (4) Any other plans and supporting information deemed necessary by the county planning agency.
- (e) In the design and construction or any PUD project, the sub divider shall give due consideration and accommodate the following needs:

- (1) Reservation of suitable sites and adequate for schools, parks and other public uses.
 - (2) Natural amenities, landscaping, pedestrian movement, common open spaces and parking areas.
 - (3) Screening from adjacent development and roads.
- (f) Maximum development potential shall be determined by dividing the total area of the PUD, excluding streets, by the minimum lot sizes required by the applicable town or municipal ordinance. For condominium units and similar development where lots are not created, substitute dwelling units for lots and total area.
 - (g) In order to achieve the objectives of PUD development, provisions must be made for common spaces and mixed use. A density transfer or allowance for decreased lot size must be made to provide ample open space. This density transfer is achieved by relaxing town and county minimum lot standards, but in no instance shall easing of these exceed the maximum development potential as figured in subsection (f) of this section or exceed necessary lot dimensions for the provision of private sewage disposal systems.
 - (h) No land uses are specifically excluded for a PUD subdivision, although each use must be consistent with the purposes of this section.
 - (i) Land not used for lots and streets shall be dedicated in perpetuity to recreation, open space or buffer-area use by:
 - (1) Conveyance in common to each lot owner via a homeowner's association or similar donee.
 - (2) Conveyance in fee simple of an equal, undivided interest in common to each lot owner, or
 - (3) By dedication to the town or county.
 - (j) Maintenance of dedicated lands shall be assured either by establishment of an appropriate management association or by dedication of the open space areas and street right-of-way to the appropriate local government, but does not require any local government to improve land provided for public access to navigable lakes and streams.

ARTICLE VI. REQUIREMENTS FOR IMPROVEMENTS.

Section 6-1. Preservation of natural amenities.

Every effort shall be made to preserve existing features which add both aesthetic and economic value to residential development or to the county as a whole, such as trees, watercourses and wetlands, beaches, rock outcroppings and similar irreplaceable assets. No grubbing, clearing, grading or similar such activity on affected land shall commence until approval of the preliminary plat has been granted.

Section 6-2. Monuments.

Each subdivision shall be monumented in accordance with requirements set forth in Wis. Stats. 236.15. In instances where topography is such that extensive grading is required, the sub divider may, with the approval of the town, place monuments after grading is completed, provided the subdivision executes a surety bond, in an amount determined by the town and county planner, to ensure that monuments will be placed within the required time.

Section 6-3. Public sewage disposal facilities.

When in the opinion of the county planner, public sewer facilities are available to the land division or subdivision, the sub divider shall construct sewerage facilities in such a manner as to make adequate public sewerage service available to each lot within the subdivision.

Section 6-4. Water supply

- (a) The sub divider shall provide the subdivision with a complete water main supply system which shall be connected to a municipal water supply, or a community water supply approved by the state department of natural resources.
- (b) When no community waters supply is available, the sub divider shall provide an individual water supply system to serve each lot in the subdivision in accordance with applicable regulations. The sub divider may, in lieu of providing such facilities, require as a condition of sale of each lot in the subdivision, that water supply systems be installed by the owner of the lots in conformity with applicable regulations.
- (c) When a town sanitary district has been created pursuant to Wis. Stats. 60.52 for the purpose of providing a water supply system, all plans and specifications shall be subject to approval by the town sanitary district commission.

Section 6-5. Stormwater.

- (a) Improvements to address the problem created which result from stormwater runoff shall be constructed as appropriate considering the findings resulting from compliance with subsections 4-2 (15) and (16) and guidelines determined by the county land conservation department. Construction of such improvements are subject to approval by the county land conservation department and the county planner.
- (b) All designs and construction plans for surface drainage of stormwater shall include specifications for seeding, mulching and fertilizing, where applicable. Specifications shall be prepared and implemented in accordance with the county land conservation department of WDOT guidelines and be approved by the county planner.

Section 6-6. Grading and surfacing of roads.

- (a) After the installation of all utility and stormwater drainage improvements, the sub divider shall finish grade all shoulders and ditches and surface all roadways in streets proposed to be dedicated in accordance with plans, specifications and scheduling approved by the county planner and town board.
- (b) Where deemed necessary by the county planner, grades, profiles and cross section shall be prepared and construction certified by a registered land surveyor or engineer at the expense of the sub divider.
- © The sub divider shall prepare and implement specifications for seeding, mulching and fertilizing all unpaved, disturbed soils within all road right-of-way. Guidelines provided by the county land conservation service and/or WDOT may be used and are subject to approval by the county planner.

Section 6-7. Street name signs.

The sub divider, at his/her expense, shall install at the intersection of all streets proposed to be dedicated within platted subdivisions, a street name sign of a design specified by the town board.

Section 6-8. Commencement.

No site improvements, including but not limited to removal of trees, grading, site work other construction work, shall commence in a proposed subdivision until the preliminary plat has been approved, and the applicable approving authorities have given written authorization.

Section 6-9. Permits.

No county sanitary or land use permits shall be issued for construction of improvements or structures on any lot not of record as of April 15, 1997, until all requirements of this ordinance have been met.

Section 6-10. Improvements plans

Prior to final plat approval by the county planning agency and /or the unit of government where such improvements will be made, the sub divider shall submit plans for all improvements required by this ordinance and shall file a performance bond or comparable surety with the town in an amount deemed adequate by the county planner to ensure installation of such improvements.

Section 6-11. Performance bond and sureties.

- (a) A performance bond, certificate of deposit or other suitable financial surety in the dollar amount equal to the cost of the improvements necessary for street, sewer, storm drainage, water or other public improvements as determined by the town board and the county planning department will be required, before approval can be given under this ordinance.
- (b) A performance bond, certificated of deposit or comparable surety is made out with the stipulation that it cannot be redeemed without written permission of the town board. The performance bond or certificate of deposit shall be for a period of not more than two years. If the improvements are not completed by the sub divider at the expiration of the specified period, the town may redeem the performance bond, certificate of deposit or comparable surety and complete the improvements with these funds. The balance will be returned to the sub divider.
- (c) The performance bond, certificate of deposit or comparable surety be filed in the town clerk's office. A copy must be filed with the county planner.

Section 6-12. Street paving performed by local government.

The town may accept the responsibility for street paving following specifications under section 6-6. any other required improvements could be modified through a variance procedure requested by the sub divider; however, any modification would also require town approval prior to any action.

Section 6-13. Inspection and release of sureties.

- (a) The sub divider shall notify the approving authorities having jurisdiction to provide for adequate inspection to review and approve all complete work prior to release of any performance bonds or other surety and to ensure compliance with applicable requirements.
- (b) Neither acceptance of dedication of required improvements nor release of performance bonds shall be allowed until the sub divider's registered engineer or surveyor has submitted certification on the face of plats and construction drawings stating that all required improvements have been satisfactorily completed in accordance with all approved plats and construction plans.

Section. 6-14: Effective Date:

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this ninth day of February 2009

Town Clerk Lynn Rande

Town Chairman Tom Seale