

## **Title 10 Chapter 1**

### **Land Division and Subdivision**

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#### **Sec. 10-1-1 Title/Purpose**

The title of this Chapter is Land Division and Subdivision. The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewage, schools, parks, playgrounds and other public necessities; and to provide public oversight to the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce, protecting farming and open spaces, protecting scenic vistas and providing for the most appropriate use of land in the Town of Arlington.

#### **Sec. 10-1-2 Definitions**

(A) The following definitions are applicable to this section:

- (1) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.
- (2) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams, lakes or other bodies of water.
- (3) Building Line. A line parallel to a Lot line and at a distance from the Lot line to comply with Columbia County Zoning Ordinance's yard and setback requirements.
- (4) Certified Survey Map ("CSM"). A map consisting of four (4) or less Lots or Outlots prepared pursuant to Wis. Stats., Section 236.34.
- (5) Collector Street. A street which collects and carries traffic within an area such as a residential neighborhood between Arterial Streets and Local Streets. It includes principal entrance streets to residential subdivisions. It provides access to abutting property.
- (6) Condominium Development. A real estate development in which the condominium form of ownership pursuant to Wis. Stats., Chap. 703 is utilized.
- (7) Columbia County Planning and Zoning Department ("County PZ"). County Department administering various County Ordinances related to planned divisions of land including those within the Town.
- (8) Cul-de-sac. A Local Street having one end open to traffic and the other end permanently terminated in a vehicular turnaround.
- (9) Easement. An area of land set aside on, over, or through which a liberty, use, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (10) Environmental Assessment. Information to be furnished by the Subdivider in the format required by Section 9 of this Ordinance.
- (11) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities.
- (12) Frontage Street. A street auxiliary to and located on the side of a Major Thoroughfare for control of access and for service to the abutting development.

(13) Local Street. A street used primarily for access to abutting properties and connecting with not more than two local or Collector Streets and not exceeding 1,000 feet in length.

(14) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the Lot Width, Lot frontage, Lot Area, yard, parking area and other open space provisions of this Ordinance and any applicable zoning ordinance. Among the types of Lots are:

(a) Corner Lot. A Lot abutting intersecting streets at their intersection.

(b) Reversed Corner Lot. A Corner Lot which is oriented so that its rear Lot line is coincident with or parallel to the side Lot line of the interior Lot immediately to its rear.

(c) Through Lot. A Lot having Lot Lines abutting two more or less parallel public streets which is not a Corner Lot. On a Through Lot, both street lines shall be deemed front Lot Lines.

(d) Flag Lot. A Lot whose buildable area has no frontage on a public road except a narrow strip of land (flag) specifically provided to meet requirements for minimum Lot frontage on a public road.

(15) Lot Area. The area contained within the exterior boundaries of a Lot excluding streets and land under bodies of water.

(16) Lot Lines. The peripheral boundaries of a Lot.

(17) Lot Width. The width of a parcel of land measured along the front Building Line.

(18) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major Thoroughfares shall include freeways, expressways and other highways and parkways, as well as Arterial Streets.

(19) Minor Subdivision. The division of land by CSM by an Owner or Subdivider resulting in the creation of not more than four Lots, Outlots or parcels within a five (5) year period (whether by single or successive divisions), any one of which is eighty (80) acres or less, or the division of a Block, Lot or Outlot in a recorded Plat into not more than four Lots,

Outlots or parcels without changing the exterior boundaries of said Block, Lot or Outlot.

(20) Ordinary High Water Mark ("OHWM"). That point on the bank or shore as defined within Wisconsin Administrative Code NR 115, as amended from time to time.

(21) Outlot. A parcel of land, other than a Lot or Block, so designated on a Plat or CSM, on which building is prohibited.

(22) Owner. The person owning land, including any natural person, firm, association, limited liability company, partnership, private corporation, public or quasi-public corporation, or combination of these.

(23) Plan Commission. The Town Committee as defined in Title 2, Chapter 1 of the Town's Ordinances.

(24) Plat. The map of a Subdivision which when finally approved will be recorded at the Columbia County Register of Deeds office.

(25) Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

(26) Replat. The process of changing, or a Plat which changes, the boundaries of a recorded Subdivision Plat or part thereof. The legal dividing of a Block, Lot or Outlot within a recorded Subdivision Plat without changing exterior boundaries of said Block, Lot or Outlot is not a Replat.

(27) Restrictive Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats., Section 236.293, which constitute a restriction on the use of all property divided by Plat or CSM for the benefit of the public or property Owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

(28) Shorelands. Those lands within the following distances: 1,000 feet from the OHWM of navigable lakes, ponds and flowages or 300 feet from the OHWM of navigable streams or to the landward side of the floodplain, whichever is greater.

(29) Subdivider. Any person, firm, corporation, limited liability company or other legal entity, or any agent thereof, dividing or proposing to divide land by Plat, Replat or CSM.

(30) Subdivision. The division of a Lot, Outlot, parcel or tract of land by the Owner thereof, or a Subdivider for the purpose of transfer of

ownership or building development where the act of division creates five or more Lots, Outlots or parcels of thirty-five (35) acres or less in area; five or more Lots, Outlots or parcels of thirty-five (35) acres or less by successive divisions within a period of five (5) years, whether done by the original or successor Owners or Subdividers; or a new street or alley, or alters any existing street or alley.

The establishment of a Condominium Development pursuant to Wis. Stats., Chap. 703 shall be deemed to be a Subdivision for purposes of this Ordinance.

(31) Town. The Town of Arlington, Columbia County, Wisconsin.

(32) Wetlands. 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.

(B) Interpretation. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

### **Sec. 10-1-3 General Provisions**

(A) Compliance. No Owner shall divide any land located within the jurisdictional limits of these regulations which results in a Subdivision, Minor Subdivision or Replat, and no such Subdivision, Minor Subdivision or Replat shall be entitled to be recorded, without compliance with all requirements of this Chapter and the following:

(1) State Statutes. The provisions of Wis. Stats., Ch. 236 and 82.18.

(2) Town Ordinances. All other Town Ordinances.

(3) County Ordinances. Applicable provisions of the Columbia County Code of Ordinances.

(4) Land Use Plan. Land Use plans or components of such plans prepared by state, regional, county or municipal agencies when duly adopted by the Town Board.

(5) Sanitary Sewer Codes. The provisions of Wis. Admin. Code Chaps. COMM. 83 and 85 for Subdivisions, Minor Subdivisions or Replats not served by public sanitary sewer.

(6) Transportation Codes. The provisions of Wis. Admin. Code Chap. TRANS 233 for Subdivisions, Minor Subdivisions or Replats which abut a state trunk highway.

(7) Shoreland/Flood Plain Codes. The provisions of Wis. Admin. Code Chaps. NR 115 and 116 relating to shoreland and floodplain management.

(8) Applicable Statutes and Rules. All other applicable state statutes and administrative rules.

(9) Restrictive Covenants. Any recorded Restrictive Covenants, Easement or other recorded document running with the property limiting, among other things, access, zoning or land division rights.

(B) Jurisdiction. These regulations shall apply to all lands within the political boundaries of the Town. These regulations shall not apply to:

(1) Other Transfers. Transfers of interests in land by will, succession or Court Order;

(2) Lease Interests. Leases of less than ten (10) years, mortgages and Easements;

(3) Adjoining Property Transfer. The sale or exchange of parcels of land between Owners of adjoining property if additional Lots are not thereby created, or if the effect of the sale or exchange on existing Lots does not reduce their size below minimum sizes required by this Chapter or other applicable laws.

(C) Building Permits. The Town or its designee shall not issue any building permit relating to any parcel of land forming all or any part of lands included in the Subdivision, Minor Subdivision or Replat originally submitted to the Town on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.

(D) Applicability to Condominiums. This Chapter is expressly applicable to Condominium Developments within the Town's jurisdiction, pursuant to Wis. Stats., Section 703.27(1). For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a Lot or parcel created by the act of Subdivision.

(E) Land Suitability. Notwithstanding existing or proposed zoning, no land shall be subdivided for residential, or commercial use which is held unsuitable for such use by the Town Board, upon the recommendation of the Plan Commission, for reasons of flooding, inadequate drainage, incompatible surrounding land use,

adverse soil or rock formation, unfavorable topography including slopes greater than 15%, adverse impacts on water resources, despoiling the scenic beauty of the bluffs, inadequate or inappropriate driveway access or location or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed Subdivision or of the community. The determination of land suitability shall be evaluated through the Environmental Assessment filed with the preliminary Plat. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if the Subdivider so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

(F) Existing Flora. The Subdivider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses and other non-noxious plants. Public roadways, drainageways, building foundations, private driveways, waste disposal areas, paths, trails and all other improvements shall be located so as to preserve existing vegetation. The Subdivider shall protect and preserve such trees and other flora in accordance with sound conservation practices. When required by the Plan Commission or the Town Board, the Subdivider shall submit a landscaping plan, prepared by a landscape architect, detailing how existing flora will be protected and integrated into the overall site development plan.

#### **Sec. 10-1-4 Plat Review and Approval Procedure**

(A) Pre-Application Consultation. Before filing a preliminary Plat, the Subdivider is encouraged to consult with the Plan Commission for advice regarding compatibility with the land use plan, general Subdivision requirements, and the current and proposed zoning of the land. The Subdivider may obtain information on meeting dates, agenda deadlines and filing requirements from the Town Clerk. The Subdivider shall also submit a location map showing the relationship of the proposed Subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the Subdivider of the purpose and objectives of these regulations, the other Ordinances and planning rules of the Town and to otherwise assist the Subdivider in planning the development. In so doing, the Subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The Subdivider will gain a better understanding of the subsequent required procedures. The Town shall charge no fee for this preliminary consultation. The Plan Commission or the Town's consultants may thereafter refuse to meet, review or discuss any proposed Subdivision unless the Subdivider enters into a predevelopment agreement pursuant to Section 10.1.5(E)(8).

(B) Preliminary Plat Review and Approval

(1) Submission. Before submitting a final Plat for approval, the Subdivider shall prepare a preliminary Plat and a letter of application. The Subdivider shall submit 20 copies of the preliminary Plat, prepared in accordance with this Chapter. The Subdivider shall file copies of the Plat and the application with the Town Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall submit copies of the preliminary Plat to the Plan Commission, the Town Engineer and Town Attorney for review. The Town Engineer and Town Attorney shall promptly submit to the Plan Commission a written report of their recommendations and reactions regarding the proposed Plat.

(2) Supplementary Data filed With Preliminary Plat. The Subdivider shall also file the following materials with the preliminary Plat:

(a) Preliminary Layout of Public Improvements. The Subdivider shall file four (4) complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility (size, location and grade), drainage facilities (size and location), traffic patterns, typical street cross sections, erosion control measures, pavement design and other improvements necessary in the Subdivision.

(b) Preliminary Street Plans and Profiles. The Subdivider shall provide street layout and profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed Subdivision when requested. All elevations shall meet the approval of the Town Board.

(c) Soil Testing. The Subdivider shall provide a preliminary soils report, a map displaying and describing the types of soils in the proposed Subdivision, their effect on the Subdivision and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in Sec. 10-1-3(E), the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the proposed Subdivision will not be served by public sanitary sewer, the Subdivider shall comply with Wis. Admin. Code. Chap. Comm. 85, delineating areas with three foot and six foot ground water and bedrock levels.



- (d) Restrictive Covenants. A draft of any proposed Restrictive Covenants.
- (e) Property Owners Association. If the Subdivider proposes that common property or common elements within a Subdivision or condominium would be owned or maintained by an organization of property Owners or a subunit of the Town pursuant to Wis. Stats., Section 236.293, the Subdivider shall submit a draft of the legal instruments and rules for the proposed association.
- (f) Use Statement. A statement of the proposed use of Lots stating, as applicable, the type of residential buildings with number of proposed dwelling units; types of business or industry intended to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (g) Zoning Changes. If any zoning changes are contemplated, including a Planned Residential Development Overlay, the proposed zoning plan for the area, including dimensions.
- (h) Area Plan. Where the Subdivider owns property adjacent to that proposed for the Subdivision, the Plan Commission of Town Board may require that the Subdivider submit a preliminary Plat for the remainder of the property to show the possible relationships between the proposed Subdivision and future Subdivision. In any event, all Subdivisions must be shown to relate with existing or potential adjacent Subdivisions.
- (i) Erosion Control and Storm Runoff. A Preliminary Erosion Control Plan and Storm Water Runoff Plan which complies with the the Town's Erosion Control and Storm Water Runoff Ordinance as contained in Chapter 11.
- (j) Title Insurance Commitment. The Subdivider shall provide an Owner's policy of title insurance on a current ALTA form issued by an insurer licensed to write title insurance in Wisconsin, dated within thirty (30) days of the preliminary Plat application. After review by the Town Attorney, the Town Attorney may require further title evidence as it deems necessary.
- (k) Environmental Assessment. The Subdivider shall submit an Environmental Assessment in the format specified in Section 10-1-9 of this Chapter. This assessment provides the basis for an orderly, systematic review of the effects of all new Subdivisions, CSMs and condominiums upon the community environment. The Town Board and Plan Commission shall use this Assessment to

determine land suitability of the proposed development under Section 10-1-3(E) of this Chapter. The purpose of this Assessment is to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

(i) The Environmental Assessment shall apply to all Subdivisions, Minor Subdivisions and condominiums. The Plan Commission may waive the requirement for the filing of an Environmental Assessment for Minor Subdivisions of less than five acres total area, except when the Minor Subdivision is in an environmentally sensitive area.

(ii) As soon as practical after the Environmental Assessment has been filed, the Plan Commission shall instruct the Clerk to schedule an informational hearing with the Subdivider, Town consultants, and all other interested persons or agencies to solicit information and feedback regarding the proposed zoning for the development, if rezoning is required, the information provided by the Environmental Assessment, including the suitability of the property for development, and the proposed impact of the land division on the general community and environment. This informational hearing shall be preceded by a Class I notice and the Clerk shall provide written notice to all adjoining and all other property owners within 500 feet of the proposed land division of the informational hearing and a short description of the nature of the proposed land division and proposed rezoning, if applicable.

(iii) After the informational hearing, the Plan Commission shall complete its review of the Environmental Assessment. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the Subdivider and other affected persons, decide that the Environmental Assessment raises unusually significant questions on the effects on the environment and that review by other Town committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in the assessment. The listing of questions may include items which this Chapter already enables the Plan Commission to obtain, or it may include

additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the Subdivider. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is presented.

(I) Planned Residential Overlay or Conservation-Type Development. If the Subdivider is proposing a Planned Residential Overlay or conservation-type development, the Subdivider shall include an inventory and site analysis of all of the lands owned by the Subdivider and shall identify and describe, at a minimum, all woodlands, stream corridors, wetlands, floodplains, prairies, steep slopes, prime agricultural lands, ridge tops, and critical species habitat, and how such areas are to be preserved and set aside and protected from the impacts of the development.

(3) Affidavit. The surveyor preparing the preliminary Plat shall certify on the face of the Plat that it is a correct representation of all existing land divisions and features and in full compliance with the provisions of this Chapter and state laws.

(4) Referral to Other Agencies

(a) Clerk Submissions to Agencies. The Town Clerk shall, within two days of filing, transmit two copies to any sanitary or utility district, four copies to the County PZ, two copies to the WI Department of Administration [WI DOA], as well as two additional copies to the WI DOA for each of the state agencies required to review the Plat including, but not limited to, two copies for the Wisconsin Department of Transportation [WI DOT] if the Subdivision abuts a state trunk highway or connecting highway, the WI Department of Commerce if the Subdivision is not served by public sanitary sewer or provision for such service has not been made, and the WI Department of Natural Resources (WI DNR) if the lands included within the Subdivision lie within 500 feet of the OHWM of any navigable stream, lake or other body of navigable water or if land in the proposed Subdivision involves lake or stream shore lands referred to in Wis. Stats., Section 236.16. The County PZ, the WI DOA, the WI DOT, the WI DOC and, if applicable, the WI DNR, and any other state agency having jurisdiction over the proposed land division, shall hereafter be treated as objecting agencies under Wis. Stats., Section 236.12. The Subdivider shall transmit to the Town Treasurer all fees required for state agency reviews at the time of application, and the Town Treasurer shall

retransmit the fees to the proper state agency. Finally, if the Plat lies within the extraterritorial Plat approval jurisdiction of another municipality, the Subdivider shall be responsible to provide copies to said municipality and to take all steps necessary to obtain the municipality's approval.

(b) Additional Clerk Submissions. The Town Clerk shall, within two days of filing, transmit two (2) copies to the Fire District, Ambulance or EMS district, Lake District, School district or other jurisdictions that may be impacted by the development.

(c) Objecting Agencies. Within 20 days of the date of receiving the copies of the Plat, any state or county agency having authority to object under Section 10-1-4(B)(4)(a) shall notify the Subdivider and all approving or objecting authorities of any objection based upon failure of the Plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections are satisfied, it shall so certify on the face of a copy of the Plat and return that copy to the approving authority from which it was received. The Plat shall not be approved or deemed approved until any objections are satisfied. If the objecting agency fails to act within the 20-day limit, it shall be deemed to have no objection to the Plat except that the Wisconsin Department of Administration has 30 days to object. Sanitary districts within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the land division.

(d) Alternative Referral Procedure. In lieu of the procedure under 10-1-4(B)(4)(a), the Subdivider may submit the original Plat to the WI DOA which shall forward two copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the Subdivider's expense. Within 20 days of the date of receiving the copies of the Plat, any agency having authority to object shall notify the Subdivider, and all agencies having the authority to object, of any objection based upon failure of the Plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the Plat and return that copy to the WI DOR. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the Plat. If an agency fails to act within 20 days from the date of the receipt of copies of the Plat, and the Department fails to act within 30 days of receipt to the original Plat, it shall be deemed that no objections exist to the Plat and, upon demand, it shall be so certified on the fact of the Plat by the Department.

(5) Public Hearing. Prior to making its final recommendations to the Town Board with respect to the proposed land division, the Plan Commission shall instruct the Town Clerk to schedule a public hearing on the preliminary Plat and, if rezoning is required, the proposed rezoning before the Plan Commission. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the preliminary Plat and/or rezoning by listing it as an agenda item in the Plan Commission's meeting notice published in the official Town newspaper and by separate box notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. Adjoining Property Owners and all other property owners within 500 feet of the proposed land division shall receive written notice of the public hearing, a short description of the Plat, any change in the zoning, and instructions on where to acquire additional details regarding the proposal.

(6) Board Action. The Town Board shall, after receiving the recommendation of the Plan Commission, conduct its own review of the preliminary Plat, and negotiate with the Subdivider on any changes deemed advisable and the kind and extent of public improvements which are necessary. The Town Board shall, within 90 days of the date the Town Clerk acknowledges receipt of the preliminary Plat and all completed application documents including but not limited to those identified in section 9 of this Chapter, approve, approve conditionally or reject the preliminary Plat. The Town Clerk shall provide written notice to the Subdivider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within 90 days of filing, or within the agreed upon extended review period, shall constitute approval of the preliminary Plat, unless an objecting agency files an objection or unless the review period is extended by mutual written agreement between the Subdivider and Town Board. Notwithstanding that public hearings have been conducted by the Plan Commission, the Town Board shall have the right to hold another public hearing as part of its review and approval or disapproval process if deemed necessary and in the best interests of the Town.

(7) Effect of Preliminary Plat Approval. Approval or conditional approval of a preliminary Plat shall not constitute automatic approval of the final Plat, except that if the final Plat is submitted within twenty-four (24) months of preliminary Plat approval, conforms substantially to the preliminary Plat and meets the conditions of preliminary Plat approval, and conforms to all adopted ordinances, the final Plat shall be entitled to approval with respect to such layout. The preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final Plat, which will be

subject to further consideration by the Plan Commission and Town Board at the time of its submission.

(C) Final Plat Review and Approval

(1) Final Plat Submission. The Subdivider shall file 20 copies of the final Plat to allow it to be reviewed, approved, and recorded within twenty-four (24) months of the final approval date of the preliminary Plat. If the final Plat is not recorded within said twenty-four (24) months, the preliminary Plat approval is deemed void.

(2) Clerk Submission to Agencies. The Town Clerk shall, within two days of filing, transmit copies as required for preliminary Plats under Section 10-1-4(B)(4). The Town Clerk shall also refer the final Plat to the Town Engineer, and a copy each to the telephone and power and other utility companies. The endorsement shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within 30 days of the filing of the final Plat. The Town Engineer shall examine the Plat and final plans and specifications of public improvements for technical details and, if found satisfactory, shall so certify in writing to the Plan Commission. If the Plat or the plans and specifications are unsatisfactory, the Town Engineer shall return them to the Subdivider and so advise the Plan Commission.

(3) Objecting Agencies. The objecting agencies shall, within 20 days (30 days for the WI Department of Commerce) of the date of receiving their copies of the final Plat, notify the Subdivider and all other approving and objecting agencies of any objections in the same manner noted for preliminary Plats under Section 10-1-4(B)(4)(a) of this Chapter.

(4) Notice to Municipality. If the final Plat lies within 1,000 feet of any incorporated municipality, the Town Clerk shall give at least 15 days prior written notice to such municipality of the meeting at which the final Plat is scheduled for final action by the Town Board.

(5) Town Board Final Action. The Town Board shall, within 60 days of the date of filing the final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by written agreement with the Subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the Subdivider by the Town Clerk. The Town Board may not inscribe its approval on the final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days (30 days for the

Department of Commerce) or, if filed, have been met. Failure of the Town Board to act within 60 days of filing, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the Plat.

(6) Certification. If the original of the final Plat has been filed with another approving authority, the Subdivider may file a true copy of such Plat in lieu of the original. However, before approval of the Town Board will be inscribed on the original of the final Plat, the surveyor or the Subdivider shall certify the respects in which the original of the final Plat differs from the true copy, and all modifications must first be approved.

(7) Additional Clerk Notification. The Town Clerk shall, within two days of the final Plat approval, notify the Fire District, Ambulance or EMS District, Lake District, School District and Utility or Sanitary District of the final Plat approval.

(8) Execution of Plat. After the Town Board approves the final Plat and required improvements are either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall execute the certificate inscribed upon the Plat attesting to such approval and return the Plat to the Subdivider for recording with the county Register of Deeds.

(D) Replat Procedure.

(1) Dedication. Except when an assessor's Plat is ordered pursuant to Wis. Stats., Section 70.27(1), when it is proposed to Replat a recorded Subdivision, or part thereof, so as to alter areas dedicated to the public the Subdivider or person wishing to Replat shall vacate or alter the recorded Plat as provided in Wis. Stats., Sections 236.40 through 236.45. The Subdivider, or person wishing to Replat, shall then proceed as specified in Sections 10-1-4(A) through 10-1-4(C) of this Chapter.

(2) Public Hearing. The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary Plat of a Replat of lands within the Town is filed, and shall mail notices of the proposed Replat and public hearing to the Owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the Adjoining Property Owners and all other property owners properties within 500 feet of the exterior boundaries of the proposed Replat.

(E) Minor Subdivision - CSM Procedure

(1) When Allowed. When an Owner or Subdivider proposes to divide land into two (2) or no more than four (4) Lots, Outlots, or parcels, any one of which is less than eighty (80) acres, or when an Owner or

Subdivider proposes to divide a Block, Lot or Outlot into not more than four (4) Lots, Outlots, or parcels within a recorded Plat without changing the boundaries of said Block, Lot or Outlot, the Owner or Subdivider may subdivide by use of a CSM, prepared in accordance with Wis. Stats., Section 236.34 and this Chapter. For purposes of this Subsection (1), any remnant parcel regardless of size not included within the CSM shall be deemed a parcel for determining whether the Minor Subdivision procedures apply.

(2) Agricultural CSM Exception. A CSM shall not, however, be required if the land is being divided for sale or other transfer and the existing and new Owners certify in writing to the Town that the land is going to be used solely for agricultural purposes and no residence or other principal structure is going to be constructed on the land. In such circumstance the Town Board, after obtaining the recommendation of the Plan Commission, may waive the CSM requirement. This CSM exception shall only apply to divisions of land in excess of thirty-five (35) acres. If a residence or other principal structure is ever going to be constructed on the land, a CSM shall first be required to be submitted for approval before a building permit shall be issued by the Town.

(3) Submission and Review. The Subdivider is encouraged to first consult with the Plan Commission regarding the requirements for the CSM before submission of the final CSM. The Plan Commission or the Town's consultants may thereafter refuse to meet, review, or discuss any proposed CSM unless the Subdivider enters into a predevelopment agreement pursuant to Section 10-1-5(E)(8). Following consultation, 20 copies of the final CSM in the form of a CSM shall be submitted to the Town Clerk along with all of the other required information and documents required by Section 10-1-4(B) including, unless waived by the Plan Commission, a current report of title. The CSM shall be initially reviewed and recommended for approval or disapproval by the Plan Commission pursuant to the procedures used for preliminary Plats in Section 10-1-4(B), including notice and hearing requirements; provided, however, the Plan Commission may waive, in its sole discretion, the informational hearing. Final review and approval or disapproval of the CSM shall be by the Town Board. Prior to such final review and approval or disapproval, the Town Board may, in its discretion, conduct an additional public hearing pursuant to the procedures used for preliminary Plats in Section 10-1-4(B).

(4) Driveways. A CSM shall not be finally approved unless a driveway access permit may be issued to the Subdivider for each Lot or parcel without an existing private access pursuant to the Town's Town Road Private Access Control Ordinance and a permit or permits may also be issued for each Lot or parcel pursuant to the Town's Private Driveway



Siting, Construction and Maintenance Control Ordinance unless a shared driveway is permitted under the Private Driveway Siting, Construction and Maintenance Control Ordinance. The Subdivider shall submit a copy of the permit or permits necessary for each driveway, or a letter from the Town Engineer that permits are issuable for the Lots or parcels at such time as the CSM is submitted for final approval. Unless a shared private access and driveway are permitted, the driveway serving each Lot or parcel must be constructed in such a manner as to begin at the Lot or parcel's required public road frontage, shall at all times remain within the mapped boundaries of the Lot or parcel, and must otherwise be developable in conformity with this and all other Town Ordinances.

(5) Board Action. As required by Section 236.34(1)(f), Wis. Stats., the Town Board shall approve, approve conditionally, or reject the CSM after following the procedures of Section 10-1-4(B).

## **Sec. 10-1-5 Technical Requirements for Plat and Certified Surveys**

### (A) Preliminary Plats

(1) General. The preliminary Plat shall be based upon a survey by a registered Land Surveyor and the Plat prepared on Mylar, tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(a) Preliminary Plat Name. Title under which the proposed Subdivision is to be recorded, which shall not duplicate the name of any Plat recorded in Columbia County.

(b) Location of Plat. Location of proposed Subdivision by government Lot, recorded private claim, quarter-quarter section, section, township, range, county and state noted immediately under the name of the proposed Subdivision. Additionally, a location map shall be provided showing the the location of the proposed Subbdivision and adjoining areas including roadways and waterways.

(c) Survey Requirements. Date, scale and north point referenced to a magnetic, true or other identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the Subdivision is situated. Preliminary plat scale shall not be greater than one inch equals one hundred feet for a full-size copy. 11x17 copies may be provided at the direction of the Town Engineer where appropriate.

(d) Information. Names, addresses and phone numbers of the Owner, Subdivider and land surveyor preparing the Plat.

(e) Contiguous Land. Entire area contiguous to the Plat owned or controlled by the Owner or Subdivider, even if only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

(2) Plat Data. All preliminary Plats shall show the following:

(a) Benchmarks. Exact location of the proposed Subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the Subdivision is situated and a corner established in U.S. Public Land Survey that establishes one end of this line and a description of the material of which the corner marker is composed. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two permanent benchmarks shall be located in the immediate vicinity of the Plat.

(b) Contour Information. Contours at vertical intervals of not more than two feet. Areas where the slope exceeds 15% should be appropriately shaded. Elevations shall be marked on such contours based on U.S.G.S. datum.

(c) High Water Elevations. OHWM elevation of all lakes, streams, ponds, flowages and Wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the Plat or located within 100 feet therefrom.

(d) Rights-of-Way. Location, right-of-way width and names of all existing streets, alleys or other Public Ways, Easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the Plat or immediately adjacent thereto.

(e) Adjoining Land Information. Location and names of any adjacent Subdivisions, parks, and cemeteries, and Owners of record of abutting unplatted lands.

(f) Elevations. Type, width and elevation of any existing street pavements within the exterior boundaries of the Plat or immediately

adjacent thereto together with any legally established centerline elevations, all to U.S.G.S. datum.

(g) Public Improvement Information. 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 communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the Plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

(h) Boundaries and Features. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(i) Streets. Location, width and names of all proposed streets and Public Ways.

(j) Lots. Approximate dimensions and area in square feet of all Lots together with proposed Lot and Block numbers.

(k) Parks. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

(l) Curve Data. Approximate radii of all curves.

(m) Zoning Information. Existing zoning on and adjacent to the proposed Subdivision.

(n) Boundary Limits. Town and corporate limit lines within the exterior boundaries of the Subdivision or immediately adjacent thereto.

(o) Water Access. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed Subdivision in relation to the access.

(p) Water Improvements. Any proposed lake and stream improvement or relocation, and notice of application for WI DNR approval, where applicable.

(q) Flood/Shoreland Boundaries. Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the Plat or within 100 feet therefrom.

(r) Soil Types. Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service.

(B) Final Plat

(1) General. A final Plat prepared by a registered land surveyor shall be required for all Subdivisions. It shall comply in all respects with the requirements of Wis. Stats., Section 236.20 and this Chapter.

(2) Additional Information. The final Plat shall also show the following information correctly on its face:

(a) Streets Centerline. Exact length and bearing of the center line of all streets.

(b) Street Width. Exact street width along the line of any obliquely intersecting street.

(c) Railroads. Railroad rights-of-way within and abutting the Plat.

(d) Setbacks. Setbacks or Building Lines required by the Town Board.

(e) Reserved Land. All lands reserved for future public acquisition or reserved for the common use of property Owners within the Plat.

(f) Planting Strips. Special restrictions required by the Town Board relating to access control along Public Ways or to the provision of planting strips.

(g) Streetlights. Exact location and description of street lighting and lighting utility Easements.

(h) Drainage Arrows. Drainage arrows at all Lot Lines showing the direction of all drainage upon final grading of the land.

(3) Supporting Documents. The Subdivider shall submit the following documents when filing the final Plat:

(a) Covenants and Restrictions. All Restrictive Covenants and deed restrictions for the proposed Subdivision.

(b) Property Owners Association. The legal instrument(s) creating a property Owners association for the ownership and/or maintenance of common lands in the Subdivision.

(c) Certificates. All certificates required by Wis. Stats., Section 236.21; in addition, the surveyor shall certify full compliance with all of the provisions of this Chapter.

(d) Title Evidence. Endorsement of previously submitted title evidence, certified within seven (7) days, to establish current ownership interests and required signators on the Plat.

(e) Plans. Six (6) copies of final plans and specifications of public improvements required by this Chapter.

(4) Survey Requirements

(a) Examination. The Town Board shall examine all final Plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.

(b) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the Subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four second of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(c) Street, Block and Lot Dimensions. All street, Block and Lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the Plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one minute of arc for any angle

where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

(d) Plat Location. Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stats., Section 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the Subdivision.

(e) Surveying and Monumenting. All final Plats shall meet all the surveying and monumenting requirements of Wis. Stats., Section 236.15.

(C) Certified Survey Map

(1) General. When a Subdivider proposes a Minor Subdivision, the Subdivider shall submit a CSM prepared by a registered land surveyor in accordance with Wis. Stats., Section 236.34 and this Chapter.

(2) Additional Information. The CSM shall also show the following information correctly on its face:

(a) Land Features. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

(b) Setbacks. Setbacks or Building Lines required by the Town Board.

(c) Future Land. All lands reserved for future acquisition.

(d) Date. Date of the CSM.

(e) Scale. Graphic scale.

(f) Directory Information. Name, address, and phone number of the Owner, Subdivider and surveyor.

(g) Zoning. Existing zoning on and adjacent to the proposed land division.

(h) Lot Size. Square footage for each Lot or parcel.

(i) Elevations. Elevation markings of the parcel, in 2' intervals, with areas with gradients greater than 20% shaded, utilizing U.S.G.S. datums.

(j) Easements. Easements of record and supporting documents provided .

(3) Supporting Documents. The Subdivider shall submit the following documents when filing the CSM.

(a) Covenants and Restrictions. All Restrictive Covenants to be recorded for the proposed CSM.

(b) Certificates. The surveyor shall certify on the face of the CSM full compliance with all of the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the CSM. In addition, dedication of streets and other public areas shall require the Owner's certificate and the mortgagees' certificate in substantially the same form as required by Section 236.21(2)(a), Wis. Stats.

(c) Title Evidence. In the discretion of the Town, endorsement to previously submitted title evidence, certified within seven (7) days, to establish current ownership interests and required signatures on the CSM.

(4) Recordation. The Subdivider shall record the CSM with the Columbia County Register of Deeds within six (6) months of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the CSM by the Town Board.

(D) Subdivision Created by Successive Land Divisions. When it is not practicable to require that a final Plat of a Subdivision created by successive divisions be filed in accordance with this Section, the Town Board may in lieu thereof order an assessor's Plat to be made under Wis. Stats., Section 70.27, and may assess the cost thereof as provided in such section, or to the Subdivider. Regardless of the type of Plat filed, any such Subdivision shall comply with all provisions of this Chapter to the extent that they may reasonably apply.

(E) Fees For Review of Plats, Replats and Certified Surveys

(1) General. The Subdivider shall pay the Town all fees required herein and at the times specified. In the event fees are not timely paid, the Town shall not be required to take any further action with respect to the Plat or certified survey map, or the Subdivider shall not be entitled to record same. Moreover, if the Subdivider refuses to pay all fees, the Town shall be empowered, in addition to any and all other remedies, without notice of hearing, to impose the amount due onto the tax rolls of the real estate proposed to be divided or already divided within the Subdivision or Minor Subdivision and collect such bill as a special charge pursuant to Wis. Stats., Section 66.0627.

(2) Engineering Fee. 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 certified survey map, including inspections required by the Town. The Subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Subdivider shall pay the fee within fifteen (15) days of each billing by the Town Clerk.

(3) Administrative Fee. The Subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the Plat or certified survey map. The Subdivider shall pay the fee within fifteen (15) days of each billing by the Town Clerk.

(4) Escrow For Fees. At such time as the Subdivider submits a preliminary Plat or CSM for review by the Plan Commission and Town Board, it shall deposit with the Town Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of all of the Town's fees:

(a) Map. Minor Subdivision (CSM): \$2,500.00.

(b) Subdivisions. Subdivisions - including Condominiums:  
\$3,000.00 for each five Lots or units, up to a maximum of  
\$10,000.00.

In the event the amount deposited with the Town Treasurer falls below 25% of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the Subdivider to replenish the escrow to the original amount required hereunder. In the event Subdivider withdraws his Plat or Minor Subdivision, or same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to Subdivider. The escrow account shall not



draw interest for the benefit of Subdivider. The Town Treasurer, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the Minor Subdivision or Subdivision on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to Subdivider periodically. In the event the Subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the Subdivider's request and all timelines hereunder shall be tolled.

(5) Preliminary Plat/CSM Review Fee

(a) Filing Fee – Preliminary Plat. The Subdivider shall pay a fee of \$500.00 plus \$40.00 for each Lot or authorized dwelling unit within the preliminary Plat or CSM to the Town Treasurer at the time of first application for preliminary Plat or CSM approval to assist in defraying the cost of review.

(b) Reapplication Fee. The Subdivider shall pay a reapplication fee of \$40.00 to the Town Treasurer at the time of reapplication for approval of any preliminary Plat which has previously been filed.

(6) Final Plat Review Fee

(a) Filing Fee – Final Plat. The Subdivider shall pay a fee of \$500.00 plus \$40.00 for each Lot or authorized dwelling unit with the final Plat to the Town Treasurer at the time of first application for final Plat approval of said Plat to assist in defraying the cost of review.

(b) Reapplication Fee – Final Plat. The Subdivider shall pay a reapplication fee of \$40.00 to the Town Treasurer at the time of reapplication for approval of any final Plat which has previously been reviewed.

(7) Condominium Development Review Fee. The developer shall pay a fee of \$500.00 plus \$40.00 for each unit shown on a condominium Plat.

(8) Predevelopment Agreement. At any time following the pre-application consultation with the Plan Commission, the Plan Commission or Town Board may require a Subdivider to enter into a predevelopment agreement in a form approved by the Town Engineer and Town Attorney. The purpose of such agreement shall be, among other things, to obligate the Subdivider to pay all of the Town's administrative costs and fees including, but not limited to, those of the Town Engineer and Town

Attorney, incurred in the pre-submission review and planning stages of the proposed Subdivision or Minor Subdivision. Guarantee of payment may be required in a form acceptable to the Town Board and Town Attorney, consistent with the provisions of Section 10-1-6(B)(2).

## **Sec. 10-1- 6 Required Improvements**

### (A) In General

(1) Improvements Required. The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the Subdivider.

(2) Non-Specified Standards. The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Town Engineer.

### (B) Development Agreement

(1) Contract. Prior to installation of any required improvements and prior to approval of the final Plat or CSM, the Subdivider shall enter into a written contract with the Town requiring the Subdivider to furnish and construct said improvements at the Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the Town Engineer.

### (2) Financial Guarantees

(a) Prohibition on Construction of Improvements. No construction or installation of improvements shall commence in a Subdivision or Minor Subdivision until the preliminary Plat or CSM has been approved by the Town Board, the Town Engineer has given written authorization, a development agreement has been entered into, if necessary, and any and all other conditions for the approval of the preliminary Plat or CSM have been met.

(b) Surety. Prior to commencing construction, the Subdivider shall supply the Town with cash, or an irrevocable letter of credit approved by the Town Board and the Town Attorney in an amount equal to 125% of the Town Engineer's estimate of the cost of such improvements and other fees, including the Town's cost of

inspection. No security or performance bonds will be accepted as financial security. The Town Engineer may, from time to time, adjust the amount of estimated costs of and reasons for said improvements and within thirty (30) days of written notice of said change, the Subdivider shall increase the financial security by that amount or any other amount acceptable to the Town Board. Reduction of the financial security for any purpose shall only be made after the written recommendation of the Town Engineer and approval of the Town Board. As the required improvements are installed and accepted, upon recommendation of the Town Engineer, the Town Board may authorize reductions of the financial security and the amount deemed appropriate. If the required improvements are not completed within the specified period, the financial guarantee shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the Subdivider. The Town Board, at its sole option, may extend the time to complete the required improvements and the financial guarantee for additional periods not to exceed one year for each period.

(c) Form of Surety. In addition to any other requirements that the Town Board or the Town Attorney may require, the letter of credit may not contain language indicating that the letter of credit is subject to the Uniform Customs and Practices for Documentary Credits International Chamber of Commerce Publication No. 500, must provide for reasonable notification to the Town before its expiration, must not require the Town to pay bank charges under any circumstances, and must otherwise conform to the terms and conditions of the developers agreement and this Chapter. In the event that any financial institution fails to pay the letter of credit upon demand subject to its terms and conditions, in whole or in part, the Town shall be empowered, in addition to any and all other remedies, without notice or hearing, to impose the amount due or to become due for completion costs onto the tax rolls of each and every Lot in the Subdivision or Minor Subdivision and collect such as a special charge pursuant to Wis. Stats., Section 66.0627.

(d) Completion of Improvements. The time for completion of the work and the several parts thereof shall be determined by the Town Board upon the recommendation of the Town Engineer after consultation with the Subdivider. The completion date shall form part of the development agreement.

(C) Construction Plans; Inspections

(1) Engineering Reports, Constructions Plans and Specifications. As required by Section 10-1-4(B)(2), preliminary engineering reports and plans shall be submitted with the filing of the preliminary Plat. At the final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the Subdivider's expense by a professional engineer registered in the State of Wisconsin under said engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for approval and for estimation of the total cost of the required improvements; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the final Plat with the Town Clerk, or as soon thereafter as practicable, the Subdivider shall furnish copies of the construction plans and specifications for the following public improvements, with a copy sent to the appropriate sanitary district:

(a) Street Plans. Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(b) Sewer Plans. Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

(c) Storm Sewer Plans. Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections-, elevations and materials of required facilities.

(d) Water Main Plans. Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

(e) Erosion Control Plans. Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Town's Erosion Control Ordinance.

(f) Steep Slope Plans. Plans which show areas with slope gradients steeper than 15%, and indications that buildings are set back 30 feet from such gradients, to minimize erosion.

(g) Planting Plans. Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.

(h) Additional Plans or Information. Additional special plans or information as required by Town officials.

(2) Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the Subdivider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.

(3) Construction and Inspection

(a) Authorization to Commence Work. Prior to starting any of the work covered by the plans approved above, the Subdivider shall obtain written authorization to start the work from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. The Town shall issue no building permits until all improvements required by this Chapter are satisfactorily completed.

(b) Required Completion Date. Construction of all improvements required by this Chapter shall be completed within two years from the date of approval of the preliminary Plat by the Town Board, unless the Subdivider demonstrates good cause for the Town Board to grant an extension.

(c) Inspection of Work. During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The Subdivider shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

(4) "As Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The Subdivider's presentation of the as built plans shall be a condition of

final acceptance of the improvements and release of the financial security assuring their completion. The Town shall retain two copies and forward one copy of such record plans to the appropriate sanitary district.

(D) Street Improvements. The Subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

(1) Street Construction Standards. The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 10-1-7(A) and 10-1-7(B) of this Chapter.

(2) Grading

(a) Final Drawings. With the submission of the final Plat, the Subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the Plat.

(b) Grade Review. Proposed grades will be reviewed by the Town Engineer for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations.

(c) Grading Requirement. After approval of the street grades, the Subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on Corner Lots.

(d) Existing Right-of-Way Grading. In cases where an existing street right-of-way is made a part of the Plat or abuts the Plat, the Subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.

(e) Subgrade Elevation Grading. The Subdivider shall grade the bed for the roadways in the street rights-of-way to subgrade elevation.

(f) Preservation of Grade. The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.

(g) Public Utilities. Where electric and other communications or utilities facilities are to be installed underground, the Subdivider

shall grade the utility Easements to within six inches of the final grade prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such Easement areas.

(3) Street Construction. After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the Subdivider shall construct and dedicate as part of the Subdivision, streets and curbs and gutters. The Subdivider shall surface roadways to the widths prescribed by Sections 10-1-7(A) and 10-1-7(B). Construction shall meet Town standard specifications for street improvements.

(4) Completion of Street Construction

(a) Completion of Improvements before Building Permit. Prior to issuance of any building permits by the Town for lands adjacent to streets, all street construction shall be completed by the Subdivider, approved by the Town Engineer and accepted by the Town Board.

(b) Waiver. The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (such as cement or asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.

(c) Procedure for Waiver. The Subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall detail which improvement requirements are temporarily waived and for what period of time.

(5) Curb and Gutter. After the installation of all utility and storm water drainage improvements, the Subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

(E) Sanitary Sewage

(1) Requirement of Sanitary Sewer. The Subdivider shall provide a sanitary sewage system in conformity with the master plan of sewers as approved by the Town Board and/or sanitary or utility district, if any. The size, type, and installation of all sanitary sewers proposed to be

constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district.

(2) Waiver of Sanitary Sewer. If public sewer facilities are not available (within 1,000 feet), the Subdivider shall assure that adequate sewage disposal systems will be available to each Lot within the Subdivision or Minor Subdivision as specified or allowed in applicable ordinances, statutes, or regulations including, but not limited to, Wis. Adm. Code Comm. Chapters 83 and 85, and the Columbia County Sanitation Ordinance. Private sewage disposal on a centralized basis is encouraged. The Subdivider shall be required to include the following provision in a Declaration of Covenant and Restriction which will run with the Lots, or on the face of the CSM:

If municipal waste water treatment services are ever made available to the Subdivision (or Minor Subdivision), each Lot Owner may be required, pursuant to the then existing state law and ordinances, to abandon his or her septic system, connect to the municipal treatment system and pay any costs and assessments in connection therewith.

(3) Cost of Sanitary Sewer System. The Subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the Subdivision in question as well as providing all sanitary sewer work within the Subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.

(4) Size of Sewer Pipe. The minimum size for public sanitary sewers shall be eight inches in diameter.

(F) Water Supply

(1) Adequate Water Supply. The Subdivider shall make adequate domestic water supplies available, and pay for such improvements, for each Lot within the Subdivision or Minor Subdivision.

(2) Design of System. The Subdivider shall construct water mains in such a manner as to make adequate water service available to each Lot within the Subdivision or Minor Subdivision. The size, type, and installation of all public water mains proposed to be constructed shall comply with plans and specifications approved by the appropriate sanitary district. Water service laterals shall be provided to all Lots.

(3) Size of Water Main. The minimum size for public water mains shall be six inches in diameter.



(4) Waivers of Water Service. In the event public water service is not available, the Subdivider shall make provisions for adequate private water systems as specified or allowed in applicable ordinances, statutes or regulations. One or more centralized private water systems is encouraged.

(G) Storm Water Drainage. The Subdivider shall provide storm water management facilities designed in conformity with the Town's Erosion Control and Storm Water Runoff Ordinance and any other applicable ordinances which may include curb and gutter, catch basins and inlets, storm sewers, infiltration devices, ponds, road ditches and open channels, as are necessary. Storm sewers shall be of adequate size and grade to hydraulically accommodate the ten year frequency storm; culverts shall be designed to accommodate the ten year frequency storm and shall be sized so that the 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized for from 25 to 100 year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall comply with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the Subdivider; however, the cost of oversizing above a 24 inch diameter storm sewer shall be paid by other users connecting to the system by special assessment.

(H) Other Utilities

(1) Installation of Required Utilities. The Subdivider shall cause gas, electric power, telephone and cable facilities to be installed in such a manner as to make adequate service available to each Lot in the Subdivision or Minor Subdivision. All new electrical distribution, television cables and telephone lines from which Lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

(a) Physical Land Limitations. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or

(b) Existing Overhead Lines. The Lots to be served by said facilities can be served directly from existing overhead facilities.

(2) Public Improvement Plans. Plans indicating the proposed location of all gas, electric power, cable and telephone distribution and transmission

lines required to service the Plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

(I) Street Signs. The Subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Town Engineer.

(J) Erosion Control During Construction. To minimize erosion during construction, the Subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems and complies with any Town Soil Erosion Control Ordinance.

(K) Fences Adjacent to Agricultural Lands. When the land included in a Subdivision or Minor Subdivision abuts upon or is adjacent to land used for farming or grazing purposes, the Subdivider shall, unless written agreement is reached with the adjoining landowner in a form satisfactory to the Town, erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the Owner and the Subdivider, their grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property Owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the final Plat or CSM.

(L) Easements

(1) Utilities Easements. The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility Easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established Easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the Easement area.

(2) Drainage Easements. Where a Subdivision is traversed by a watercourse, drainage way, channel or stream:

(a) Existing Watercourse. The Subdivider shall provide a storm water Easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or

(b) Relocated Watercourse. The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water Easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.

(c) Design Features. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the Town Engineer, the Easement will be for a major drainage swale, the Easement shall be of sufficient width to contain a 100 year frequency storm. If the drainage Easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage Easement.

(3) Easement Locations. Such Easements shall be at least twelve feet wide, or wider where recommended by the Town Engineer, and may run across Lots or alongside of rear Lot Lines. Such Easements should preferably be located along rear Lot Lines. Evidence shall be furnished to the Town Board that Easements and any Easement provisions incorporated in the Plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(M) Streetlights. The Subdivider shall install streetlamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lights shall be placed at each street intersection and at such interior Block spacing as the Town Board requires upon the recommendation of the Town Engineer. Streetlights where required shall be "sharp cutoff luminaries" designed to limit light pollution.

(N) Sidewalks. Sidewalks are required for the rights-of-way of Arterial Streets and Collector Streets, as well as in high traffic areas such as the vicinity of schools, commercial areas and other areas of public assemblage. In addition, the Town Board may require sidewalks, upon the recommendation of the Town Engineer, in other locations where necessary for safe and adequate pedestrian circulation.

## **Sec. 10-1- 7 Design Standards**

### **(A) Street Design**

(1) Compliance with Statutes. In laying out a Subdivision, the Subdivider shall conform to the provisions of Wis. Stats., Chap. 236 and all applicable Town regulations. All streets and roads shall comply with Wis. Stats., Section 82.50. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236 or Section 82.50, the more restrictive provision shall apply.

(2) Dedication. The Subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety. The Subdivision or Minor Subdivision shall be designed to provide each Lot with satisfactory access to a public street or road.

(3) Compliance with Land Use Plan and Official Map. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Land Use Plan and Official Map and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new Subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

(4) Areas not Covered by Land Use Plan or Official Map. In areas not covered by a Town Land Use Plan or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(5) Street Classifications. Streets shall be classified as indicated below:

(a) Arterial Streets. Arterial Streets shall provide through traffic for a heavy volume of vehicles.

(b) Collector Streets. Collector Streets shall provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the Arterial Street and Major Thoroughfare system. Collector Streets shall relate property to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

(c) Local Streets. Local streets shall conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is unnecessary or undesirable for the coordination of the layout of the Subdivision or land division or for the advantageous development of the adjacent tracts.

(6) Reserve Strips. Reserve strips are prohibited on any Plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.

(7) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is unnecessary for the coordination of the layout of the Subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length are permitted when necessitated by the topography.

(8) Number of Intersections. The number of intersections of Local Streets with major streets shall be the practical minimum consistent with circulation needs and safety requirements, preferably not more than two.

(9) Frontage Roads. Where a Subdivision abuts or contains an existing or proposed Major Thoroughfare, the Town Board may require a frontage road, nonaccess of the property contiguous to such thoroughfare or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(10) Private Roads. Private roads are prohibited, except as part of a Condominium Development, and the Town Board shall not permit installation of public improvements in any private road.

(11) Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town

Engineer, sufficient vision clearance triangles shall be provided at intersections. Stopping sight distances shall be provided to comply with Chap. 3, "A Policy of Geometric Design of Highways and Streets," latest edition, published by the American Association of State Highway and Transportation Officials (AASHTO).

(12) Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and Collector Streets. On all roads, a tangent at least 100 feet long shall be provided between the curve and any intersection.

(13) Street Grades

(a) Maximum Grades. Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or Public Way shall not exceed the following:

- i. Arterial Streets: 6 percent.
- ii. Collector Streets: 7 percent.
- iii. Local Streets, alleys and Frontage Streets 10 percent.
- iv. Pedestrian ways: 12 percent unless steps of acceptable design are provided.

The grade of any street shall in no case exceed 11 percent or be less than 1/2 of 1 percent.

(b) Grade Establishment. Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and trees, and general leveling of the topography.

(c) Grade Connection. All street grade changes shall be connected by vertical curves of a minimum length equivalent in feet to forty times the algebraic difference in the rate for collector roads and thirty times the difference for local roads. Major roads shall conform to "A Policy of Geometric Design of Highways and Streets," latest edition, of the AASHTO.

(14) Radii of Curvature. When a continuous street centerline deflects at any one point by more than one degree, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- (a) Arterial Streets and Major Thoroughfares: 500 feet.
- (b) Collector Streets: 300 feet.
- (c) Local Streets: 150 feet.

Curves should be provided when centerline deflections exceed one degree in rural areas and in urban areas when deflection exceeds three degrees.

(15) Half Streets. Where an existing dedicated or platted half-street is adjacent to the Subdivision, the Subdivider shall dedicate the other half-street. The platting of half-streets should be avoided where possible.

(16) Intersections

- (a) Street Radius. Property lines at street intersections of Major Thoroughfares shall be rounded with a radius of fifteen feet or greater where the Town Engineer considers it necessary.
- (b) Right Angles. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (c) Intersecting Street. Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

(17) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Town Board.

(18) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length in a Plat and 1000 feet in length in Minor Subdivisions. All Cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum 50-foot outside curb radius, or the equivalent. The use of cul-de-sacs should be avoided where possible.

(19) Major Thoroughfare and Railroad Right-of-way Treatment. Whenever the proposed Subdivision contains or is adjacent to a Major

Thoroughfare or railroad right-of-way, the design shall provide the following treatment:

(a) Subdivision Lots. When Lots within the proposed Subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip of at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal Lot depth. This strip shall be part of the platted Lots but shall have the following restriction lettered on the face of the Plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited."

(b) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the Major Thoroughfare or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(c) Streets Parallel to a Major Thoroughfare. Streets parallel to a Major Thoroughfare or railroad right-of-way, when intersecting a major street or Collector Street which crosses said railroad or highway, shall be a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) Local Streets. Local Streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of Local Streets immediately adjacent to Arterial Streets and highways and to railroad rights-of-way shall be avoided in residential areas.

## (B) Street Dedication and Construction

### (1) General Requirements

(a) Construction Standards. All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Chapter shall apply to all streets and roads proposed for dedication to the Town, regardless of whether



such streets or roads are part of a new Subdivision or Minor Subdivision.

(b) Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the Subdivider. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction

(c) Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Town, the Subdivider shall notify the Town Clerk, who will arrange an on-site meeting attended by the Town Engineer and the Subdivider. Plans must be provided in order for the Town Engineer to check the design and the drainage.

(d) Material Slips. Copies of material slips for all materials furnished for road construction projects shall be delivered to the Town Engineer before the Town approves the final construction.

(e) Required Inspections. Although the Town Engineer may conduct inspections as necessary at any state of construction, the Subdivider shall contact the Town Engineer for required inspections after the following phases of construction by the Subdivider:

- (i) Erosion Control
- (ii) Subbase grading;
- (iii) Culvert Construction, as necessary
- (iv) Crushed aggregate base course;
- (v) Bituminous surface course; and
- (vi) Shouldering.

Any deficiencies found by the Town Engineer shall be corrected before proceeding to the next phase of construction.

(f) Tests of Materials. The Town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine whether the material meets gradation and soundness requirements.

(g) Pavement Samples. The Town may take samples of hot mix asphalt pavement during pavement construction operations for purposes of determining that the material meets specifications.

(h) Testing and sampling. All samples taken and testing conducted by the Town under this section, will be at the expense of the Subdivider

(i) Highway Commission Approval. The finished roadway shall require the approval of the Columbia County Highway Commission, since the Town will include this road work in its annual request for highway aid.

(2) Construction Standards. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following construction standards:

(a) Right-of-Way Width

(i) Arterial Streets: Minimum of 80 feet.

(ii) All other streets and roads: Minimum of 66 feet.

(iii) Cul-de-sacs and bulb radius: Minimum of 60 feet radius.

(iv) Pedestrian ways: Minimum of 10 feet.

(b) Roadway Alignment Details. As specified in this Chapter or in Chapter 12 of the Columbia County Code of Ordinances, whichever more restrictive.

(c) Roadway Ditches. Minimum ditch slope of 1.0%.

(d) Roadway Base Thickness

(i) Residential and rural roads and streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course meeting the specification of Base Aggregate Dense 1 ¼-Inch.

(ii) On commercial, arterial or other heavy-use roads, as determined by the Town Board, a base course of ten inches compacted shall be constructed upon an inspected and approved subgrade, with the bottom six inches of base meeting the specification of Base Aggregate Dense 3-Inch

and the top four inches of Base meeting the specification of Base Aggregate Dense 1 ¼ -Inch.

(iii) In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.

(iv) In any case, the Town Board shall have the sole discretion to determine the use and construction classification to follow.

(v) In all cases, the base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under traffic shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.

(e) Roadway Sub-Base. Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer.

(f) Pavement Width. Minimum of 36 feet gutter edge to gutter edge for local residential streets, 40 feet gutter edge to gutter edge for Collector Streets or streets serving commercial or industrial areas, 22 feet for rural roads, and wider when required by the "Town Road Standards" as noted in Wis. Stats., Section 82.50, or by the Town Subdivision Ordinance, the more restrictive of which shall apply.

(g) Pavement Thickness. Residential and rural roads shall have a minimum of three inches thick compacted hot mix asphalt pavement placed in two layers - a binder course of 1-1/2 inches thick and a surface course of 1-1/2 inches. Commercial, arterial or other heavy-use roads shall have a minimum of 3-1/2 inches of bituminous pavement, placed in two layers - a binder course of two inches thick and a surface course of 1-1/2 inches. The hot mix asphalt pavement shall meet the specification of HMA Pavement Type E-0.3. In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole

discretion in determining the use and construction classification utilized.

(h) Shoulder Width. Minimum of two feet wide on each side and wider when required by the "Town Road Standards" as noted in Wis. Stats., Section 82.50.

(i) Shoulder Thickness. Minimum of 3 inches of compacted in-place crushed aggregate base course - Base Aggregate Dense  $\frac{3}{4}$ -Inch over a minimum of eight inches of compacted in-place crushed aggregate base course.

(j) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Town Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be reinforced concrete pipe and provided with concrete end walls.

(k) Driveway Culverts. The Subdivider must obtain a driveway access permit from the Town pursuant to the Town Road Private Access Control Ordinance and all driveway culverts must be sized and installed in accordance therewith.

(l) Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5% slope shall be protected by erosion control materials such as hay bales, sod, or erosion control mats.

(m) Drainage Improvements. In the case of all new roads and streets, the Town Board may require the Subdivider to construct storm water detention areas and storm sewers to provide for proper drainage.

(C) Block and Lot Design Standards

(1) Block Design. The lengths, widths and shapes of Blocks shall be appropriate for the topography and the type of development contemplated, but Block length in residential areas shall not exceed 1,200 feet nor have insufficient width to provide for two tiers of Lots of appropriate depth between street lines. As a general rule, Blocks shall be no less than 500 feet in length. A Block may have a single tier of Lots where it adjoins a railroad, Major Thoroughfare, river or park.

(2) Pedestrian Pathways. Pedestrian pathways, not less than ten feet wide, may be required by the Town Board through the center of a Block more than 900 feet long, where deemed essential to provide circulation or access.

(3) Lot Design

(a) Lot Configuration. Size, shape and orientation of Lots shall be appropriate for the location of topography of the Subdivision, the type of sewage or septic system to be utilized, and for the type of development contemplated. Each Lot shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(b) Lot Size. Lots shall be a minimum of 21,700 square feet in area per dwelling unit. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. In the event that a Planned Residential Overlay Development is proposed, the total number of dwelling units shall not exceed the number of units that could be reasonably accommodated taking into account streets, parks, easements and other limiting features within the Plat if an Overlay Development were not being proposed.

(c) Lot Frontage. Every Lot shall front or abut for a distance of at least sixty-six (66) feet on a public street, or at least thirty(30) feet on a Cul-de-sac. Where a shared access and shared driveway has been otherwise permitted, the requirement that the narrow strip of land (flag) connecting the main area of the Lot with the public road be suitable for access and driveway purposes in accordance with the Town's Town Road Private Access Control Ordinance and Private Driveway Siting, Construction and Maintenance Control Ordinances and that said flag actually be used for access and driveway purposes shall be waived for all Lots except the one Lot actually providing access on a shared basis for all other Lots.

(d) Lot Width. Width of Lots shall conform to the requirements of the Columbia County Zoning Code, but in no case shall a Lot be less than ninety (90) feet in width at the building setback line Each Lot shall be located only within one (1) zoning district.

(e) Commercial, Industrial and Highway Interchange Uses. Depth and width of properties reserved or laid out for commercial or industrial uses shall be adequate to provide for the off-street service and parking facilities required by the contemplated use and

development of the property as determined in the discretion of the Town and as otherwise required by Columbia County Ordinances.

(f) Lots on Major Arteries. Residential Lots fronting on major streets and highways shall be platted with extra depth or design to alleviate the effect of major street traffic on residential occupancy.

(g) Corner Lots. Corner Lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Columbia County Zoning Code.

(h) Side Lots. Side Lot Lines shall be substantially at right angles to or adial to abutting street lines. Lot Lines shall follow Town boundary lines.

(i) Lots with Slope Gradient 15% or Higher. Lots with slope gradients of 15% or higher will require any building to be setback a minimum of 30 feet from the start of the 15% gradient to reduce erosion issues.

(j) Preservation. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(k) Remnants Plan. All remnants of Lots below minimum size left over after subdividing of a larger tract must be added to adjacent Lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

#### (D) Storm Water Management System

(1) Drainage System Required. The Town Board shall not approve a final Plat until the Subdivider has submitted plans, profiles and specifications for storm water management prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.

#### (2) Drainage System Plans

(a) Preliminary Plat/Report. The Subdivider shall submit to the Town, at the time of filing a preliminary Plat, a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the Subdivision to handle the additional runoff which would be generated by the

development of the land within the Subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without damage to the developed or undeveloped land downstream or below the proposed Subdivision. The report shall also include:

(i) Estimates of the quantity of storm water entering the Subdivision naturally from areas outside the Subdivision.

(ii) Quantities of flow at each inlet or culvert.

(iii) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(b) Grading Plan. A grading plan for the streets, Blocks and Lots shall be submitted by the Subdivider for the area within the Subdivision.

(c) Design Criteria. The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.

(d) Material Specifications. Material and construction specifications for all drainage projects such as pipe, culverts, seed or sod shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.

(3) Grading. The Subdivider shall grade each Subdivision in order to establish street, Block and Lot grades in proper relation to each other and to topography as follows:

(a) Right-of-Way. The Subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(b) Blocks. Block grading shall be completed by one or more of the following methods:

(i) A ridge may be constructed along the rear Lot Lines which provides for drainage onto the streets.

(ii) Parts of all Lots may be graded to provide for drainage to the street or to a ditch along the rear Lot line if a drainage Easement is provided.

(iii) Draining across rear or side Lot Lines may be permitted provided that drainage onto adjoining properties is skillfully controlled and a drainage Easement is provided.

(4) Drainage System Requirements. The Subdivider shall install all the storm drainage facilities indicated on the plans required in Section 10-1-6(D)(2)(a) hereof.

(a) Street Drainage. All streets shall be provided with an adequate storm drainage system. All drainage crossing streets shall be conveyed in an underground storm sewer system. On urban streets, maximum inlet spacing shall be 600 feet. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed Subdivision.

(b) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the Subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the Subdivider shall make provisions for dedicating an Easement of the Town to provide for the future maintenance of said system. Easements shall be at least 20 feet wide, but the Town may require larger Easements if more area is needed due to factors such as topography, or size of watercourse.

(5) Protection of Drainage Systems. The Subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. Generally, ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be sodded and those with grades over four percent shall be paved.

(E) Sanitary Sewer and Water System. The Subdivider shall comply with the design standards specified for the development's sanitary sewer and water system by the State Department of Natural Resources.

(F) Standards for Non-Residential Subdivisions and Minor Subdivisions

(1) General

(a) Zoning Considerations. If a proposed Subdivision or Minor Subdivision includes land that is zoned for commercial, industrial, or highway interchange purposes, the layout with respect to such land shall make such provisions as the Town may require.



(b) Additional Requirements. A non-residential Subdivision shall also be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed standards established by any Town Land Use Plan or Official Map, or the Columbia County Zoning Code.

(2) Principles and Standards. In addition to the principles and standards in this Chapter, the Subdivider shall demonstrate to the satisfaction of the Town Board that the street, parcel and Block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The Subdivider shall observe the following principles and standards:

(a) Adequate Streets. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.

(b) Special Street Provisions Allowed. Special requirements maybe imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.

(c) Special Public Utility Provisions Allowed. Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sanitary sewer and storm water drainage.

(d) Protection of Adjoining Lands. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial Subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

(e) Limitations on Street Extensions. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(3) Additional Standards for Industrial, Highway Interchange Uses.

(a) General. Proposed parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(b) Screening. In situations where industrial use areas are in close proximity to existing residential uses, or to lessen the visual impact from any public right-of-way screening in the form of hedges,

evergreens, berms, decorative fences, the retention of existing landscaping and vegetation or a combination of these elements shall be provided.

(c) Facades. Long monotonous industrial building facades shall be avoided by varying building lines every fifty (50) feet and placing vegetation in strategic locations along foundations.

(d) Parking Lots. Parking lots for industrial uses shall be screened from view of public right-of-ways and non-industrial uses. Employee parking areas and truck parking areas shall not be located between the building and the public right-of-way. Customer parking lots may be located in the front of the building; however, such lots shall be screened from public rights-of-way and non-industrial uses.

(e) Streets. Streets shall not be used for parking trucks associated with the operation of industrial facilities. Truck loading and staging activities shall not be allowed on public streets. Industrial parcels shall be designed so that vehicles serving the site are able to move from one area of the site to another without re-entering a public street.

(f) Loading Areas. Loading areas for industrial uses shall be located at the rear of buildings and shall be screened from the view of public rights-of-way and adjacent non-industrial uses.

(g) Storage. Outdoor storage areas shall be screened from public view using berms, hedges, decorative walls or fences. The height of such screening shall be determined by the Town based on the height of the material being screened.

(h) Mechanical Equipment. All mechanical equipment (air conditioners, ventilation equipment, etc.) shall be screened from public view. This includes roof top and ground equipment.

(i) Prohibited Uses. The following design elements are prohibited in industrial settings:

- (i) Unlandscaped chain link fences and barb wires.
- (ii) Non-architectural facade materials such as untreated exterior cement block walls and metal siding with exposed fasteners.
- (iii) Pole barn type buildings.

#### 4. Additional Standards for Commercial Uses.

(a) General. Proposed Commercial parcels shall be suitable in area and dimensions to the type of commercial development anticipated.

(b) Landscaping. Landscaping around building foundations shall be installed focusing on ornamental trees, flowering shrubs and perennials. Landscaping materials shall be of adequate size to ensure both a high degree of servivability and immediate visual effectiveness.

(c) Screened Areas. Service areas, loading docks, parking lots, mechanical equipment areas, outdoor storage areas and trash receptacle storage areas shall be screened and oriented away from residential uses and public right-of-ways. Screening shall be promoted through the use of landscaping, walls and architectural features.

(d) Parking Lots. Parking lots shall be landscaped with perimeter landscaping and/or landscaped islands along with screening such as hedges, berms, trees and decorative walls to offer views from public roads, improve appearance and help with storm water management. Parking lots shall be to the side and rear of the buildings whenever possible rather than all parking being located in front of the buildings.

#### 5. Standards for Exterior Lighting in Commercial, Industrial and Highway Interchange Uses.

(a) Exterior light fixtures shall be located at least three (3) feet from all lots lines and within landscaped islands or outside of parking edges where ever possible to minimize the need for tall, concrete basis. For all lighting over 150 watts, 90 degree downcast cutoff fixtures without drop lenses shall be used.

(b) Lights shall not be installed higher than thirty-five (35) feet, measured from the grade to the fixture.

(c) The average illumination level in any parking lot shall not exceed five (5) footcandles and lighting below gas canopies shall not exceed thirty (30) footcandles.

(d) Lighting levels at lot lines shall be a maximum of .5 footcandles.

(e) Building mounted lighting may be used to highlight architectural features on main building entrances. However, general floodlighting or neon outlining a building facade is prohibited.

6. Dimension Standards. All commercial, industrial and highway uses shall comply with the following:

(a) Minimum landscaped surface: Twenty-five percent (25%) of lot area.

(b) Maximum building height: Eighty (80) feet.

(c) Minimum parking space area: Two-hundred sixteen (216) square feet per stall.

(d) Minimum driveway width: Ten (10) feet for one-way traffic, twenty (20) for two-way traffic.

## **Sec. 10-1-8 Dedication Requirements**

### (A) General Public Land Dedication Requirements

(1) Dedication Requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the Subdivision development, each Subdivider shall dedicate land for park or other public uses.

(2) General Design. In the design of a Subdivision, Minor Subdivision, planned unit development or condominium project, the developer shall make provision for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites shall be shown on the preliminary Plat and final Plat, and shall comply with the Town Land Use Plan or component of said Plan, if any exists for the site. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and Wetlands, and plant and animal communities.

### (B) Land Dedication

(1) Dedication Calculation. All Subdividers shall be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of .05 acres per dwelling unit. "Dwelling unit" shall include a unit of a Condominium Development. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designed in any Land Use Plan or Land Use Plan component of the Town is embraced, all or in part, in the tract of land to be subdivided, this land shall be included in the required land dedication. The Town Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, Wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(2) Shoreland

(a) Lake and Stream Shore Plats. All Subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to Improve land provided for public access.

(b) Lots Adjacent to Lake or Stream Shore. The lands lying between the meander line, established in accordance with Wis. Stats., Section 236.20(2)(g), and the water's edge, as determined by the OHWM and any otherwise unplattable lands which lie between a proposed Subdivision and the OHWM shall be included as part of Lots, Outlots or public dedications in any Plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the Subdivider or in which the Subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(3) Unknown Number of Dwelling Units. Where the Plat, certified survey or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Columbia County Zoning Ordinance and this Chapter.

(4) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(5) Utility Extensions. The Subdivider shall install or provide for installation of water and sanitary lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(C) Reservation of Additional Land. When public parks and sites for other public areas as shown on any Land Use Plan or Land Use Plan component lie within the proposed area for development and are greater in area than required by Section 10-1-8(B)(1), the Owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after final Plat approval unless extended by mutual agreement.

(D) Dedicated Parkland Development

(1) Subdivider Requirements. When parklands are dedicated, the Subdivider is required to:

(a) Grading. Properly grade and contour for proper drainage;

(b) Contouring. Provide surface contour suitable for anticipated use of area; and

(c) Groundcover. Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Plan Commission, fertilized with 16-6-6 at a rate of seven pounds per one thousand square feet; and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

(2) Certification of Compliance. The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the Subdivider.

(3) Timing of Park Development. Development of parklands shall be completed as soon as 10 percent of the planned Lots in the Subdivision are sold, as determined by the Town Board.

(4) Default Remedies. If the Subdivider fails to satisfy the requirements of this Section, the Town Board may contract for said completion and bill such costs to the Subdivider, following a public hearing and written notice

to the Subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

**Sec. 10-1- 9 Environmental Assessment**

(A) Format. The Environmental Assessment required by Section 10-1-4(B)(2)(k) shall generally follow the format herein:

**ENVIRONMENTAL ASSESSMENT**

This assessment shall be prepared for review, if possible, at the pre-application conference. The information sought will assist the Plan Commission and Town Board in determining the suitability of the land for development as required by Section 10-1-3(E) and to assess the potential threat to existing flora under Section 10-1-3(F) of the Subdivision Chapter. All "yes" answers must be explained in detail by attaching maps and supporting documents describing the impact of the proposed development.

	<u>Yes</u>	<u>No</u>
(1) <u>Land Resources</u>		
Does the project site involve:		
(A) Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two foot contour intervals).		_____
(B) A landform or topographic feature of local or regional interest		_____
(C) A flood plain (if yes, attach two copies of a typical stream valley cross-section showing the channel of the stream, the 100 year floodplains limits (if officially adopted), of each side of the channel and a cross-section of area to be developed).		_____
(D) An area of soil instability -greater than 18% slope and/or organic soils, peats, or mucks at or near the surface		_____
(E) An area of bedrock within 6 feet of the soil surface		_____
(F) An area with the groundwater table within 10 feet of the soil surface		_____

(G) An area with fractured bedrock within 10 feet of the soil surface \_\_\_\_\_

(H) A drainageway for 10 or more acres of land \_\_\_\_\_

(I) Slope gradients in excess of 15%? \_\_\_\_\_

(2) Water Resources

Does the proposed project have:

(A) Location within an area traversed by a navigable stream or dry run \_\_\_\_\_

(B) Greater than 5% change in the capacity of a storm water storage facility or flow of a waterway within one mile \_\_\_\_\_

(C) The use of septic tank-soil absorption fields for on-site waste disposal \_\_\_\_\_

(D) Lowering of water table by pumping or drainage \_\_\_\_\_

(E) Raising of water table by altered drainage patterns \_\_\_\_\_

(F) Lake frontage \_\_\_\_\_

(G) Wetlands and/or ponds \_\_\_\_\_

(3) Biological Resources

Does the project site involve:

(A) Critical habitat for plants and animals of community interest \_\_\_\_\_

(Bb) Endangered, unusual or rare species of  
1) Land animals \_\_\_\_\_  
2) Birds \_\_\_\_\_  
3) Plants \_\_\_\_\_

(C) Existing trees and shrubs of greater than 3" DBH. \_\_\_\_\_

(D) Removal or potential damage to over 10% of the present trees, shrubs, vines, grasses and other non-noxious plants. \_\_\_\_\_



(4) Human and Scientific Interest

Does the project site involve:

(A) An area of archaeological interest \_\_\_\_\_

(B) An area of geological interest \_\_\_\_\_

(C) An area of hydrological interest \_\_\_\_\_

(D) An area of historical interest \_\_\_\_\_

(1) Historic building or monuments \_\_\_\_\_

(2) Building or monuments of unique architecture \_\_\_\_\_

(E) An area of identified community recreational use \_\_\_\_\_

(F) An area of scenic beauty, such as a bluff \_\_\_\_\_

(5) Energy, Transportation and Communications

(A) Does the development increase the traffic flow in any existing intersection outside of the preliminary Plat by more than 10% \_\_\_\_\_

(B) Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer, interceptor, communications, storm sewer) \_\_\_\_\_

(6) Population

(A) Does the development increase by more than 1% the school population of any school serving the development? \_\_\_\_\_

(7) Comments on any of the above which may have a significant environmental impact.

(8) Appendices and Supporting Material, including in all cases the Columbia County Soil Survey Map for the project site as prepared by the United States Department of Agriculture, Natural Resources Conservation Service.

(B) Environmental Criteria. The following criteria shall serve as guidelines to assist the Plan Commission and Town Board in determining suitability of the land for development:

- (1) Soil Suitability. Recommendations as to soil suitability contained in the Natural Resources Conservation Service Soil Survey of Columbia County shall govern.
- (2) Land Slope. Land with slopes between 12% and 15% will require special design for limiting storm water runoff and erosion and for sewage systems.
- (3) Slope Restrictions. Development is prohibited on land with slopes equal to or greater than 15 percent. There should be a setback of 30 feet for any buildings from an area with slope gradients equal or greater than 15%.
- (4) Erosion Potential. Soils with severe erosion hazard potential as determined by the USDA Natural Resources Conservation Service will require special design to limit storm water runoff and erosion.
- (5) Groundwater Restrictions. No structure shall be constructed with a basement floor below the normal groundwater elevation. Groundwater level shall be determined by a minimum of three soil borings.
- (6) Endangered Species Restrictions. Lands known to be habitat for endangered species, as determined by the Department of Natural Resources Bureau of Endangered Resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species and/or habitat.
- (7) Historical Areas Restrictions. Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
- (8) Geological Area Restrictions. Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (9) Sewage System Restrictions. Suitability of land for private sewage systems shall be determined in accordance with Chap. ILHR 83 Wisconsin Administrative Code.
- (10) Public Utility Limitations. Public utilities shall not be extended through or around vacant land to serve new development.
- (11) Water Resource Limitations. Development of Shoreland or Wetlands shall be governed by Chapter 16 of the Columbia County Code.

## Sec. 10-1-10 Condominium Developments

### (A) Purpose

(1) Applicability of Ordinance. The Town Board hereby finds that certain issues arise in Condominium Developments that require limited applicability of this Chapter to Condominium Developments. The State Legislature has recognized that Subdivision ordinances may apply to condominiums, but that Subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

(2) Factors Requiring Ordinance Application. The factor that makes this Chapter applicable to a Condominium Development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a Condominium Development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.

(3) Findings to Support Ordinance Application. Thus, the Town Board hereby finds that new Condominium Developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into Lots. These impacts include:

- (a) Population. Additional population density;
- (b) Land Suitability. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
- (c) Demands on Public Resources. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
- (d) Traffic. Additional traffic and street use.

(B) Portions of Ordinance Applicable to Condominium Developments. The following sections of this Chapter shall apply to Condominium Developments:

- (1) Land Suitability. Sections 10-1-3(E) and 10-1-3(F), relating to land suitability and construction practices;
- (2) Procedures of Approval. Section 10-1-4(B), relating to preliminary Plat approval. This stage of approval shall be the only approval required

for a Condominium Development. The technical requirements for preliminary Plats set forth in Section 10-1-5(A) of this Chapter shall not apply, since condominiums have separate technical standards set forth in Wis. Stats., Chap. 703.

(3) Fees. Section 10-1-5(E)(1), (2), (3), and (6), relating to fees for review;

(4) Required Improvements. Section 10-1-6, relating to required improvements;

(5) Design Standards. Section 10-1-7, relating to design standards for improvements;

(6) Dedication Requirements. Section 10-1-8, relating to dedication requirements.

(C) Exceptions. This Chapter shall not apply to the following condominiums:

(1) Prior Condominium. Any condominium Plat recorded prior to the effective date of this Chapter;

(2) Conversion Condominium. Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

### **Sec. 10-1-11 Variances**

(A) Variance Application and Standards. Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exception or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the Subdivider at the time when the preliminary Plat or CSM is filed for consideration, stating fully all facts relied upon by the Subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed project.

(B) Findings Necessary to Support Variance. The Plan Commission shall not recommend nor shall the Town Board grant a variance to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) Public Health and Safety. The granting of the variance will not be detrimental to the public safety, health or welfare of injurious to other

property or improvements in the neighborhood in which the property is located;

(2) Uniqueness. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(3) Particular Property Features. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the Owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(C) Approval and Notice of Variance. The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify the Subdivider.

(D) Voting Requirements. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Town in accordance with any Town Land Use Plan or component thereof, this Chapter, or the Zoning Code of Columbia County. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.

(E) Placement of Monuments/Surety. The Town Board may waive the placing of monuments, required under Wis. Stats., Section 236.15(b), (c) or (d), for a reasonable time on condition that the Subdivider provide appropriate surety to insure the placing of such monuments within the time required.

## **Sec. 10-1-12 Enforcement, Penalties and Remedies**

(A) Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any Subdivision, Minor Subdivision, Replat or Condominium Development within the jurisdiction of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

### **(B) Penalties**

(1) Fine. Except as otherwise specified, any person violating any provision of this Chapter shall be subject to a penalty as provided in Sec. 9-3-4 of this Code. Each day of violation shall constitute a separate offense.

(2) Improper Recordation. Improper recordation has penalties provided in Wis. Stats., Section 236.30.

(3) Conveying Unrecorded Lots. Conveyance of Lots in unrecorded Plats has penalties provided in Wis. Stats., Section 235.31.

(4) Disturbance of Monuments. Monuments disturbed or not placed has penalties provided in Wis. Stats., Section 236.32.

(C) Appeals. Any person aggrieved by an objection to a Plat or a failure to approve a Plat may appeal therefrom, as provided in Wis. Stats, Sections 236.13(5) and 62.23(7)(e)(10), (14) and (15), within 30 days of notification of the rejection of the Plat.

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