

CHAPTER 18

SUBDIVISION AND PLATTING

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18.01 INTRODUCTION AND PURPOSE. (1) **INTRODUCTION.** This chapter is adopted in accordance with the authority granted by §236.45 Wis. Stats., and for the purposes listed in §§236.01 and 236.45, Wis. Stats.

(a) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town.

(b) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

(2) **PURPOSE.** The purpose of this chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate 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 and industry and providing for the most appropriate use of land in the Town.

18.02 DEFINITIONS. The following definitions shall be applicable in this chapter.

(1) **ALLEY.** A public right-of-way which normally affords secondary means of vehicular access to abutting property.

(2) **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.

(3) **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 or water bodies.

(4) **COLLECTOR STREET.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

(5) **COMMISSION.** The Plan Commission created by the Town Board pursuant to §62.23, Wis. Stats.

(6) **COMPREHENSIVE DEVELOPMENT PLAN.** A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

(7) **CUL-DE-SAC.** A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

(8) **DIVISION OF LAND.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.

(9) **EASEMENT.** The area of land set aside or over or through which a liberty, 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) **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** The unincorporated area within 1-1/2 miles of a fourth-class city or a village and within 3 miles of all other cities, where a city or village has adopted a comprehensive zoning plan, this Code and all County ordinances.

(11) **FINAL PLAT.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all State laws.

(12) **FRONTAGE STREET.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

(13) **IMPROVEMENT, PUBLIC.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

(14) **LOCAL STREET.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

(15) **LOT.** A parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right of way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this chapter. See also **PARCEL**.

(16) **LOT, CORNER.** A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135°.

(17) **LOT DEPTH.** The mean horizontal distance between the front and rear lot lines.

(18) **LOT, DOUBLE FRONTAGE.** A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this chapter, shall be deemed to have 2 front yards and no rear yard.

(19) **LOT, INTERIOR.** A lot other than a corner lot.

(20) **LOT LINES.** The lines bounding a lot as defined herein.

(21) **LOT, THROUGH.** An interior lot having frontage on 2 nonintersecting streets.

(22) **LOT WIDTH.** The width of a parcel of land measured at the setback line.

(23) **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.

(24) **MINOR STREET.** A street used, or intended to be used, primarily for access to abutting properties.

(25) **MINOR SUBDIVISION.** The division of land by the owner or subdivider resulting in the creation of not more than 4 parcels or building sites.

(26) **OWNER.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

(27) **PARCEL.** A land ownership upon which one or more rural structures, including farm residences, are placed, together with the required open spaces. The term "parcel" is used in the A-1, A-2, A-3 and C-2 District regulations and, unlike the term, "lot", as defined elsewhere in this section, a parcel may contain lands reserved for roadway purposes in the computation of the required parcel size.

(28) **PEDESTRIAN PATHWAY.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

(29) **PRELIMINARY PLAT.** The preliminary plat map, drawing or chart indicating the proposed lay out of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.

(30) **PROTECTIVE COVENANTS.** Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

(31) **REPLAT.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

(32) **SHORELANDS.** Those lands within 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

(33) **SUBDIVIDER.** Any person dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

(34) **SUBDIVISION.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 5 acres or less in area, or where the act of division creates 5 or more parcels or building sites of 5 acres each or less by successive division within a period of 5 years, whether done by the original owner or a successor owner. See also County Ordinance.

(35) **WETLANDS.** Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.

(36) **WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by §35.93 and Ch. 227 Wis. Stats., including subsequent amendments to those rules.

18.03 GENERAL PROVISIONS. (1) **COMPLIANCE** No person shall divide any land located within the Town which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- (a) The provisions of Ch. 236 and §80.08, Wis. Stats.
- (b) The rules of the Department of Commerce contained in Wis. Adm. Code COMM 83 not served by public sewer. See also sec. 11.02 of this Code.
- (c) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code HY 33, which about a State trunk highway or connecting street.
- (d) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
- (e) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Plan Commission.
- (f) All applicable local and County regulations, including zoning, sanitary, building and official mapping ordinances.

(2) **JURISDICTION.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Town. The provisions of this chapter, as they apply to divisions of tracts of land into less than 5 parcels, shall not apply to:

- (a) Transfers of interests in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages or easements.
- (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

(3) **CERTIFIED SURVEY.** Any division of land other than a subdivision as defined in §236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in §236.34, Wis. Stats.

(4) **PERMITS.** No building permit shall be issued by the Town authorizing the building on or improvement of any parcel of land not on record as of the effective date of this chapter until the provisions and requirements of this chapter have been met.

18.04 LAND DIVISION PROCEDURE. (1) **PREAPPLICATION.** Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the subdivider consult with the Plan Commission in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer availability, other engineering considerations, duly adopted Town plans, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures.

(2) **PRELIMINARY PLAT REVIEW.** (a) *Submission of Plats.* Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall comply with the procedures of §§236.11 and 236.12, Wis. Stats., and shall file 10 copies of the plat and the application with the Town Clerk. The subdivider shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., the Town Board members and the Plan Commission.

(b) *Review of Plats.* The Plan Commission shall transmit a copy of the preliminary plat to all affected boards, commissions or departments and the subdivider shall submit directly to the State as provided in §236.12(6), Wis. Stats., to all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Board within 20 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plan and plan components which affect it, and the Plan Commission shall submit its recommendations to the Town Board within 60 days.

(3) **PRELIMINARY PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:

(a) The Town Board shall, within 90 days of the date of the filing of a preliminary plat with the Town Clerk, approve, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Town Board minutes setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Clerk's permanent file.

(b) Failure of the Town Board to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual agreement.

(c) 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 24 months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in §236.11(1) (b), Wis. Stats., the final plat shall be entitled to approval.

(4) **FINAL PLAT REVIEW.** The subdivider shall submit a final plat and a letter of application in accordance with this chapter and §§236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and the application with the Town Clerk. In addition:

(a) The subdivider shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and shall transmit the original final plat and 10 copies to the Plan Commission. A copy shall also be submitted to each public utility affected.

(b) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, general plan and general plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the Town Board.

(c) The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(5) **FINAL PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission which shall forward the copy to the Town Board. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(a) *Submission.* If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, the Town Board may reject the final plat, in writing, with reasons given.

(b) *Plan Commission Recommendation.* The Plan Commission shall, within 30 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Town Board.

(c) *Notification.* The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Town Board and at least 10 days prior to any action of the Board, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.

(d) *Town Board Approval or Rejection.* The Town Board shall, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. The Board may not approve the final plat unless the 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 or, if filed, have been met.

(e) *Timely Town Board Action Required.* Failure of the Town Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(f) *Consent and Waiver.* Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Town, a consent and waiver of the statutory provisions for special assessment for the installation of required improvements and all other utilities which shall be in a form approved by the Town Attorney pursuant to §66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Town Board.

(g) *Recordation.* After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and shall further cause the plat to be recorded within 30 days of its approval by the Town Board. The subdivider shall be responsible for the recording fee.

(h) *Plat Copies.* The subdivider shall file 15 certified copies of the final plat with the Clerk for distribution to appropriate local agencies and offices.

18.05 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS.

(1) **GENERAL.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on 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) Title under which the proposed subdivision is to be recorded.
- (b) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
- (c) Dates, scale and north point.
- (d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission or Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undo hardship would result from strict application thereof.

(2) **PLAT DATA.** All preliminary plats shall show the following:

- (a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (b) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (c) 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.

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- (d) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (e) 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.
- (f) Location, size and invert elevation of any existing storm sewers, culverts and drain pipes, the location of electric and communication facilities, whether overhead or underground and the location and size of any existing gas mains within the exterior boundaries of the plat or immediately adjacent thereto.
- (g) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (h) Existing zoning on and adjacent to the proposed subdivision.
- (i) Existing contours at vertical intervals of not more than 2 feet and where the developer plans mass grading, proposed final grading contours plainly marked and identified to distinguish them from existing contours. All pertinent elevations should be drawn and shown and shall be based on Town datum.
- (j) High water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (k) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
- (l) Floodland and shoreland boundaries and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 2 feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (m) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service or soil maps prepared for the Town by the Southeastern Wisconsin Regional Planning Commission
- (n) Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Wis. Adm. Code COMM 85.06 and delineation of areas with 3 foot and 6 foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
- (o) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Wis. Adm. Code COMM 85.06 where the subdivision will not be served by public sanitary sewer service.
- (p) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
- (q) Approximate dimensions of all lots together with proposed lot and block numbers.

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(r) 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.

(s) Approximate radii of all curves.

(t) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

(u) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

(v) Location of existing subsurface tiles and proposals to reroute or destroy. The Town and County should cooperate with the subdivider in obtaining recorded locations of subsurface tile, but the subdivider's engineer, planner or surveyor shall draw the location of the subsurface tile on the preliminary plat or land use plan. All proposed rerouting and removal shall be shown prior to plan approval by the Town.

(w) Preliminary locations of storm sewers, culverts and storm water retention reservoirs.

(x) Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.

(3) SUBMISSION. The subdivider shall first consult with the Plan Commission regarding the requirements for minor subdivisional land use study before submission of the certified survey map(s). Following consultation, a copy of the land use study in the form of a preliminary plat shall be submitted to the Town. The land use study shall be reviewed, approved or disapproved by the Plan Commission pursuant to the procedures used for preliminary plats.

(4) ADDITIONAL INFORMATION. The Plan Commission may require additional information.

18.06 REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in sec. 18.04(1) of this chapter.

18.07 CERTIFIED SURVEY MAP. (1) GENERAL REQUIREMENTS. A certified survey map and 10 copies thereof prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in secs. 18.08 and 18.09 of this chapter.

(2) REQUIRED INFORMATION. The map shall show correctly on its face the information required by § 236.34, Wis. Stats., and the Town may require, in addition, the following:

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

(b) Setbacks or building lines, if required by the Plan Commission in accordance with the guidelines set forth in sec. 18.08 of this chapter.

(c) Utility and/or drainage easements.

(d) All lands reserved for future acquisition.

(e) Date of the map.

(f) Shoreland-Wetland and floodplain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(g) Graphic scale and north arrow.

(h) Names and addresses and telephone numbers of the owner, subdivider and surveyor.

(3) **STATE PLAN COORDINATE SYSTEM.** All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the 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 specified in sec. 18.06(5) of this chapter for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System.

(4) **CERTIFICATES.** The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. After reviewing the map, the Town Board, upon the recommendation of the Plan Commission, shall certify its approval on the face of the map. After receiving approval by the Town Board, such maps shall be certified by the Town Chairperson and the Town Clerk. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21(2) (a), Wis. Stats.

(5) **APPROVAL.** No certified survey map shall be approved by the Town Board until all required improvements in accordance with this chapter have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement. The Town Board shall approve, approve conditionally or reject the map within 90 days of its submission to the Town Clerk.

(6) **RECORDATION.** The certified survey map shall only be recorded with the county Register of Deeds after the certificates of the Town Board and the surveyor are placed on the face of the map. The Town Clerk shall record the map within 30 days of its approval by the Town Board. The recording fee shall be paid by the subdivider.

18.08 DESIGN STANDARDS, STREETS. (1) **COMPLIANCE WITH STATUTES.** In laying out a subdivision, the owner shall conform to the provisions of Ch. 236, Wis. Stats., and

all applicable code sections. In all cases where the requirements of this chapter are different from the requirements of Ch. 236, 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 uses and public convenience and safety. Streets shall conform to the preliminary plat approved by the Plan Commission.

(3) **SUFFICIENT FRONTAGE.** All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles, with the exception of Driveways serving more than 1 residence. See 17.26 (4)(d) and 8.03(3).

(4) **COMPLIANCE WITH COMPREHENSIVE PLAN.** The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan 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.

(5) **AREAS NOT COVERED BY OFFICIAL MAP.** In areas not covered by the comprehensive plan, 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.

(6) **STREET CLASSIFICATIONS.** Streets shall be classified as follows:

(a) *Arterial Streets.* Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.

(b) *Collector Streets.* Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related 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) *Minor Streets.* Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to 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 not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

(e) *Reserve Strips.* Reserve strips shall not be provided 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.

(f) *Alleys*. Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.

(7) CONTINUATION. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that 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 be extended 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, upon the recommendation of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Cul-de-sac streets not over 500 feet in length will be approved when necessitated by the topography.

(8) MINOR STREETS. Minor streets shall be so laid out so as to discourage their use by through traffic.

(9) NUMBER OF INTERSECTIONS. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

(10) FRONTAGE ROADS. Where a subdivision abuts or contains an existing or proposed railroad right-of-way or arterial highway, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(11) ARTERIAL STREET AND HIGHWAY PROTECTION. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic may be provided by reverse frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

(12) PRIVATE STREETS. Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.

(13) VISIBILITY. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least 200 feet.

(14) TANGENTS. A tangent at least 100 feet long shall be required between reverse curves on all streets.

(15) STREET GRADES. (a) 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:

1. Arterial streets, 6%.
2. Collector streets, 6%.

3. Minor streets, alleys and frontage streets, 8%.
4. Pedestrian ways. 12% unless steps of acceptable design are provided.
5. The grade of any street shall in no case exceed 8% or be less than 1/2 of 1%.

(b) Street grades shall be established wherever practicable.

(16) **RADII OF CURVATURE.** When a continuous street centerline deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- (a) Arterial streets and highways. 500 feet.
- (b) Collector streets. 300 feet.
- (c) Minor streets. 100 feet.

(17) **VERTICAL CURVES.** All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to 20 times the algebraic difference in grade for major thoroughfares and 15 times this algebraic difference for all other streets.

(18) **HALF STREETS.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.

(19) **INTERSECTIONS.** (a) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 15 feet or of a greater radius where the Town Board considers if necessary.

(b) Provisions of the Zoning Code with respect to traffic visibility at street intersections shall also apply here.

(c) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(d) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.

(20) **ALLEYS.** (a) Alleys shall be provided in all commercial and industrial districts, except that the Town Board, upon the recommendation of the Plan Commission, may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alleys shall connect with a major thoroughfare.

(b) Dead-end alleys are prohibited.

(21) **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.

(22) **STREET DESIGN STANDARDS.** (a) *Standards.* The minimum right-of-way and roadway width and construction standards for all streets and alleys shall be as specified in Town Road Standards on file in the office of the Town Clerk. Construction plans submitted by the subdivider shall show location of storm sewers, culverts, storm water retention reservoirs, grade stabilization structures, diversions and temporary silt traps. Plans to protect existing vegetation within road right-of-way shall be submitted as part of the road construction plans.

(b) *Cul-de-sacs.* Cul-de-sac streets designed to have one end permanently closed shall not exceed 1/2 mile in length. 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 65 feet and an edge-of-pavement radius of 45 feet and a base course shoulder radius of 50 feet.

(c) *Temporary Dead-ends or Cul-de-sacs.* All temporary dead-ends shall have a maximum length of 1/2 mile and a temporary cul-de-sac shall have a minimum right-of-way radius of 65 feet and an edge-of-pavement radius of 45 feet and a base course shoulder radius of 50 feet.

(23) **STREET NUMBERS.** All houses shall be numbered in accordance with the uniform house or fire numbering system adopted by the Town Board.

(24) **LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT.** Whenever the proposed subdivision contains or is adjacent to a limited access highway 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 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 limited access highway 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 Limited Access Highway.* Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at 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) *Minor Streets.* Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

18.09 DESIGN STANDARDS, BLOCK DESIGN. (1) **LENGTH, ARRANGEMENT.** 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. As a general rule, blocks shall not be less than 500 feet in length.

(2) **PEDESTRIAN PATHWAYS.** Pedestrian pathways, not less than 15 feet wide, may be required by the Town Board, upon the recommendation of the Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

18.10 DESIGN STANDARDS, LOTS. (1) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.

(2) Lot dimensions and setbacks shall conform to the requirements of the Zoning Code for the appropriate district in which the property is located. Lots should be designed with a suitable proportion between the width and depth. Neither long narrow, nor wide shallow lots are normally desirable. Normal depth should not exceed 2-1/2 times the width, nor be less than 150 feet.

(3) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Code.

(4) 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.

(5) Corner lots for residential use shall have extra width to permit full building setbacks from both streets, as required by the Zoning Code.

(6) Every lot shall abut or face a public street. The minimum lot frontage on a cul-de-sac or sharply curved street shall be 75 feet.

(7) Side lot lines shall be substantially at right angles to or radial to abutting street lines.

(8) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(9) 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.

(10) 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.

(11) In the case where a proposed plat is adjacent to a limited access highway, other major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

(12) Private Street or Way. Subject to the approval of the Plan Commission, a lot may be permitted on a tract of land which does not abut on a public or approved way provided such lot meets the standards set forth for driveways serving more than one residence in Section 17.26(4)(d).

18.11 DRAINAGE SYSTEM. (1) **DRAINAGE SYSTEM REQUIRED.** A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the Town engineer.

(2) **DRAINAGE SYSTEM PLANS.** (a) The subdivider shall submit to the Plan Commission a 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 any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include the following:

1. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
2. Quantities of flow at each inlet or culvert.
3. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(b) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.

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

(d) Material and construction specifications for all drainage projects, i.e., pipe, culverts, seed, sod, etc., shall be in compliance with specifications provided by the Town Board or 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) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

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

1. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.

2. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.

3. Draining across rear or side lot lines is discouraged, but may be permitted provided that drainage onto adjoining properties is skillfully controlled.

(4) **DRAINAGE SYSTEM REQUIREMENTS.** The subdivider shall install all the storm drainage facilities indicated on the plans required in sub. (1) above.

(a) *Street Drainage.* All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to every 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 a minimum of 20 feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.

(5) **PROTECTION OF DRAINAGE SYSTEMS.** The subdivider shall adequately protect all ditches to the satisfaction of the Town Board. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to 1% shall be seeded; those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.) No other plantings or obstructions shall be placed within drainage easements except erosion control devices and ground cover if approved by the Town engineer or Town Board.

18.12 FEE SCHEDULE. Fees for the following are set forth in the Town Fee Schedule on file in the office of the Town Clerk.

- (1) PRELIMINARY PLAT REVIEW.
- (2) LAND USE STUDY REVIEW.
- (3) IMPROVEMENT REVIEW AND INSPECTION.
- (4) CERTIFIED SURVEY MAP REVIEW.
- (5) FINAL PLAT REVIEW.

18.13 NONRESIDENTIAL SUBDIVISIONS. (1) **GENERAL.** (a) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.

(b) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the State and County as well as the Town and shall conform to the proposed land use standards established by the comprehensive plan, Official Map and Zoning Code.

(2) **STANDARDS.** In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town 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 following principles and standards shall be observed:

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

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

(c) Special requirements may be imposed by the Town with respect to street, curb, gutter and sidewalk design and construction.

(d) Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer and storm water drainage.

(e) 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.

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

18.14 REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS. (1) **GENERAL REQUIREMENTS.** The following required improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board and filed with the Town Clerk. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.

(2) **GUARANTEE FOR INSTALLATION OF REQUIRED IMPROVEMENTS.**
(a) *Payment for Installation of Improvements.* The required improvements to be furnished and installed by the subdivider, which are listed and described in this chapter, are to be furnished and installed at the sole expense of the subdivider; provided, however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy or special assessment, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Town. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

(b) *Required Agreement Providing for Proper Installation of Improvements.*
1. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Town Engineer and grant to the Engineer authority to correlate the work to be

done under said contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the Town in the vicinity.

2. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a letter of credit equal to 1-1/4 times the Town engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.

3. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held in escrow or as provided in the letter of credit shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the period for an additional period not to exceed 2 years.

4. The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Plan Commission after consultation with the sub divider.

5. The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Town Engineer, Planner and Attorney, as well as other costs of a similar nature.

(3) PROCEDURE. (a) *Construction Plans and Specifications.* Construction plans for the required improvements conforming in all respects with Town standards shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the preliminary plat with the Town Clerk or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:

1. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

3. Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

4. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

5. 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.

6. Planting plans showing the locations, species and time of planting of any required grasses and ground cover.

7. Additional special plans or information as required by Town officials.

(b) *Review of Plans.* The Town engineer shall review the plans and specifications for conformance with the requirement of this Code and other pertinent Town design standards. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the 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.

(c) *Construction and Inspection.* 1. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter.

2. Construction of all improvements required by this chapter shall be completed within 2 years from the date of approval of the preliminary plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.

3. During the course of construction, the Town engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The owner 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) **STREET, ALLEY AND SIDEWALK IMPROVEMENTS.** The developer shall construct streets and sidewalks as outlined on the approved plans based on the requirements of this Code.

(a) *Grading.* With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. 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 engineer's recommendations. 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. 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. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The 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. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within 6 inches of the final grade by the subdivider, 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.

(b) *Street and Sidewalk Construction.* 1. At the Town Board's option, the Town may make the arrangements for grading, sealing, paving and shouldering the roadway and the cost of such work, including engineering and supervising costs, shall be billed to and paid by

the subdivider. Such paving will not be done until, in the judgment of the Town engineer the roadway base has had adequate compaction and stabilization.

2. The subdivider shall construct and dedicate as part of the subdivision, streets, curbs and gutters and sidewalks including those adjacent to platted lots in existing street rights-of-way abutting the plat. The subdivider shall surface roadways to the widths prescribed by the Town Board on recommendation of the Plan Commission and the Town engineer. Construction shall be to Town standard specifications for street improvements.

3. The Town Board shall have the option of not requiring the construction of sidewalks within street rights-of-way in cases where it determines, after consultation with the Plan Commission, that sidewalks are not necessary because of low density land use and low pedestrian volumes or for access to schools and bus routes or for continuity of existing sidewalk or bicycle route systems or because of a cul-de-sac or loop street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.

4. Dedicated walkways shall be improved by the subdivider to a grade and width approved by the Plan Commission and with surfacing as required by the Town Board based on the location and the amount and character of use. The subdivider shall submit standard drawings indicating the existing and proposed grades.

(c) *Completion of Street and Sidewalk Construction.* 1. Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the Town engineer and accepted by the Town Board.

2. 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, i.e., cement, asphalt.

3. The subdivider requesting a waiver shall present such information and documentation required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

(d) *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 or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

(7) **STORM WATER DRAINAGE FACILITIES.** Pursuant to sec. 18.10 of this chapter, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the 25 year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town engineer. The subdivider shall pay all costs of all storm sewer work.

(8) **UTILITIES.** The subdividers shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. Plans indicating the proposed location of all gas, electrical power 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.

(9) **SIGNAGE.** The Town shall install at the intersections of all streets the necessary signage. The subdivider shall pay for such signage and the installation thereof.

(10) **MATERIAL STANDARDS.** All improvements constructed under this chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Town engineer.

(11) **MONUMENTS.** The subdivision shall be monumented as required by §236.15, Wis. Stats., which is hereby adopted by reference.

18.15 EASEMENTS. (1) **UTILITY EASEMENTS.** The Town Board, on the recommendation of the Plan Commission and other appropriate agencies of 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 interest 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) There shall be provided a storm water easement or drainage right-of-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) The drainage way 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 right-of-way conforming to the lines of the relocated drainage way, 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) 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 water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet.

(3) **EASEMENT LOCATIONS.** Such easements shall be at least 30 feet wide 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 the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

18.16 MODIFICATIONS AND EXCEPTIONS. (1) 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 exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for such modification shall be made in writing by the subdivider at the time when

the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

(2) The Plan Commission shall not recommend nor shall the Town Board grant modifications or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) The granting of the modifications will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

(b) The conditions upon which the request for a modification is based are unique to the property for which the variation is sought and are not applicable generally to other property;

(c) 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, if the strict letter of the regulations were carried out.

(3) Any recommendations by the Plan Commission shall be so endorsed by the Secretary and transmitted to the Town Board. The Town Board, if it approves, shall do so by motion or resolution and instruct the Town Clerk to notify the Plan Commission and the owner.

(4) 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 community in accordance with the Comprehensive Plan or Zoning Code of the Town. 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.

(5) The Town Board may waive the placing of monuments, required under §236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

18.17 ENFORCEMENT, PENALTIES AND REMEDIES. (1) 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, land division or replat with the jurisdiction of this chapter not of record as of the effective date of this Code 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.

(2) PENALTIES. Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$50 nor more than \$500 and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Violations shall include the following:

(a) Recordation improperly made has penalties as provided in §236.30, Wis. Stats.

(b) Conveyance of lots in unrecorded plats has penalties provided for in §236.31, Wis. Stats.

(c) Monuments disturbed or not placed have penalties as provided for in §236.32, Wis. Stats.

(3) REMEDIES. Assessor's plat made under §70.27 Wis. Stats., may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.

(4) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in §§236.13(5) and 62.23(7)(e)10. to 15., Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.