

ORDINANCE NO. 2020-003
TOWN OF STANFOLD, BARRON COUNTY, WISCONSIN

SUBDIVISION ORDINANCE

TABLE OF CONTENTS

SECTION 1.00 INTRODUCTION	Page
1.01 Title.....	5
1.02 Statutory Authority	5
1.03 Purpose and Intent	5
1.04 Abrogation and Greater Restrictions	6
1.05 Interpretation.....	6
1.06 Severability	6
1.07 Repeal	7
1.08 Disclaimer of Liability.....	7
1.09 Effective Date	7
 SECTION 2.00 GENERAL PROVISIONS	
2.01 Area of Jurisdiction.....	7
2.02 Applicability	7
2.03 Compliance	8
2.04 Land Suitability.....	9
2.05 Dedication, Reservation, and Protection of Land	10
2.06 Homeowner or Condominium Associations.....	10
2.07 Improvements	10
2.08 Development Agreement	11
2.09 Exceptions and Modifications.....	12
2.10 Violations.....	13
2.11 Penalties and Remedies	13
2.12 Appeals	14
 SECTION 3.00 LAND DIVISION PROCEDURES	
3.01 Pre-Application Consultation.....	14
3.02 Preliminary Plat Review.....	14
3.03 Preliminary Plat Approval	14
3.04 Final Plat Review.....	15
3.05 Final Plat Approval.....	15
3.06 Minor Land Division Review (Certified Survey Maps)	16
3.07 Minor Land Division Approval (Certified Survey Maps)	17
3.08 Review and Approval of Extraterritorial Land Divisions.....	17
3.09 Replats and Reconfigurations	18
3.10 Review and Approval of Condominium Instruments	18

SECTION 4.00 PRELIMINARY PLAT

4.01 General Requirements..... 18
4.02 Site Analysis Information 18
4.03 Preliminary Plat Data..... 19
4.04 Street Plans and Profiles 20
4.05 Soil Borings and Tests 21
4.06 Storm water Management and Erosion and Sedimentation Control.....21
4.07 Covenants and Homeowners and Condominium Association Documents.....21
4.08 Certificates..... 21

SECTION 5.00 FINAL PLAT

5.01 General Requirements.....21
5.02 Final Plat Data21
5.03 Deed Restrictions.....22
5.04 Survey Accuracy.....22
5.05 Surveying and Monumenting.....22
5.06 Wisconsin Coordinate System.....22
5.07 Certificates and Affidavit.....22
5.08 Recording and Filing22

SECTION 6.00 CERTIFIED SURVEY MAP (MINOR LAND DIVISION)

6.01 General Requirements.....23
6.02 Certified Survey Map Data23
6.03 Additional Information23
6.04 Deed Restrictions.....23
6.05 Surveying and Monumenting.....23
6.06 Wisconsin Coordinate System.....23
6.07 Certificates and Affidavit.....24
6.08 Recording and Filing24

SECTION 7.00 DESIGN STANDARDS

7.01 General Requirements.....24
7.02 Street Arrangements24
7.03 Limited Access Highway and Railroad Right-of-Way Treatments25
7.04 Street, Bicycle, and Pedestrian/Recreation Way Design Standards..... 25
7.05 Street Intersections.....27
7.06 Blocks 28
7.07 Lots 28
7.08 Building and Setback Lines 30
7.09 Easements 30
7.10 Protection of Natural Resources 31

7.11 Park, Open Space, and Other Public Sites	32
7.12 Other Related Design Requirements	32

SECTION 8.00 REQUIRED IMPROVEMENTS

8.01 General Requirements.....	32
8.02 Survey Monuments	32
8.03 Grading	32
8.04 Street Surfacing.....	33
8.05 Removal of Temporary Turnarounds.....	33
8.06 Curbs and Gutters	33
8.07 Rural Street Sections.....	34
8.08 Sidewalks and Pedestrian/Recreational Paths.....	34
8.09 Sanitary Sewage Disposal Facilities	34
8.10 Storm water Management Facilities	35
8.11 Water Supply Facilities.....	35
8.12 Other Utilities	36
8.13 Street Lamps	36
8.14 Street and Traffic Control Signs and Signals.....	36
8.15 Street Trees	36
8.16 Erosion and Sedimentation Control	37
8.17 Landscaping.....	37
8.18 Improvements to Extend to Limit of Parcel or Lot.....	37

SECTION 9.00 CONSTRUCTION

9.01 Commencement	37
9.02 Phasing.....	38
9.03 Building and Other Permits	38
9.04 Plans and Specifications	38
9.05 Earth Moving	39
9.06 Preserving Existing Vegetation.....	39
9.07 Inspection.....	39
9.08 As-Built Plans.....	39

SECTION 10.00 FEES

10.01 General Requirements.....	40
10.02 Plat and Certified Survey Map Review Fees	40
10.03 Improvement Review Fee.....	40
10.04 Construction Review/Inspection Fee	40
10.05 Public Park Site Fee.....	40
10.06 Engineering Fee	40
10.07 Other Fees.....	41
10.08 Appeal of Fees	41

SECTION 11.00 DEFINITIONS

11.01 General Definitions.....41
11.02 Specific Words and Phrases.....41

SECTION 1.00 INTRODUCTION

1.01 TITLE

This Ordinance shall be known as the Town of Stanfold “Subdivision Ordinance,” and is referred to herein as the “Ordinance.”

1.02 STATUTORY AUTHORITY

These regulations are adopted under the authority granted by Wis. Stat. § 236.45.

1.03 PURPOSE AND INTENT

The purpose of this Ordinance is to regulate and control all land divisions within the jurisdiction of the Town in order to promote and protect the public health, safety, prosperity, aesthetics, and general welfare of the community. More particularly, and without limitation, it is also the purpose of this Ordinance to:

- A. Implement and facilitate enforcement of community development standards as set forth in applicable ordinances and policies.
- B. Promote the wise use, conservation, protection, and proper development of the soil, water, wetland, woodland, and wildlife resources in the Town and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. Further the orderly layout and appropriate use of land.
- D. Avoid the harmful effects of premature division or development of land.
- E. Lessen congestion in the streets and highways and accommodate safe use thereof.
- F. Provide for proper ingress to and egress from development sites.
- G. Secure safety and resiliency from fire, flooding, disastrous storms, water pollution, disease, and other hazards to help minimize expenditures for disaster relief and flood mitigation projects.
- H. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- I. Preserve natural vegetation and cover to the extent practicable, and protect the natural beauty of the Town.
- J. Preserve the distinct character of neighborhoods, special planning districts, and the community.

- K. Provide adequate light, air, and water.
- L. Prevent the overcrowding of land.
- M. Facilitate the division of land into smaller parcels in accordance with applicable ordinances and policies.
- N. Facilitate and ensure the adequate provision of transportation, water, sewerage, storm water management, schools, parks, playgrounds, and other public facilities and services.
- O. Further the sustainability of the Town.
- P. Ensure adequate legal description and proper survey monumentation of divided land.
- Q. Provide adequate, affordable housing.
- R. Restrict building in areas of unsuitable soils or other areas poorly suited for development.
- S. Provide for the administration and enforcement of this Ordinance.
- T. Provide penalties and other remedies for violation of this Ordinance.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern. This Ordinance may not modify in a more restrictive manner time limits, deadlines, notice requirements, or other provisions of Wis. Stat. ch. 236 that provide protections for a subdivider in accordance with Wis. Stat. § 236.45(2)(ac).

1.05 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted to the Town by the Wisconsin Statutes.

1.06 SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

1.07 REPEAL

All other ordinances and/or parts of ordinances inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict, are hereby repealed.

1.08 DISCLAIMER OF LIABILITY

The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and CSMs will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuitable soils within the jurisdiction of this Ordinance, nor that required samples represent conditions on an entire property; and thereby asserts that there is no liability on the part of the Town, its officers, agents, or employees for flooding problems, sanitation problems, soil problems, structural problems, or any damages whatsoever that may occur as a result of reliance upon, and conformance with, this Ordinance.

1.09 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after a public hearing, recommendation by the Plan Commission, enactment of the Ordinance by the Town Board, and notice to the public by publication as required by law.

SECTION 2.00 GENERAL PROVISIONS

2.01 AREA OF JURISDICTION

This Ordinance shall apply to all land and water within the jurisdiction of the Town.

2.02 APPLICABILITY

All proposed land divisions, except those exempted in accordance with Sections 2.02C and D, shall be subject to Town review and approval in which the Town shall approve, approve conditionally, or reject proposed plats and CSMs.

- A. Subdivisions. Any division of land within the Town that results in a subdivision as defined in Section 11.00 shall be surveyed and a plat thereof approved and recorded pursuant to the provisions of this Ordinance and Wis. Stat. ch. 236.
- B. Minor Land Divisions. Any division of land within the Town that results in a minor land division as defined in Section 11.00 shall be surveyed and a CSM of such division approved and recorded pursuant to the provisions of this Ordinance and Wis. Stat. ch. 236.
- C. The provisions of this Ordinance, as it applies to division of tracts of land into four or fewer lots or parcels, shall not apply to:

1. Transfers of interest in land by will or pursuant to court order.
 2. Leases for a term not to exceed 10 years, mortgages, or easements.
 3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance or other applicable laws or ordinances.
- D. All of the following specific uses and activities are exempted from this Ordinance:
1. Cemetery plats made under Wis. Stat. § 157.07.
 2. Assessors' plats made under Wis. Stat. § 70.27.
 3. Public transportation project plats made under Wis. Stat. § 84.095.
 4. The exchange of parcels of public utility or railroad right-of-way to adjoining property owners if the Town and the county planning agency approves such sale or exchange on the basis of applicable local ordinances or the provisions of Wis. Stat. ch. 236.

2.03 COMPLIANCE

No person, firm, or corporation shall divide any land which results in a land division and no land division shall be entitled to be recorded without compliance with all of the following:

- A. All requirements of this Ordinance and all other applicable Town and County ordinances.
- B. The provisions of Wis. Stat. ch. 236.
- C. The applicable rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- D. The applicable rules of the Wisconsin Department of Transportation and the Barron County highway department relating to provision for the safety of entrance upon and departure from County and State trunk highways or connecting highways and for the preservation of the public interest and investment in such highway systems if the land owned or controlled by the subdivider abuts on a County or State trunk highway or connecting highway or street.
- E. The applicable rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.

- F. The applicable rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
- G. The subdivider has either made and installed all required public improvements or the subdivider has entered into a development agreement with the Town and has provided security to the Town to ensure that the subdivider shall make all required public improvements within a reasonable time.

2.04 LAND SUITABILITY

Lands shall not be divided that are held unsuitable for such use by the Town, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature or circumstance likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or that poses an imminent harm to the environment. In addition:

- A. Floodplains.
 - 1. No lots served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area, or 4,200 square feet, whichever is greater, above the elevation of the 1-percent-annual-probability (100-year recurrence interval) flood. No lots one acre or less in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots more than one acre in areas served by a POWTS shall contain not less than 40,000 square feet of land that is at least two feet above the 1-percent-annual-probability flood elevation identified by the Federal Emergency Management Agency (FEMA). Where such flood stage data are not available, the regulatory flood elevation shall be determined and a report setting forth the regulatory flood stage and the method of its determination shall be subject to review and approval by the Town.
 - 2. Undeveloped lands that are or would be accessed from existing streets located within the 1-percent-annual-probability floodplain may not be subdivided for residential, commercial, manufacturing, or institutional uses unless an alternative access is provided through streets located outside of such floodplain or meets the provisions of Section 7.04.J of this Ordinance.
- B. Lands altered or filled shall not be divided into building sites that are to be served by POWTS except where soil tests show that there are adequate area(s) of soils suited to such use. The POWTS evaluation requirements specified herein and any additional requirements specified in the Barron County Ordinances and the Wisconsin Administrative Code shall be followed.
- C. Lands having a slope of 12 percent or more may be required by the Town to be maintained in natural open uses. A lot served by public sanitary sewer shall have at least 50 percent of its minimum required lot area or 4,200 square feet, whichever is less, in

slopes of less than 12 percent. A lot served by a POWTS shall have at least 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 12 percent.

Proposed POWTS areas shall have slopes of 25 percent or less and, if the absorption area for a POWTS contains slopes exceeding 18 percent, there shall be sufficient available area for both a primary and replacement POWTS absorption area. Where in situ soils exist and land slope reduction or modification (i.e. shaping, grading, cutting, filling, or other alteration from existing conditions) is proposed in the POWTS area, a soil test (morphological evaluation) shall be conducted to determine that sufficient suitable in situ soils remain for a proposed inground or subsurface POWTS system. The proposed use of pretreatment devices for POWTS shall not be allowed as an alternative or used in lieu of meeting the in situ soil standards stated in this Ordinance. The slope and altered area shall provide sufficient topography alteration to prevent surface or subsurface water ponding that may adversely affect the POWTS performance. Surface designed POWTS may be prohibited on such described soils.

- D. The Town, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence in rebuttal to the finding of unsuitability. The Town may thereafter affirm, modify, or withdraw its determination of unsuitability.

2.05 DEDICATION, RESERVATION, AND PROTECTION OF LAND

- A. Streets, highways, and drainageways. Whenever a proposed land division encompasses all or any part of a street, highway, drainageway, other public way or public access to navigable lakes, rivers, or streams, which has been designated in the comprehensive plan or the official map of the Town, said public way shall be made a part of the plat or CSM and dedicated or reserved, as determined by the Town, by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Sections 7.00 and 8.00 of this Ordinance.
- B. Dedication or reservation. Park sites shall be dedicated or reserved as provided in Section 7.11 of this Ordinance.

2.06 HOMEOWNER OR CONDOMINIUM ASSOCIATIONS

Homeowner and/or condominium associations are private organizations and their internal governance is not regulated by the Town.

2.07 IMPROVEMENTS

- A. Any improvements that are to be dedicated to the Town must be fully constructed at the sole cost of the subdivider.

- B. Before approval of any final plat or, where applicable, CSM, the subdivider shall install street, utility, and all other required public improvements.
- C. If required public improvements are not to be installed by the time the final plat or CSM is submitted for approval, the subdivider shall, before the recording of the plat or CSM, enter into a development agreement with the Town agreeing to install the required public improvements, and shall file with said development agreement a bond and/or letter of credit, or other financial surety acceptable to the Town and subdivider, to guarantee the completion of such required public improvements. Said estimate shall be made by the Town as a guarantee that such required public improvements will be completed by the subdivider or the subdivider's subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the land division are satisfied. In addition:
 - 1. Contracts and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town.
 - 2. Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
 - 3. Before final approval of any plat or CSM within the jurisdiction of the Town, the subdivider shall cause survey monuments to be installed and placed in accordance with the requirements of Wis. Stat. § 236.15, and as may be required by the Town. The Town may waive the placing of monuments, as provided in Wis. Stat. § 236.15(1)(h), for a reasonable time, not to exceed one year, on the condition that the subdivider provide a financial security equal to 120 percent of the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by Statute. Additional time may be granted upon show of cause.
 - 4. The required financial security for the required public improvements shall be in the amount of 120 percent of the estimated total cost to complete the required public improvements.

2.08 DEVELOPMENT AGREEMENT

Before Town approval, or as a condition of receiving final Town approval, of any final plat or CSM for which required public improvements, dedications, or fees are being deferred; or for which phasing approval is being granted under Section 9.02 of this Ordinance: the subdivider shall first sign and file with the Town a development agreement. In addition:

- A. A development agreement is the only process with the ability to waive the specific requirements set forth in this Ordinance other than the process detailed in Section 2.09 of this Ordinance.

- B. If the required public improvements are not completed within the specified period, all amounts held under security shall be turned over and delivered to the Town and applied to the cost of the required public improvements. Any balance remaining after completion of such improvements shall be returned to the owner or subdivider.
- C. The time for completion of the required public improvements and the several parts thereof shall be determined by the Town after consultation with the subdivider. The completion date(s) shall form part of the development agreement.
- D. The Town requires the subdivider to provide security for 14 months after the date the required public improvements for which the security is provided are substantially completed. Upon substantial completion of the required public improvements, the amount of the security the subdivider is required to provide shall be no more than an amount equal to the total cost to complete any uncompleted required public improvements plus 10 percent of the total cost of the completed required public improvements.
- E. Required public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the required public improvements by cost are completed.

2.09 EXCEPTIONS AND MODIFICATIONS

Upon the written request of a subdivider to waive or modify any requirement of this Ordinance due to an exceptional hardship, the Plan Commission may consider the matter as follows:

- A. If in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of Sections 7.00 and 8.00 of this Ordinance because an exceptional hardship would result, the Plan Commission may waive or modify any requirement, but only to the extent deemed necessary to alleviate the hardship.
- B. Such relief may be granted with conditions.
- C. No exception or modification shall be granted unless the Plan Commission makes all of the following determinations:
 1. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in an exceptional hardship. Such hardships are not common, do not apply generally to other properties, and are not of a recurrent nature to the area.
 2. That the exception or modification will not materially impair or be contrary to the overall purpose and spirit of this Ordinance or the public interest.

3. That the exception or modification will not create substantial detriment to adjacent properties or the desirable general development of the community.
4. A majority vote of the quorum of the Plan Commission shall be required to grant any exception or modification of this Ordinance.
5. The specific considerations and reasoning of the Plan Commission in granting an exception or modification shall be entered into the minutes of the Plan Commission.

2.10 VIOLATIONS

No person, firm, or corporation shall build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance. No person, firm, or corporation shall be issued any type of permit by the Town authorizing the building on, or improvement of, any land within the jurisdiction of this Ordinance until the provisions and requirements of this Ordinance have been fully met.

2.11 PENALTIES AND REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall be subject to penalties as set forth below plus any additional costs incurred by the Town for each violation. In addition, the Town may institute appropriate action or proceedings to enjoin violations of this Ordinance. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following that are hereby adopted by reference and incorporated into this Ordinance as if set forth fully herein, and as from time to time amended:

- A. Recordation improperly made carries penalties and/or forfeiture amounts as provided in Wis. Stat. § 236.30.
- B. Conveyance of lots in unrecorded plats carries penalties and/or forfeiture amounts as provided for in Wis. Stat. § 236.31.
- C. Monuments disturbed or not placed carries penalties and/or forfeiture amounts as provided for in Wis. Stat. § 236.32.
- D. Dividing a Lot or Parcel, or use if so divided, in a recorded plat or CSM for purposes of sale or building development not in compliance with the provisions of this Ordinance, carries penalties and/or forfeiture amounts as provided in Wis. Stat. § 236.335.
- E. An assessor's plat made under Wis. Stat. § 70.27 may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision, as defined in this Ordinance, is created by successive divisions.

- F. For any type of violation not specifically referenced above, a violator of this Ordinance is subject to a forfeiture of \$100 to \$500, in accordance with and in addition to all other remedies provided for in this Section.

2.12 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Wis. Stat. §§ 236.13(5) within 30 days of notification of the rejection of the plat. The court shall direct that the plat be approved if it finds that the action of the Town is arbitrary, unreasonable, or discriminatory.

SECTION 3.00 LAND DIVISION PROCEDURES

3.01 PRE-APPLICATION CONSULTATION

Prior to filing an application for approval of a preliminary plat or CSM, the subdivider may consult with the Plan Commission and/or Town staff in order to obtain their advice and assistance. A conceptual plan of the proposed plat or CSM shall be brought by the applicant to the meeting. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, comprehensive plan, zoning, and other applicable ordinances, and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedures.

3.02 PRELIMINARY PLAT REVIEW

Before submitting a final plat for approval, the subdivider shall prepare and submit a preliminary plat to the Town Clerk. The preliminary plat shall be prepared in accordance with this Ordinance. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the preliminary plat and the nonrefundable preliminary plat review fee in order to complete the submittal for filing.

3.03 PRELIMINARY PLAT APPROVAL

- A. The Plan Commission shall promptly review the preliminary plat for conformance with this Ordinance and all other applicable Town ordinances, including but not limited to any comprehensive plan and zoning. The Plan Commission may comment on and shall recommend action on the preliminary plat to the Town Board.
- B. The Town Board shall, within 90 days of the date of the filing of the preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. A copy of the plat shall thereupon be returned to the subdivider with the date of and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or

the reasons for rejection shall accompany the plat. Copies of the plat and letter shall be placed in the Town's permanent file.

- C. Failure of the Town Board to act within 90 days shall constitute an approval of the preliminary plat as filed, unless the review period is extended by written mutual consent.
- D. 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 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Wis. Stat. § 236.11(1)(b).

3.04 FINAL PLAT REVIEW

A final plat shall be prepared in accordance with this Ordinance. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the final plat and the final plat review fee with the Town Clerk to complete the submittal for filing. In addition:

- A. The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all other ordinances, laws, rules, and regulations which may affect it; may comment on and shall recommend approval or rejection of the final plat to the Town Board.
- B. Partial Platting. The final plat may, if permitted by the Town Board, which approval shall not be unreasonably withheld, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. However, it is required that each phase to be completed is final platted and designated as a respective phase of the approved preliminary plat.
 - 1. If construction in phases is permitted, the amount of any bond or other security required shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary prior to commencement of the installation of required public improvements for each respective phase.

3.05 FINAL PLAT APPROVAL

- A. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat or may extend the time for submission of the final plat, as provided in Wis. Stat. § 236.11(1)(b).
- B. The Plan Commission shall recommend to approve or reject the plat and shall transmit the final plat along with its recommendation to the Town Board.

- C. The Town Board shall, in accordance with Wis. Stat. § 236.11(2), within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the review period is extended by written agreement with the subdivider. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. A copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. 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. A copy each of the plat and letter shall be placed in the Town's permanent file.
- D. Failure of the Town Board to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- E. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a development agreement and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Barron County Register of Deeds at the subdivider's expense. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Wis. Stat. § 236.25(2)(b).
- F. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the recorded final plat with the Town Clerk.

3.06 MINOR LAND DIVISION REVIEW (CERTIFIED SURVEY MAPS)

A subdivider may complete a minor land division, whose definition is set forth in Section 11.02 of this Ordinance, by use of a CSM. The Plan Commission may, for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval CSMs that consist of a single parcel. In addition:

- A. A pre-application consultation, similar to the consultation described in Section 3.01 of this Ordinance, is recommended.
- B. The subdivider shall prepare the CSM in accordance with this Ordinance and Wis. Stat. § 236.34(1m) and shall submit an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the CSM, together with the appropriate fee, to the Town Clerk.
- C. The subdivider shall submit copies of the CSM to the Wisconsin Department of Transportation (WisDOT) for review of its compliance with Wis. Stat. §§ 236.34(1m)(em) & 236.34(1m)(er). Copies of the transmittal letters or emails to WisDOT shall be provided to the Town at the time that the CSM is filed with the Town Clerk.

- D. The Town Clerk shall promptly transmit copies of the CSM and any associated materials to the Plan Commission.
- E. The CSM shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, laws, rules, regulations, and comprehensive plans as may be applicable.

3.07 MINOR LAND DIVISION APPROVAL (CERTIFIED SURVEY MAPS)

- A. The Plan Commission shall, within 60 days from the date of filing of the CSM, recommend approval, approval with conditions, or rejection of the CSM, and shall transmit the CSM along with its recommendations to the Town Board.
- B. The Town Board shall approve, approve conditionally, or reject the CSM and shall state in the minutes of the meeting and in writing to the subdivider any conditions of approval or reasons for rejection. The Town Board shall take action within 90 days of the submittal of a CSM to the Town, unless the time is extended by agreement with the subdivider.
- C. Failure of the Town Board to act within the 90 days, or any extension of that period, constitutes an approval of the CSM and, upon demand, a certificate to that effect shall be made on the face of the CSM by the Clerk.
- D. After the CSM has been approved by the Town Board, the Town Clerk shall cause the certification inscribed upon the CSM attesting to such approval to be duly executed and the CSM returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the CSM unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.
- E. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the recorded CSM with the Town Clerk.

3.08 REVIEW AND APPROVAL OF EXTRATERRITORIAL LAND DIVISIONS

- A. When the land to be divided lies within the extraterritorial plat or CSM approval jurisdiction of a City of Village, the subdivider shall still proceed as specified in Sections 3.01 through 3.07 in order to gain Town approval.
- B. The subdivider may proceed with the installation of required public improvements and under such regulations of the Town within whose limits the plat or CSM lies may require. Wherever connection to any utility of the Town or a special district (i.e., sanitary district, utility district, etc.) is desired, permission for such connection shall be subject to review and approval by the respective Town or special district.
- C. All required public improvements specified by the Town, or any special district in matters over which the special district has jurisdiction, shall be incorporated into the final plat or, if applicable, CSM, before it is filed.

3.09 REPLATS AND RECONFIGURATIONS

- A. No areas dedicated to the public may be altered except after proper court action.
- B. Replats must follow the same procedures used to complete an original plat action.
- C. An applicant wishing to reconfigure portions of a plat or a CSM may create a new CSM and proceed as specified to create an original CSM, provided the reconfiguration does not: change the exterior boundaries of a plat; result in a subdivision; violate any ordinance; make changes to areas previously dedicated to the public; make changes to any restriction placed on the previously platted land by covenant, grant of an easement, or by any other manner.

3.10 REVIEW AND APPROVAL OF CONDOMINIUM INSTRUMENTS

The Town does not review and/or make approvals of condominium instruments.

SECTION 4.00 PRELIMINARY PLAT

4.01 GENERAL REQUIREMENTS

- A. The preliminary plat shall comply with all general requirements of Wis. Stat. ch. 236 as to form and content.
- B. The preliminary plat shall be clearly noted and labeled on its face “Preliminary Plat.”
- C. The entire area contiguous to the proposed plat area that is owned or controlled by the subdivider shall be included on the preliminary plat, or an accompanying document if necessary, even though only a portion of said area is proposed for immediate development.

4.02 SITE ANALYSIS INFORMATION

The following site analysis information shall be inventoried, mapped, and provided to the Plan Commission upon its request, with brief descriptions if necessary, if deemed necessary in the sole judgment of the Plan Commission to allow for the proper evaluation of a preliminary plat. Such information may be provided on a document in addition to the preliminary plat:

- A. Topographic features, including existing contours within the exterior boundaries of the plat with one-foot intervals but not more than two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops.

- B. Hydrologic characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, surface drainage patterns, and the boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain.
- C. Soil types and their boundaries.
- D. Existing vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees (i.e. large or distinct ornamental, mature, or rare old-growth trees such as beech, ginkgo, hornbeam, and bur oak trees) shall be located and identified by species, size, and health.
- E. Historic, cultural, and archaeological features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- F. Scenic vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
- G. The location and classification of existing streets and highways nearby or adjacent to the proposed subdivision and desirable or undesirable entry and exit points for the subdivision.
- H. Existing land features or uses within the proposed subdivision and within 100 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- I. Public parks and open space areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- J. Any other features pertinent to proper land division and/or any additional information requested by the Plan Commission.

4.03 PRELIMINARY PLAT DATA

All preliminary plats shall show the following:

- A. Existing and/or proposed bicycle and/or pedestrian recreational ways, utility rights-of-way, active and abandoned railway rights-of-way, ATV and/or UTV routes and trails, snowmobile routes and trails, access-control and vision corner easements, deed restricted areas, and easements within or adjacent to the exterior boundaries of the plat.
- B. Names of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.

- C. All wells within the exterior boundaries of the plat, and within 100 feet of the exterior boundaries of the plat.
- D. Locations of all civil division boundary lines within the plat and within 100 feet of the exterior boundaries of the plat.
- E. Building or setback lines.
- F. Location, dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- G. Location, dimensions, and area of any proposed common areas or facilities.
- H. Location, dimensions, and area of any sites which are to be used for multifamily housing, shopping centers, church sites, or other non-public uses not requiring individual lots.
- I. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electric and telecommunication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains that might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the nearest exterior boundary of the plat if within less than one mile of such boundary.
- J. Any proposed lake and stream access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- K. Any proposed lake and stream improvement or relocation, and notice of application for approval by the WDNR, when applicable.
- L. The approximate location of any existing or proposed POWTS within the plat and within 100 feet of the exterior boundaries of the plat.
- M. Location of soil borings and, if applicable, percolation tests within the exterior boundaries of the plat.
- N. Existing and, if applicable, proposed zoning on and adjacent to the proposed subdivision.

4.04 STREET PLANS AND PROFILES

The Plan Commission may require that the subdivider provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.

4.05 SOIL BORINGS AND TESTS

- A. The Plan Commission, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made in specified areas to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- B. Where a subdivision will not be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of POWTS. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

4.06 STORM WATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL

Following approval of the preliminary plat and prior to approval of the final plat, the subdivider shall submit to the Town storm water and erosion/sedimentation control plans and specifications.

4.07 COVENANTS AND HOMEOWNERS OR CONDOMINIUM ASSOCIATION DOCUMENTS

The Town does not review or provide approvals of private covenants, homeowners association documents, or condominium association documents.

4.08 CERTIFICATES

The professional land surveyor preparing the preliminary plat shall certify that it is a correct representation of the proposed plat and all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and Wis. Stat. ch. 236.

SECTION 5.00 FINAL PLAT

5.01 GENERAL REQUIREMENTS

A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. ch. 236.

5.02 FINAL PLAT DATA

The plat shall show correctly on its face, in addition to the information required by Wis. Stat. § 236.20, the following:

- A. All information required by this Ordinance to have been on the preliminary plat pursuant to Section 4.00 of this Ordinance as well as any additional information that had been requested by the Plan Commission for the preliminary plat.
- B. Any additional information requested by the Town since approval of the preliminary plat.
- C. The final plat shall be clearly noted and labeled on its face “Final Plat.”

5.03 DEED RESTRICTIONS

The Town may require that deed restrictions be prepared by the owner or subdivider and filed and recorded with the final plat.

5.04 SURVEY ACCURACY

The Town may make, or cause to be made by a professional land surveyor under the supervision or direction of the Town, field checks for the accuracy and closure of survey, proper type and location of monuments, and liability and completeness of the drawing.

5.05 SURVEYING AND MONUMENTING

All final plats shall meet all surveying and monumenting requirements of Wis. Stat. § 236.15.

5.06 WISCONSIN COORDINATE SYSTEM

The plat shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Wis. Stat. § 236.18. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to a Coordinate System.

5.07 CERTIFICATES AND AFFIDAVIT

All final plats shall provide all the certificates required by Wis. Stat. § 236.21; and, in addition, the surveyor shall certify full compliance with all the provisions of this Ordinance.

5.08 RECORDING AND FILING

- A. The final plat shall be submitted for recording in accordance with Section 3.05.G of this Ordinance.
- B. The County Register of Deeds shall record the plat as provided by Wis. Stat. § 236.25.
- C. The Subdivider shall file a copy of the final plat with the Town Clerk, as provided by Wis. Stat. § 236.27.

SECTION 6.00 CERTIFIED SURVEY MAP (MINOR LAND DIVISION)

6.01 GENERAL REQUIREMENTS

- A. A CSM prepared by a professional land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.34. The minor land division shall also comply with Sections 7.00 and 8.00 of this Ordinance.
- B. Prior to filing an application for review and approval of a CSM, the subdivider is recommended to consult with the Plan Commission and/or its staff, similar to the provisions of Section 3.01, in order to obtain information and assistance. A conceptual plan of the proposed CSM shall be brought by the subdivider to such a meeting.

6.02 CERTIFIED SURVEY MAP DATA

The CSM shall show correctly on its face, in addition to the information required by Wis. Stat. § 236.34, the following:

- A. The CSM shall be clearly noted and labeled on its face “Certified Survey Map.”
- B. All information required to be on a preliminary plat pursuant to Section 4.00 of this Ordinance is required to be on a CSM.

6.03 ADDITIONAL INFORMATION

The Plan Commission may require additional information be provided for the review and consideration of the proposed land division. *See e.g.*, Section 4.02 of this Ordinance.

6.04 DEED RESTRICTIONS

The Town may require that deed restrictions be filed and recorded with the final CSM.

6.05 SURVEYING AND MONUMENTING

All CSMs shall meet all surveying and monumenting requirements of Wis. Stat. § 236.34.

6.06 WISCONSIN COORDINATE SYSTEM

The CSM shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Wis. Stat. § 236.18. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description, of the monuments marking the section or quarter-section corners to which the CSM is tied shall be shown on the CSM. All distances and bearings shall be referenced to a Coordinate System.

6.07 CERTIFICATES AND AFFIDAVIT

All CSMs shall provide all of the certificates required for final plats by Wis. Stat. § 236.21. The Town Board shall certify its approval on the face of the CSM. In addition, the surveyor shall certify on the face of the CSM that all provisions of this Ordinance have been met.

6.08 RECORDING AND FILING

- A. After the CSM has been duly approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the CSM attesting to such approval and the CSM recorded as provided for under Section 3.07.D of this Ordinance.
- B. The County Register of Deeds shall record the final CSM as provided by Wis. Stat. § 236.34(2).
- C. The Subdivider shall file a copy of the final CSM with the Town Clerk.

SECTION 7.00 DESIGN STANDARDS

7.01 GENERAL REQUIREMENTS

All plans and specifications for land divisions and developments shall comply with the design standards established herein and in other adopted Town ordinances. Plans and specifications shall also comply with design related requirements in Section 8.00, "Required Improvements," and Section 9.00, "Construction," of this Ordinance.

7.02 STREET ARRANGEMENTS

- A. General Requirements. In any new land division, the street layout shall conform to an adopted official map, if any, and/or be consistent with an adopted comprehensive plan.
- B. In areas for which an official map has not been completed, or is of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.
- C. The land division shall be designed so as to provide each lot with satisfactory frontage on a public street.
- D. Access shall be provided in commercial, industrial, and mixed-use areas for off-street loading/unloading and service areas.
- E. Street Names are subject to Town and County approval.

7.03 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENTS

Whenever a proposed land division contains or is adjacent to a limited access highway or railroad right-of-way the design shall provide the following treatment:

- A. Non-access easement and planting area: when lots within a proposed land division back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement (*see* Section 7.09.D) and planting area (sometimes called a landscaped buffer yard or strip) at least 50 feet in depth and/or width shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth and/or width required by a zoning ordinance shall be increased where applicable by 50 feet to accommodate the non-access easement and planting area. The design of the planting area, including fences and walls, shall be similar or compatible with the character of adjacent properties. This non-access easement and planting area shall be a part of all lots adjacent to applicable rights-of-way and shall have the following restriction lettered on the face of the plat or CSM: "This area is reserved for the planting of trees and shrubs. Pedestrian, bicycle, and other recreation trail facilities and access may be allowed. No motor vehicle access shall be permitted across this area, except those for personal assistance mobility devices for individuals with mobility disabilities. The building of structures, except fences or walls for screening or buffering purposes and public or private utility structures, is prohibited hereon."
- B. In commercial and industrial zoning districts, streets shall be provided on each side of a limited access highway or railroad right-of-way that are approximately parallel to and at a suitable distance from such highway or railroad. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.
- C. Cross- and Shared-Accesses. *See* Section 7.09.D.

7.04 STREET, BICYCLE, AND PEDESTRIAN/RECREATION WAY DESIGN STANDARDS

- A. Cross-Sections. The minimum right-of-way and roadway width of all proposed streets and alleys shall be in accordance with plans and specifications approved by the Town. If no dimensions are so specified, the minimum right-of-way and roadway dimensions shall be as set forth and from time to time amended in Wis. Stat. § 82.50.
- B. Cul-de-sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access and water main configuration. For lengths proposed to exceed 1,000 feet, the subdivider shall present extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors; however, provisions for adequate emergency access must still be provided.

Cul-de-sac streets shall terminate in a circular, “teardrop,” or comparable turnaround having, at minimum, a right-of-way radius that will accommodate all Town highway and emergency equipment and/or vehicles, as well as school buses.

- D. Temporary termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular- or “T”-shaped turnaround contained within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed. If the right-of-way for the temporary turnaround is wider than the right-of-way, then the wider “bump-out” portion shall be a temporary easement that shall eventually be removed or vacated when the subject road is extended and constructed in accordance with the provisions of Section 8.05 of this Ordinance. Required front yards or building setbacks shall be measured from the street right-of-way that is to be permanently dedicated.
- E. Pedestrian and bicycle/recreation ways with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the Town to provide adequate pedestrian, bicycle, and other recreational circulation or access to schools, parks, shopping centers, churches, or transportation facilities. Pedestrian and bicycle/recreational paths in wooded and wetland areas shall be so designed and constructed as to minimize the removal of noninvasive trees, shrubs, and other vegetation, and to preserve the natural beauty of the area. *Also see* Section 8.08 for requirements that may affect such facility design.
- F. Public access to navigable stream or lake shores. *See* Section 7.11.C.
- G. Grades
 - 1. Street grades shall be established wherever practicable so as to avoid excessive grading, the indiscriminate removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades that exceed one percent shall be connected by vertical curves that meet the standards for “stopping” sight distance established in the latest edition of the American Association of State Highway and Transportation Official (AASHTO), “A Policy on Geometric Design of Highways and Streets.”
 - 2. Maximum centerline grades of any street or public way within public street rights-of-way shall be subject to the approval of the Town.
 - 3. The grade of any street shall in no case exceed 12 percent or be less than one percent.
 - 4. *See* Section 7.05.F for grades at street intersections.
- H. Crowns. Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon

approval of the Town. Alley pavements shall be “V”-shaped, with a centerline gutter for drainage. The minimum grade of street crowns shall be two percent.

- I. Radii of curvature. When a continuous street centerline deflects at any one point by more than seven degrees, a circular curve shall be introduced having a radius of curvature on said centerline and shall be based on the consideration of traffic speed, sight distances, and other factors. A tangent at least 100 feet in length shall be provided between reverse curves on streets.
- J. New or reconstructed streets passing through floodplains shall be designed to not be flooded by overflow of streams, rivers, or lakes during a 1-percent-annual-probability (100-year recurrence interval) flood event where possible unless an alternative access is provided by streets located outside of such floodplains.
- K. Bridges and culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 1-percent-annual-probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, established by FEMA. Bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.
- L. Half-streets. Where an existing dedicated or platted half-street is adjacent to the proposed land division, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- M. Street curbs and gutters. *See* Section 8.06.
- N. Passing and acceleration/deceleration lanes. The Town may require the subdivider to install a “passing” or “bypass” lane adjacent to the traffic lane opposite an intersection as well as an acceleration and/or deceleration lane adjacent to the traffic lane nearest the intersection.

7.05 STREET INTERSECTIONS

- A. Right angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. Hills. The location of street intersections immediately below the crest of hills shall be avoided.
- C. The maximum number of streets converging at one intersection shall not exceed two.
- D. Wherever practicable, the distance between public street intersections shall not be less than 1,200 feet.

- E. Corner curves. Property lines at intersections shall be rounded to an arc with a minimum radius of 15 feet, or shall be cut off by a straight-line through the points of tangency of an arc having a radius of 15 feet or greater.
- F. Grades. Intersections shall be approached on all sides by grades not to exceed three percent for a distance of no less than 100 feet from property/right-of-way lines of said intersection, unless exceptional topography would prohibit these grades.
- G. Vision corner or clearance easements shall be provided at street and highway intersections.
- H. Curb ramps or openings to accommodate people with disabilities shall be provided on all public streets where sidewalks and/or other pedestrian paths are required by the Town.
- I. Street signs and signals. *See* Sections 7.02.I and 8.14 of this Ordinance.

7.06 BLOCKS

- A. General requirements. The widths, lengths, shapes, and orientation of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian, and motor vehicle access; traffic control and safety; and the limitations and opportunities of topography and other natural resource features.
- B. The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by preservation of natural resource features, including exceptional topography, or other limiting factors of good design.
- C. Pedestrian and bicycle/recreation ways of at least 20 feet in width may be required where deemed necessary by the Town to provide safe and convenient pedestrian, bicycle, or other recreational circulation or access between lots, streams, lakeshores, park lands, other public areas, or access to schools, shopping centers, churches, parks, open spaces, or transportation facilities.
- D. The width of blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where a single tier of lots may be necessary to separate development from railroad rights-of-way or through traffic, such as with double or reverse frontage lots, or to protect natural resources.
- E. Utility easements. *See* Section 7.09.A.

7.07 LOTS

- A. General requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. Lot lines shall follow municipal and other civic boundary lines rather than cross them.

- B. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.
- C. Double or reverse frontage lots shall be prohibited except where to overcome specific disadvantages of topography and orientation.
- D. Public street frontage. Every lot shall front or abut for a distance of at least 30 feet on a public street for access or as required in an applicable zoning ordinance, whichever is greater. (*Also see* Section 7.09.D pertaining to cross- and shared-accesses.)
- E. The area and dimensions of lots shall conform to the requirements of the applicable zoning ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in a zoning ordinance. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a POWTS designed in accordance with applicable law.
- F. Re-divisions. Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Town may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that are capable of meeting the provisions of this Ordinance and applicable zoning ordinances.
- G. Depth. Lots shall have a minimum average depth of 100 feet. The typical lot depth in a land division should be increased relative to the width of any buffer strips required along abutting streets, highways, and railways. Where applicable, the minimum lot depth shall also be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a front or rear lot line (*also see* Section 7.03.A). Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources or accommodate easements and buffers.
- H. The width of lots shall conform to the requirements of the applicable zoning ordinance, and in no case shall a lot be less than 60 feet in width at the building setback line, unless otherwise provided by a zoning ordinance. Where applicable, the minimum width shall be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a side lot line (*also see* Section 7.03.A).
- I. Corner lots. The width of corner lots shall be increased, as determined by the Town, beyond the minimum lot width required in the applicable zoning ordinance for lot widths less than 100 feet to allow adequate yards or building setbacks from two street yards and to accommodate sufficient side and rear yards for the intended use and any required buffers and easements.

- J. Depth and width of lots or parcels reserved or designed for commercial or industrial use shall be adequate to provide for off-street parking and service (loading/unloading) areas required by the use contemplated and the applicable zoning ordinances.
- K. The shape of lots shall be approximately square or rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnaround. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources in the sole discretion of the Town.
- L. Lands lying between the meander line and the water's edge and any other undeveloped lands that lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any subdivision plat or CSM abutting a lake, river, or stream. The Town may require a restriction prohibiting development to be placed on unbuildable portions (wetlands and floodways, for example) of any lots, parcels, or units.
- M. Restrictions prohibiting development. Whenever a lot appearing on a subdivision plat or CSM is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect shall appear on the face of the plat or CSM.
- N. Remnants of lots below minimum size remaining after subdividing a large tract or parcel shall be added to an adjacent lot, or a plan shall be submitted indicating future use of the remnant area rather than allowing them to remain as unusable parcels.

7.08 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Town and shall be shown on the final plat or CSM. Examples of the application of this provision would include requiring greater setbacks for lots on cul-de-sac or curved streets to achieve the necessary lot width at the setback line, conform to setbacks of existing adjacent development, accommodate a coving or other unique design, avoid placing buildings within buffers, easements, or vision clearance triangles, or protect natural resources.

The yards and building envelope on a lot, which is determined by required building setbacks, shall be generally similar to those on adjacent lots and contain sufficient areas to accommodate the intended use including any required buffers, easements, a principal building, and any accessory structures, a driveway, and, if applicable, a POWTS.

7.09 EASEMENTS

- A. Utility easements. The Town may require utility easements of widths deemed adequate for the intended purpose as determined by the Town. Such easements shall be located as determined by the applicable utility company and subject to approval by the Town, but

preferably should be located along rear and side lot lines or in mid-block easements and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground except where the Town finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers or circumstances would make underground installation impractical, or that the lots to be served by such facilities can be adequately served from existing infrastructure, such as overhead facilities, such that requiring underground installation would constitute an undue burden upon the subdivider. Associated equipment and facilities that are appurtenant to underground electric power, telecommunications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. Such aboveground equipment shall be placed in a visually unobtrusive location from public view or a landscape screening plan shall be submitted by the subdivider to the affected utility and the Town for approval. All utility easements shall be noted on the final plat or CSM followed by reference to the use or uses for which they are intended.

- B. Drainage easements. Where a land division is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Town. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town.
- C. Conservation easements. *See* Section 7.10 of this Ordinance.
- D. Vision clearance easements and cross-, controlled-, and shared-access easements. The Town may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or CSM approval in order to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance).

7.10 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, woodlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division, the Town may require that such areas be dedicated or that restrictions, including conservation easements, be placed on the plat or CSM to protect such resources. The Town may also require that such areas in land divisions be included in outlots designated on the plat or CSM and restricted from development.

7.11 PARK, OPEN SPACE, AND OTHER PUBLIC SITES

- A. The Town reserves the ability to offer a subdivider the option of either dedicating land consistent with the Town's park plan and/or comprehensive plan or paying a park fee in lieu of the dedication. If given the option, and the subdivider elects to dedicate land, unless the Town agrees otherwise, the subdivider only may dedicate land that is consistent with the Town's park plan and/or comprehensive plan. Any land dedication or, in the alternative, a park fee shall bear a rational relationship to, and be proportional to, the need created by the land division.
- B. Navigable streams or lakeshores shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Town, as required by Wis. Stat. § 236.16(3).

7.12 OTHER RELATED DESIGN REQUIREMENTS

Section 8.00, “Required Improvements,” and Section 9.00, “Construction,” of this Ordinance contain other design related requirements relevant to land divisions. Such requirements or standards include those for curb and gutter; street lights; street name signs; traffic control signs and signals; street trees; landscaping, including but not limited to buffer yards, grading, erosion control, sedimentation control, and storm water management facilities; water supply facilities; sanitary sewerage disposal facilities; and other utilities. Even though some of these standards may not be shown on plats and CSMs, they are relevant to plans and specifications required for developing subdivisions. Other Town ordinances may also affect land division design or development.

SECTION 8.00 REQUIRED IMPROVEMENTS

8.01 GENERAL REQUIREMENTS

All required improvements shall be constructed in accordance with plans and specifications approved by the Town. *Also see* Section 7.00 of this Ordinance for design standards.

8.02 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15 and as may be required by the Town.

8.03 GRADING

- A. Cut and filled lands shall be graded in accordance with grading plans and specifications approved by the Town. Slopes shall not be steeper than one vertical to four horizontal, or the soil’s angle of repose, whichever is the lesser, and such slopes shall be covered with permanent vegetation. To the extent practicable, grading shall be minimized.

- B. After the installation of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. Any cut and filled lands immediately adjacent to street or highway rights-of-way shall be graded and restored in accordance with the approved plans and specifications.
- C. Streets and lots shall be brought to finished grades as specified in a site grading plan approved by the Town.
- D. Where electric and telecommunication facilities are to be installed underground, the utility easements shall be graded to finished grade elevation, and no earth fill, mounds of dirt, or construction materials shall be stored on such easement areas.

8.04 STREET SURFACING

Following the installation, inspection, and approval by the Town of utility and storm water drainage improvements, the subdivider shall surface all roadways proposed to be dedicated to the public in accordance with plans and specifications approved by the Town.

8.05 REMOVAL OF TEMPORARY TURNAROUNDS

Where a land division abuts an existing temporary circular cul-de-sac or “T” turnaround and the Town official map and/or comprehensive plan includes extending the street ended by said temporary turnaround, the subdivider shall be responsible for the removal of the turnaround, reconstruction of the drainage and roadside ditches or curb and gutter as applicable, reinstallation of culverts, reconstruction of driveway aprons, and restoration of all disturbed areas, and removing or vacating any portion of the street containing a temporary easement if applicable (*see* Section 7.04.D of this Ordinance). The Town shall determine if existing culverts, if any, may be salvaged and reused.

8.06 CURBS AND GUTTERS

- A. After the installation and the Town’s inspection and approval of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town. This requirement may be waived where a permanent rural street section has been approved with ditches instead.
- B. Curbs and gutters may be required on cul-de-sac landscape “islands” and on streets with steep topographical conditions. Openings in curbs for drainage may be allowed, upon approval of the Town, to accommodate storm water management measures such as drainage into street tree wells, rain gardens, infiltration trenches, or bioretention basins with underdrains. Wherever possible when necessary, provisions shall be made at the time of construction for driveway access curb cuts.

- C. Curb ramps or openings shall be installed, where applicable, in accordance with the Americans with Disabilities Act Accessibility Guidelines, Wis. Stat. § 66.0909, and as approved by the Town.

8.07 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Town, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town.

8.08 SIDEWALKS AND PEDESTRIAN/RECREATIONAL PATHS

- A. The subdivider shall construct a concrete sidewalk or asphalt path on one side of all frontage streets and on one or both sides of all other streets within the land division. Off-street paths may also be required by the Town. The construction of all sidewalks and paths shall be in accordance with plans and specifications approved by the Town. All such facilities shall be located within a dedicated public right-of-way or a public access easement. If located within a public access easement, said easement shall be at least 20 feet wide. The construction of all sidewalks and pedestrian/recreational paths, including bicycle facilities, shall be in accordance with plans and specifications approved by the Town and its applicable adopted plans.
- B. Wider than standard sidewalks or asphalt paths may be required by the Town in the vicinity of schools, commercial areas, and other places of public assembly. The Town may waive the requirement for sidewalks or paths upon a finding that such walks or paths are not required because of the provision of a separate network of pedestrian/recreational ways, low vehicular or pedestrian traffic volumes, or particular lot arrangement.

8.09 SANITARY SEWAGE DISPOSAL FACILITIES

- A. The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot or unit within the land division. Where public sanitary sewer facilities are not available, the subdivider shall make provision for adequate and legally compliant POWTS.
- B. The subdivider shall install sewer laterals to the street right-of-way line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the Town. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town.
- C. The subdivider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the land division development proposed. If sewers

greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers may be prorated either in proportion to the ratio of the total area of the land division development to the total tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the subdivider and the Town.

8.10 STORM WATER MANAGEMENT FACILITIES

- A. The subdivider shall construct storm water management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, storage facilities, and settling basins, including bioretention basins with underdrains, infiltration trenches, and other storm water infrastructure as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town while considering the nature of the topography and discharge location within and adjacent to the land division. Storm water management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all storm water management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town.
- B. The subdivider shall assume the costs entailed in constructing storm water conveyances, infiltration facilities, and storage facilities necessary to serve the proposed development, to achieve the intended level of control of nonpoint source pollution, and to carry the existing storm water flows through the proposed development. If larger conveyance, infiltration, and storage facilities are required to accommodate flows originating from outside the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows.

8.11 WATER SUPPLY FACILITIES

- A. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot or unit within the land division. If municipal water service is not available, the subdivider shall make provision for adequate and legally compliant private water systems. The Town may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town.
- B. The subdivider shall assume the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the cost to the subdivider may be prorated.

8.12 OTHER UTILITIES

- A. The subdivider shall cause gas, electrical power, telecommunications, data, and other facilities to be installed, where available, in such a manner as to make adequate service available to each lot or unit in the land division, in accordance with Section 7.09.A.
- B. Plans indicating the proposed location of all gas, electrical power, telecommunications, data, and other distribution and transmission lines required to serve the land division shall be approved by the Town.

8.13 STREET LAMPS

- A. The subdivider shall install public street lamps along all streets proposed to be dedicated. The Town shall approve the design and location of all street lamps, which shall be compatible with the neighborhood and type of development proposed. Shielded luminaries with downward reflection, luminaries with cutoff optics, LED or similar energy-saving luminaries, and careful fixture placement may be required by the Town.
- B. In lieu of or in addition to the installation of public street lamps, the Town may permit the installation of private post lamps on each lot of a land division. The type and location of such post lamps shall be approved by the Town and shall be maintained by the lot owners.

8.14 STREET AND TRAFFIC CONTROL SIGNS AND SIGNALS

- A. The subdivider shall install or pay for the fabrication and installation of a street name sign of a design specified by the Town at the intersection of all streets proposed to be dedicated.
- B. The subdivider shall install or pay for the fabrication and installation of any traffic control signs or signals identified during the review and approval process needed to control traffic generated by the proposed land division. Traffic control signs and signals are subject to review and approval by the Town or the government agency having jurisdiction over a street or intersection if not the Town.
- C. The subdivider shall install or pay for the fabrication and installation of any rural address/fire number signs to be utilized for the land division if appropriate to the type of land division as specified by the Town.

8.15 STREET TREES

- A. The subdivider shall plant street trees of a species approved by the Town of at least three inches in diameter at breast height (DBH), approximately 4.5 feet above grade level. The total number of trees to be planted shall be based on one tree for every 50 feet of frontage on all streets proposed to be dedicated and be spaced on average 50 feet apart. The required trees shall be planted in the area between the sidewalk and curb, and/or in the

raised center portion of a boulevard, in accordance with plans and specifications approved by the Town.

- B. The requirement for street trees may be waived by the Town if substantial alternative landscaping, including trees, is to be provided within the land division in accordance with a landscaping plan approved by the Town.

8.16 EROSION AND SEDIMENTATION CONTROL

- A. The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures.
- B. The subdivider shall plant those grasses, trees, and groundcover of species and sizes as specified by the Town.
- C. The subdivider shall install those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures as specified by the Town.

8.17 LANDSCAPING

- A. The subdivider shall install landscaping in accordance with landscaping plans and specifications approved by the Town. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in a development agreement and appropriate sureties shall be provided.
- B. Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the subdivider unless and/or until it is that of a subsequent property owner.

8.18 IMPROVEMENTS TO EXTEND TO LIMIT OF PARCEL OR LOT

Any and all improvements or utility services required by this Ordinance for land divisions shall be extended to the farthest limit of the last or end parcel or lot intended to be developable and upon which a building permit may be requested.

SECTION 9.00 CONSTRUCTION

9.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or CSM has been approved, a development agreement has been executed if required, and the Town has given written authorization to proceed based upon the receipt of all necessary fees, sureties, and required permits, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been completed.

9.02 PHASING

In accordance with Wis. Stat. § 236.13(2) and Sections 2.07 and 2.08 of this Ordinance, the Town Board may permit the construction and installation of required public improvements in phases corresponding to the development phases of a final plat.

9.03 BUILDING AND OTHER PERMITS

No zoning, building, sanitary, erosion control, storm water management, or other permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.

9.04 PLANS AND SPECIFICATIONS

Each of the following plans and accompanying construction specifications shall be approved by the Town before construction or installation of required public improvements is authorized.

- A. Street plans and profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required public improvements, including street lights, signs, and signals, and any sidewalks and pedestrian/recreational paths to be provided within a street right-of-way.
- B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. Storm water management and erosion and sedimentation control plans, calculations, and profiles meeting the requirements of Sections 8.10 and 8.16 of this Ordinance.
- D. Water supply and distribution plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.
- E. Utility plans showing the locations and sizes, where applicable, of all gas, electric power, telecommunications, data, and other utilities and services.
- F. Grading plans showing existing and proposed topographic contours, mass (“rough”) and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town.
- G. Landscaping plans showing and describing in detail the locations, sizes, and species of proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable landscaping materials such as rocks, sand, gravel, decorative mulch, and hardscape features; and structures such as walls, fences, trellises, and entryway/gateway signs. Plants shall meet the American Standard for Nursery Stock. The use of drought-tolerant plants is encouraged where appropriate.

- H. Additional special plans or information required by the Town, which may include street lighting plans, land stewardship plans, hydraulic and hydrologic studies, additional design considerations, and data and computations involved in preparing required plans.

9.05 EARTH MOVING

Earth moving, such as grading, topsoil removal, watercourse changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile removal or laying, dredging, lagooning, and other land surface disturbances, shall be so conducted as to otherwise minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourses, water regimen, and topography.

9.06 PRESERVING OF EXISTING VEGETATION

The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, grasses, and groundcover not actually lying in paved portions of public street rights-of-way, drainageways, building foundation sites, private driveways, POWTS areas, and pedestrian/recreational paths. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

9.07 INSPECTION

The subdivider, prior to commencing any work within the land division, shall make arrangements with the Town to provide for inspection. The Town shall inspect and approve all completed work prior to release of sureties. The Town shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, the Town is refused entry after presentation of proper credentials, the Town may take measures including but not limited to procuring a special inspection warrant in accordance with Wis. Stat. § 66.0119.

9.08 AS-BUILT PLANS

Within 30 days following completion and acceptance by the Town of all required public improvements, or all such improvements related to an approved phase of construction, respectively, the subdivider shall provide plans and profiles in a form acceptable to the Town that accurately show the extent, horizontal and vertical location, and alignment of all such improvements as they were actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the Town.

SECTION 10.00 FEES

10.01 GENERAL REQUIREMENTS

The subdivider shall pay to the Town Treasurer all fees as hereinafter required and at the times specified before being entitled to record the plat or CSM concerned.

10.02 PLAT AND CERTIFIED SURVEY MAP REVIEW FEES

- A. The subdivider shall pay a fee as set forth in the Town fee schedule to the Town Treasurer at the time of first application for approval of any preliminary plat, final plat, or CSM to assist in defraying the cost of administration and review.
- B. A reapplication fee as set forth in the Town fee schedule shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat, final plat, or CSM that has previously been reviewed.

10.03 IMPROVEMENT REVIEW FEE

The subdivider shall pay a fee to the Town at the time of the submission of improvement plans and specifications towards the cost to the Town for reviewing such plans and specifications. Such fee may be later increased or decreased in order to equal the actual cost to the Town.

10.04 CONSTRUCTION REVIEW/INSPECTION FEE

The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town deems necessary to assure that the construction of the required public improvements is in compliance with the plans, specifications, and ordinances of the Town.

10.05 PUBLIC PARK SITE FEE

- A. If the subdivider elects under Section 7.11 of this Ordinance to pay a park fee, then the park fee shall be paid to the Town upon the issuance of a building permit by the Town related to the land division. Such fees shall be established in accordance with Wis. Stat. § 236.45(6).
- B. Park fees shall be placed in a separate segregated interest-bearing account and shall be accounted for separately from the other funds of the Town. Park fee revenues and interest earned may be expended only for park fee purposes, unless the park fee is refunded.

10.06 ENGINEERING FEE

- A. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or CSM.
- B. Engineering work shall include the preparation of construction plans and standard specifications. The Town may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications, but only for review of them.

10.07 OTHER FEES

The subdivider shall pay a fee equal to the cost of any special legal, planning, or fiscal work that may be undertaken by the Town in connection with the proposed land division. Legal work shall include the review, negotiation, and drafting of a development agreement between the Town and the subdivider and the review of land division-related documents. These fees may also include the cost of obtaining independent professional opinions of, but not limited to, attorneys, engineers, planners, and landscape architects requested by the Town in connection with the review of the land division being considered.

10.08 APPEAL OF FEES

The subdivider shall have the right to challenge the amount of any fees levied under Sections 10.03, 10.04, 10.05, 10.06, and 10.07 of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the subdivider and the Town officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

SECTION 11.00 DEFINITIONS

11.01 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory and not advisory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary or ordinary meaning, which if in controversy, resort may be made to a dictionary definition.

11.02 SPECIFIC WORDS AND PHRASES

Agency, County Planning. The agency created by the County Board and authorized by Statute to perform land use planning and regulation, including the review of plats and CSMs.

Alley. A public way providing secondary access to abutting properties.

Block. An area of land that is bounded by e.g.: streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and/or municipal boundaries.

Buffer. An area separating land uses and may consist of open areas, existing natural vegetation, or new landscaping, such as trees, shrubs, and berms.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line generally parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of a zoning ordinance and the requirements of this Ordinance.

Building Setback Line. See “Building Line.”

Certified Survey Map (“CSM”). A map prepared in accordance with Wis. Stat. § 236.34 and this Ordinance for the purpose of creating and recording a minor land division as that is defined by this Ordinance; or used to document, for recording purposes, survey and dedication data relating to single parcels. Certified survey maps are also referred to as minor land divisions.

Common Open Space. See “Open Space, Common.”

Comprehensive Plan. The plan adopted by the Town pursuant to Wis. Stat. § 66.1001.

Conceptual Plan. A plan of a proposed land division that is submitted for informal review and shows the proposed general layout of streets, lots, and other features in relation to existing conditions.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Wis. Stat. ch. 703.

Connecting Street or Highway. See “Street or Highway, Connecting.”

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

County Planning Agency. See “Agency, County Planning.”

Covenant. A restriction on the use of land, usually set forth in the deed.

CSM. Certified Survey Map.

Cul-de-sac Street. See “Street, Cul-de-sac.”

Datum. A system that serves as the basis for land survey measurements and calculations.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Development Agreement. An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such improvements; dedication of land; and other matters related to the requirements of this Ordinance. A development agreement shall not come

into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.

Extraterritorial Plat and Certified Survey Map (Land Division) Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth-class city or village and within three miles of all other cities wherein the city or village also has authority over land division approvals.

FEMA. The Federal Emergency Management Agency.

Final Plat. See “Plat, Final.”

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 1-percent-annual-probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.

Frontage. The total dimension of a lot abutting a public street measured along the street line.

Frontage Street. See “Street, Frontage.”

Hedgerow. A row of shrubs or trees planted for enclosure or separation of other areas.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

Land Access Street. See “Street, Land Access.”

Land Division. A generic term for land divisions generally, to include subdivisions, minor land divisions, and replats as those terms are further defined in this Section. A land division can be legally created only by means of a plat or CSM.

Landscaping. Living noninvasive plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; minor earthmoving or modification; and structures such as walls and fences.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the minimum lot width, lot frontage, lot area, setback, yard, parking, and other requirements of Town ordinances.

Lot, Corner. A lot abutting two or more streets at their intersection.

Lot, Double or Reverse Frontage. A lot, other than a corner lot, with frontage on more than one street. Such lots shall normally be deemed to have two front yards and two side yards and no rear yard.

Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land (sometimes called a “neck,” “narrow leg,” or “flag staff), easement, or private right-of-way.

Lot, Interior. A lot with frontage on one street that is bounded by adjacent lots along each side and usually a lot behind it fronting on a different street.

Minor Land Division (Certified Survey Map). A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, each of any size, by a division or by successive divisions of any part of the original parcel within a period of five years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said block, lot, or outlot, and the division does not result in a subdivision or replat.

Navigable Water. Any body of water which is navigable under Wisconsin law.

Official Map. A document enacted pursuant to Wis. Stat. § 62.23(6), which shows the location of existing and planned street rights-of-way, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the Town. Open space may include, but is not limited to, floodplains, wetlands, woodlands, steep slopes, prairie remnants, natural areas, critical species habitat sites, and other natural resource features.

Ordinary High Water Mark (OHWM) or Elevations. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the point or elevation on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized topographic, geologic, or vegetative characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot that is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space that may accommodate certain recreational amenities and storm water management facilities. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating

buildable lots. An outlot may be further created if a lot fails to meet requirements for a POWTS, but which may be buildable if public sewer is extended to the lot or land division.

Wis. Stat. § 236.13(6) prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Town requires that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

Park fee. A fee or other charge to fund the acquisition or initial improvement of land for public parks. The words "improvement of land for public parks" mean grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes.

Plat, Final. A map prepared in accordance with the requirements of Wis. Stat. ch. 236 and this Ordinance for the purpose of creating a subdivision.

Plat, Preliminary. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots, streets, and other improvements.

Plat, Subdivision. A map prepared in accordance with Wis. Stat. ch. 236 and this Ordinance for the purpose of creating and recording a subdivision as defined by this Ordinance.

POWTS. Private Onsite Wastewater Treatment System.

Prairies. Open, generally treeless areas that are dominated by native grasses.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle, or pedestrian/recreation way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public street, highway, bicycle or pedestrian/recreation way, drainageway, or part thereof.

Recreation Path or Way. For the purpose of this Ordinance, a multi-use path that provides opportunities for hiking/pedestrians and may accommodate bicycling, rollerblading, skateboarding, and other recreational uses.

Replat. The process of changing, or the plat or CSM which changes, the boundaries of a recorded subdivision plat, CSM, or a part thereof. A replat is not a subdivision or minor land division.

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high-water elevation or mark of a navigable lake, pond, or flowages; or 300 feet from the ordinary

high-water elevation or mark of a navigable stream, or to the landward edge of the floodplain, whichever distance is greater.

Soil. The naturally occurring regolith overlying bedrock.

Soil, In Situ. Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

Subdivider. Any person, firm or corporation, or any agent thereof, proposing and/or undertaking a land division.

Street, Cul-de-sac. A local street with only one outlet and having an appropriate turnaround for vehicular traffic.

Street, Frontage. A land access street auxiliary to and located parallel or adjacent to another street for control of access and for service to the abutting development.

Street, Land Access. A street used, or intended to be used, primarily for access to abutting properties. Such streets may be called minor streets or minor land-access streets.

Street or Highway, Connecting. A marked route, not a State trunk highway per se, of the State trunk highway system over certain streets and highways in municipalities that the Wisconsin Department of Transportation has designated as a “connecting highway” (Wis. Stat. § 86.32).

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:

1. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, each of any size; or
2. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, each of any size by successive divisions of any part of the original property within a period of five years.

Subdivision Plat. See “Plat, Subdivision.”

Sustainability. The capacity to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

Town. The Town of Stanfold, Barron County, Wisconsin.

WDNR. The Wisconsin Department of Natural Resources.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Woodlands. Upland tree-covered areas. Woodlands do not include lowland wooded areas classified as wetlands, such as tamarack swamps.

SECTION X – EFFECTIVENESS

This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

Adopted this 14th day of July, 2020.

TOWN OF STANFOLD

By: Charles D Nelson
Charles D. Nelson, Chairperson

ATTEST:

By: Kristen Foust
Kristen Foust, Clerk

Adopted: 07-14-20

Noticed: 07-14-20