

CHAPTER 10.01 LAND DIVISION AND SUBDIVISION

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Sec. 10.01.01 **Purpose and Intent**

- A. Purpose. The purpose of this Chapter is to regulate and control the division of land within the Town in order to promote the public health, safety, and general welfare of the Town.
- B. Intent. It is the general intent of this Chapter to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Chapter; to provide penalties for its violation; and in general to facilitate enforcement of community development standards as are or may be set forth in the land use plan, the Official Map of the Town, comprehensive plan (if adopted), and other Town ordinances.

Sec. 10.01.02 **Abrogation and Greater Restrictions**

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 10.01.03 **Interpretation**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 10.01.04 **Repeal**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 10.01.05 **Title**

This Chapter shall be known as, referred to as, or cited as the “Land Division and Subdivision Chapter, Town of Sumpter, Wisconsin.”

Sec. 10.01.06 **Authority**

These regulations are adopted under the authority granted by sec. 236.45, Wis. Stats.

Sec. 10.01.07 **Jurisdiction**

Jurisdiction of these regulations shall include all lands within the limits of the Town.

Sec. 10.01.08 **General Provisions**

- A. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court order.
 - (2) Leases for a term not to exceed ten (10) years, mortgages, or easements.
 - (3) 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 size required by these regulations, the Zoning Code, or other applicable laws or ordinances.
- B. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a condominium, 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:
 - (1) The provisions of ch. 236, Wis. Stats.
 - (2) The rules of the by the Department of Safety and Professional Services, contained in the Wisconsin Administrative Code, for subdivisions not served by public sewer.

- (3) The rules of the Wisconsin State Department of Transportation, contained in sec. Trans. 233, Wis. Admin. Code, for subdivisions which abut the state trunk highway or connecting street.
- (4) The rules of the Wisconsin Department of Natural Resources, contained in sec. NR 116, Wis. Stats., for floodplain management.
- (5) Duly approved land use plans, comprehensive plan (if adopted), Official Map, and all other applicable ordinances of the Town.
- (6) No lot, land division, parcel, or tract shall be created or sold unless it has existing, safe access to a public road for ingress and egress of regular traffic and emergency vehicles.
- (7) Applicable county ordinances, including storm water and erosion control ordinances.

C. Dedication of Lands.

- (1) Public Ways. Whenever a tract of land to be developed embraces all or any part of an arterial street, drainage way or other public way which has been designated as such in the land use plan, comprehensive plan (if adopted), or on the Official Map of the Town, said public way shall be made a part of the plat and dedicated in the locations and dimensions indicated on said plat or map and as set forth in Section 10.01.13 of this Chapter. If streets are to be dedicated to the Town, the dedication of street right-of-way shall not create a commitment on the part of Town to construct, improve, or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road, or highway for maintenance purposes shall require compliance with the design and construction standards of the Town of Sumpter and those of the applicable highway maintenance authority. The width of any dedicated street right-of-way shall be sixty-six (66) feet unless a wider right-of-way is requested by the proper highway authority, in which case, the wider right-of-way shall be dedicated. Right-of-ways less than sixty-six (66) feet are prohibited, except as approved in writing by the Town upon its finding that a wider right-of-way is unnecessary or impractical to achieve.
- (2) Public Lands. Whenever a proposed playground, park, or other public land, other than streets or drainage ways, designated in the master plan, master plan component, or on the Official Map of the Town, is embraced, all or in part, in a tract of land to be subdivided,

these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the developer.

D. Required Improvements.

- (1) Monuments. The subdivision shall be monumented as required by sec. 236.15, Wis. Stats., which is hereby adopted by reference.
- (2) Streets and Utilities. The dedication of street right-of-way shall not create a commitment on the part of Town of Sumpter to construct, improve, or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road, or highway for maintenance purposes shall require compliance with the design and construction standards of the Town of Sumpter and those of the applicable highway maintenance authority. The width of any dedicated street right-of-way shall be sixty-six (66) feet unless a wider right-of-way is requested by the proper highway authority, in which case, the wider right-of-way shall be dedicated. Right-of-ways less than sixty-six (66) feet are prohibited, except as approved in writing by the Town of Sumpter upon their finding that a wider right-of-way is unnecessary or impractical to achieve.
- (3) The following is a list of public improvements that may be considered for each subdivision or land division:
 - (a) Water and sanitary sewer mains and laterals to the lot lines where connections to any existing system can reasonably be provided.
 - (b) Streets graded to full width and roadway graded to subgrades.
 - (c) Adequate facilities to provide surface water drainage.
 - (d) Curb and gutter.
 - (e) Final grade and sub materials.
 - (f) Final surface.
 - (g) Sidewalks, if required.
 - (h) Drainage structures/bridges.
 - (i) Railroad crossing grade improvements.
 - (j) Street lighting, if required.
 - (k) Boulevard landscaping, plantings, and trees.
 - (l) Pavement marking and regulatory signs.
 - (m) Street signs.
 - (n) Emergency service signs.
- (4) The adequacy of such facilities shall be subject to approval of the Town. Before final approval of any land division, the developer shall

enter into an agreement with the Town to install the required improvements and shall file with the development agreement an irrevocable letter of credit or other appropriate sureties meeting the approval of the Town Attorney equal to one hundred twenty-five (125%) percent of the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, reviewed by the Town Engineer, and approved by the Board. The improvements may be installed after approval of a preliminary plat or certified survey map, but not later than as specified in the development agreement. If the completion date of the improvements is not set forth in the development agreement, the improvements shall be completed within one year of the date of the recording of the final plat, except that the surface course of asphalt shall be completed after one freeze-thaw cycle but no later than July 1 after the freeze-thaw cycle.

(5) In addition:

- (a) Plans and specifications for all improvements shall be reviewed and approved by the Town Engineer, in writing, prior to commencement of construction and the submission of the final plat or development plan for review. The developer may submit an interim final plat or development plan with the improvement plans; however, review and approval of a final plat or development plan shall not be initiated until the improvement plans have been reviewed and approved and until the development agreement has been fully executed along with the letter of credit.
- (b) Contracts and contract specifications for the construction of public improvements, as well as the contractors and subcontractors, providing such work shall be subject to the prior written approval of the Town Engineer in accordance with Town standards and specifications.
- (c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (d) Before final approval of any plat or development plan within the Town, the developer shall install survey monuments placed in accordance with the requirements of sec. 236.15, Wis. Stats., and as may be required by the Town Engineer.
- (e) Prior to the acceptance of a final plat or development plan, the developer shall furnish, when required by the Town, a consent and waiver of the statutory provisions for special

assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services, and all other utilities, which shall be in a form approved by the Town Attorney, pursuant to sec. 66.0703(7), 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 Board.

- E. Waivers and Modifications. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of Sections 10.01.13 and 10.01.14 of this Chapter, the Town Board may waive or modify any requirement to the extent deemed just and proper. 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 master plan or master plan component of the Town.
- F. Land Suitability. No land shall be divided or developed for residential use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, 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 Town Board, in applying the provisions of this subsection, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the developer an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Board may affirm, modify, or withdraw its determination of unsuitability. The Town shall determine land suitability at the time the preliminary plat is considered for approval. The developer shall furnish such maps, data, and information as may be necessary to make a determination of land suitability.
- G. Appeals. Any person aggrieved by an objection to a plat or development plan or a failure to approve a plat or development plan may appeal therefrom, as provided in sec. 236.13(5) and 62.23(7)(e)10-15, Wis. Stats., within thirty (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.

Sec. 10.01.09 **Procedure**

- A. Pre-Application. It is recommended that, prior to the filing of an application for the approval of a preliminary plat or development plan, the developer consult with the Plan Commission in order to obtain the Town's advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the developer of the purpose and objectives of these regulations, the land use plan, comprehensive plan (if any), and other applicable Town and County ordinances and to otherwise assist the developer in planning his development.

- B. Preliminary Plat and Development Plan Approval Within the Town. The developer shall prepare a preliminary plat or development plan and submit an application in accordance with Section 10.01.10 of this Chapter. The developer shall file an adequate number of copies of the preliminary plat or development plan with the Town. The Plan Commission, within sixty (60) days of the date of the filing, shall recommend that the Town Board approve, conditionally approve, or reject the plat or plan, unless such time is extended by mutual agreement with the developer. The Town Board, within thirty (30) days of receiving the Plan Commission's recommendation, or the date of the filing of a preliminary plat or plan with the Town, shall approve, approve conditionally, or reject such plat or plan unless the time is extended by mutual agreement with the developer. If the Plan Commission does not provide a recommendation to the Town Board within the sixty (60) days (or within an extended period of time if such time is extended by mutual agreement with the developer) the Town Board may act without the Plan Commission's recommendation. The Town Board shall return one copy of the plat or plan to the developer with the date and action endorsed thereon and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat or plan. One copy each of the plat or plan and letter shall be placed in the Town Board's permanent files. Failure of the Town Board to act within ninety (90) days shall constitute an approval unless the time is extended by mutual agreement with the developer. Approval or conditional approval of a preliminary plat or plan shall not constitute automatic approval of the final plat or plan, except that if the final plat or plan is submitted within twenty-four (24) months of preliminary plat or plan approval and conforms substantially with the preliminary plat layout as indicated in sec. 236.11(1)(b), Wis. Stats., the final plat or plan shall be entitled to approval with respect to such layout. The preliminary plat or plan shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat or plan

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

C. Final Plat and Development Plan Approval Within the Town.

- (1) Approval. The developer shall prepare a final plat or plan and submit a final application in accordance with Section 10.01.11 of this Chapter. The developer shall file the number of copies of the final plat or plan with the Town as requested by the Town Clerk. The Plan Commission, within thirty (30) days of the date of the filing of a final plat or plan with the Town, shall recommend that the Town Board approve, conditionally approve, or reject the plat or plan, unless such time is extended by mutual agreement with the developer. The Town Board within thirty (30) days of receiving the recommendation of the Plan Commission shall approve conditionally approve or reject such plat or plan unless the time is extended by mutual agreement with the developer. If the Plan Commission does not provide a recommendation to the Town Board within the thirty (30) days (or within an extended period of time if such time is extended by mutual agreement with the developer) the Town Board may act without the Plan Commission's recommendation. If the plat or plan is rejected or conditionally approved the Town Board shall state the reasons in the minutes of the meeting and a written statement of the reasons forwarded to the developer. The Town Board may not inscribe its approval on the final plat or plan unless the Town certifies on the face of the plat or plan that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met. Upon failure of the Town to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat or plan shall be deemed approved.
- (2) 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 Town shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the developer for recording with the County Register of Deeds. The register of deeds cannot record the plat unless it is offered within six (6) months from the date of the last approval.

- D. Replat or Replan. 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 developer or person wishing to replat shall vacate or alter the recorded plat as provided in subch. III of ch. 236, Vacating and Altering Plats, Wis. Stats. The developer or person wishing to replat shall then proceed as specified in Section 10.01.09(A)-(E). The Town shall also approve of all changes to a condominium layout or design.
- E. Certified Survey Maps.
- (1) General Provisions. When it is proposed to divide land into less than five (5) parcels or building sites, of any size, or when it is proposed to divide a block, lot, or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot, or outlot, the developer may subdivide by use of a certified survey map. The developer shall prepare the certified survey map and submit an application in accordance with Section 10.01.12 of this Chapter and the map with the Town.
 - (2) Review by Plan Commission. The Plan Commission shall review the map for conformance with this Chapter and all ordinances, rules, regulations, land use plan, comprehensive plan (if any), Official Map (if any), and other applicable ordinances. The Plan Commission shall, within ninety (90) days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.
 - (3) Town Board Approval. The Town Board shall approve, approve conditionally, or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the developer. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the developer. If the map is approved, the Town Board shall direct the Town to so certify on the face of the original map and return the map to the developer.

Sec. 10.01.10 Preliminary Plat and Development Plan

- A. General Provisions. A preliminary plat or development plan shall be required for all subdivisions and condominiums 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 one hundred (100) feet to the inch and shall show correctly on its face the following information:

- (1) The title under which the proposed subdivision or condominium is to be recorded.
- (2) The location of the proposed subdivision or condominium by government lot, quarter section, township, range, county, and state.
- (3) Date, scale, and north point.
- (4) Names and addresses of the owner, developer, and land surveyor preparing the plat.
- (5) The entire area contiguous to the proposed plat or site owned or controlled by the developer shall be included on the preliminary plat or plan even though only a portion of said area is proposed for immediate development. The Town Board 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.

B. Plat or Plan Data. All preliminary plats and plans shall show the following:

- (1) Total area of the land included in the plat expressed in acres and any portion of an acre in square feet.
- (2) Proposed use.
- (3) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in a U.S. Public Land Survey and the total acreage encompassed thereby.
- (4) Contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on USGS datum. Areas where slopes exceed twenty (20%) percent should be appropriately shaded.
- (5) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to USGS datum. Areas where slopes exceed twenty (20%) percent should be appropriately shaded.
- (6) Location, right-of-way width, and names of all existing driveways, streets, roads, pedestrian paths, 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.

- (7) Location and names of any adjacent subdivisions, condominiums parks, and cemeteries, and owners of record of abutting unplatted lands.
- (8) Locations of all existing property boundary lines, lot lines, structures, drives, streams and watercourses, wetlands, grasslands, marshes, rock outcrops, wooded areas, railroad tracks, areas of known habitat, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (9) Location, width, and names of all proposed streets and public rights-of-way such as alleys, pedestrian paths, and easements.
- (10) Approximate dimensions of all lots together with proposed lot and block numbers.
- (11) Location, size, and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (12) Approximate radii of all curves.
- (13) Existing zoning on and adjacent to the proposed subdivision.
- (14) Corporate limits lines.
- (15) Any proposed lake, stream, or drainage way access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (16) Any proposed lake, stream, or drainage way improvement or relocation.
- (17) At least two permanent benchmarks shall be located in the immediate vicinity of the plat.
- (18) 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.

- (19) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (20) 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. Areas of differing soil productivity shall be delineated with reference to prime farm soils.
- (21) On the same or different plats, plans, or maps, the following:
 - (a) Existing cemeteries, historical and archeological and other such sites identified in the Comprehensive Plan, registered historical and archeological sites, including any reference to the areas included in the proposed plat or plan in the book *Only in Sumpter*, and any sites referenced in the Wisconsin Archeological and Historical Resource Database (WisAHRD).
 - (b) An indication of the level of tree clearing.
 - (c) Any existing or planned erosion control measures and all cuts and fills shall be noted.
 - (d) With regard to condominiums, the proposed identification of the different units for tax assessment purposes.

C. Supporting Documents. The following documents must be submitted in draft or preliminary form along with the preliminary plat or plan. The items shall be submitted to the Town Clerk for distribution to the Plan Commission, Town Attorney, and Town Engineer at least twenty (20) days before the Plan Commission meeting at which the preliminary plat or plan will be considered. The Town Clerk will provide the developer with the number of copies to be submitted.

- (1) Street Plans and Profiles. Street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of

the proposed subdivision or condominium, unless waived by the Plan Commission.

- (2) Testing. The Plan Commission 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.
- (3) Development Agreement.
- (4) Form of Letter of Credit.
- (5) Covenants. Submission of a draft of protective or restrictive covenants whereby the developer intends to regulate land use in the proposed subdivision or condominium and otherwise protect the proposed development. The covenants shall include provisions providing for the regulation and maintenance of any easements (including stormwater easements).
- (6) Property Owners Association. Submission of a draft of the legal instruments and rules for proposed property owners associations when the developer proposes that common property within a subdivision or condominium would be either owned or maintained by such an organization of property owners.
- (7) Environmental Checklist. Submission of an environmental checklist on a form provided by the Town.
- (8) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat or plan that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (9) Areas of Potential Flooding.
 - (a) When a proposed subdivision or condominium is located in an area where flooding or potential flooding may be a hazard, the developer shall submit a flood study prepared by a Registered Professional Engineer. The study shall establish the 100 year flood elevation and the relationship of the proposed development to the 100 year flood elevation.
 - (b) When a proposed subdivision or condominium is located in an area where flooding or potential flooding may be a hazard. The Town of Sumpter shall transmit to the Wisconsin Department of Natural Resources, one set of the information

required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modifications, limitations, improvements, or other conditions of the development can overcome the land unsuitability.

- (c) Where a proposed subdivision or condominium is located wholly in an area where flooding or potential flooding may be a hazard, the Town of Sumpter shall apply the following standards in addition to all other requirements in the approval of plats, condominiums, and certified survey maps:
 - i. The development shall be in accordance with flood plain management standards of the Wisconsin Department of Natural Resources.
 - ii. Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of the Wisconsin Department of Natural Resources.
 - iii. Development shall be carried out or assured so as to not have an adverse effect on flood flows or storage capacity standards of the Wisconsin Department of Natural Resources.

(10) Private Water and/or Sewage Disposal. Unless specifically exempted from this requirement elsewhere in this Chapter, all subdivision and condominium proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and/or reports that satisfy the following criteria:

- (a) Describing the probable depth, cost, and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.
- (b) Describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.

(11) Land Suitability. The developer may, as a part of the pre-application procedure, request a determination of land suitability, providing the developer provides all necessary maps, data, and information for such determination to be made. The developer shall submit a completed environmental assessment checklist on a form prepared by the Town.

- (12) Stormwater Management Plan.
- (13) Erosion Control Plan.
- (14) Plans and Specifications For All Other Public Improvements.

Sec. 10.01.11 Final Plat and Plan

- A. General Provisions. A final plat or plan prepared by a registered land surveyor shall be required for all subdivisions and condominiums. A subdivision final plat shall comply in all respects with the requirements of sec. 236.20, Wis. Stats. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat or plan which the developer proposed to record or develop at that time. If the final plat or plan is not submitted within six (6) months of the last required approval of the preliminary plat or plan, the Town Board may refuse to approve the final plat or plan.
- B. Plat and Plan Data. The plat and plan shall show correctly on its face, in addition to the information required by sec. 236.20, Wis. Stats., the following:
 - (1) Exact length and bearing of right-of-way lines of all streets.
 - (2) Exact street width along the line of any obliquely intersecting street.
 - (3) Exact location and description of street lighting and lighting utility easements.
 - (4) Railroad rights-of-way within and abutting the plat.
 - (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - (6) Special restrictions required by the Town Board relating to access control along public ways or provisions for planting strips.
 - (7) Drainage arrows at all lot lines showing the direction of drainage upon final grading of the land.
- C. Supporting Documents. The following documents must be submitted, in final form, along with the final plat or plan:
 - (1) Deed Restrictions. The Town Board shall require that all deed restrictions and covenants be filed with the final plat or plan.

- (2) Property Owners Association. The Town Board shall require the legal instruments creating a property owners association for the ownership and/or maintenance of common lands be filed with the final plat or plan.
- (3) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of sec. 236.15, Wis. Stats.
- (4) Certificates. All final plats shall provide all the certificates required by sec. 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.
- (5) The Development Agreement.
- (6) Stormwater Management Plan.
- (7) Erosion Control Plan.
- (8) Executed Letter of Credit.
- (9) Title evidence to establish current ownership interests and required signatures on plat or plan.
- (10) Plans. Six (6) copies of final public improvement plans and specifications.
- (11) With regard to condominiums, the proposed identification of the different units for tax assessment purposes.

D. Survey Requirements.

- (1) Examination. The Town Board shall examine all final plats and plans 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.
- (2) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision or development 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.

- (3) 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 three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- (4) Plat or Development Location. Where the plat or development is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the Town, the tie required by sec. 236.20(3)(b), Wis. Stats., 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.
- (5) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of sec. 236.15, Wis. Stats.

Sec. 10.01.12 Certified Survey Map

- A. General. When a developer proposes any land division other than a subdivision or condominium, developer shall submit a CSM prepared by a registered land surveyor in accordance with sec. 236. 34, Wis. Stats., and this Chapter.
- B. Additional Information. The CSM shall also show the following information correctly on its face:
 - (1) The name and address of the individual dividing the lands.
 - (2) A metes and bounds description referenced to a line and a corner of the U.S. Public Land Survey.

- (3) The locations, rights-of-way widths, and names of existing or proposed driveways, roads, streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed land division.
- (4) The location of an existing on-site sewage disposal system.
- (5) Land Features. All existing property lines, structures, drives, watercourses, cemeteries, historical or archeological sites identified in the Comprehensive Plan, areas identified in the book *Only in Sumpter*, registered historical and archeological sites, any sites referenced in the Wisconsin Archeological and Historical Resource Database (WisAHRD), and drainage ditches and other features pertinent to proper division.
- (6) Setbacks. Setbacks or Building Lines required by the Town Board.
- (7) Future Land. All lands reserved for future acquisition.
- (8) Date. Date of the CSM.
- (9) Scale. Graphic scale - not more than one hundred (100) feet to one (1) inch.
- (10) Directory Information. Name, address, and phone number of the owner, developer, and surveyor.
- (11) Zoning. Existing zoning on and adjacent to the proposed land division.
- (12) Lot Size. Square footage or acreage for each lot or parcel.
- (13) Elevations. Elevation markings of the parcel, in two (2') foot intervals, with areas with gradients greater than twenty (20%) percent shaded, utilizing USGS datums.
- (14) A statement on the face of the CSM that the parcel(s) created are considered unbuildable until a soil evaluation report, as required by the Department of Commerce, is filed in the Sauk County Planning and Zoning Office. If the parcel has access to a public sanitary sewerage system, the surveyor shall note on the face of the certified survey map that the parcel(s) are unbuildable unless hookup is made to the public sanitary sewer.

- (15) When dedication of lands is required, an owner's certification of dedication prepared in accordance with sec. 236.34, Wis. Stats. and a governmental jurisdiction certificate of the dedication, approved by the full governing body on the accepting jurisdiction.
- (16) Proof of compliance with ch. Trans 233, Wis. Admin. Code where applicable.
- (17) Areas of differing soil productivity shall be delineated with reference to prime farm soils.
- (18) All natural features such as woodlands, wetlands, grasslands, flood plains, and areas of known habitat.
- (19) With regard to condominiums, the proposed identification of the different units for tax assessment purposes.

C. Supporting Documents. The developer shall submit the following documents when filing the CSM.

- (1) Covenants and Restrictions. All restrictive covenants to be recorded for the proposed CSM.
- (2) 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 sec. 236.21(2)(a), Wis. Stats.
- (3) 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) Any existing or planned erosion control measures and all cuts and fills.
- (5) When required by the Plan Commission or the Town Board, supporting documents listed in Section 10.01.10(C) shall be submitted with a CSM.

D. Recordation. The developer shall record the CSM with the Sauk 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.

- E. Certified Survey Maps shall comply with the design standards set forth in Section 10.01.13.

Sec. 10.01.13 Design Standards

A. Street Arrangement.

- (1) General Provisions. In any new subdivision, condominium, or land division, the street layout shall conform to the arrangement, width and location indicated on the official map, master plan, or component neighborhood development plan of the Town. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The development shall be designed so as to provide satisfactory access to a public street. The dedication of street right-of-way shall not create a commitment on the part of Town of Sumpter to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road, or highway for maintenance purposes shall require compliance with the design and construction standards of the Town of Sumpter and those of the applicable highway maintenance authority. The width of any dedicated street right-of-way shall be sixty-six (66) feet unless a wider right-of-way is requested by the proper highway authority, in which case, the wider right-of-way shall be dedicated. Right-of-ways less than sixty-six (66) feet are prohibited, except as approved in writing by the Town of Sumpter upon their finding that a wider right-of-way is unnecessary or impractical to achieve.
- (2) Collector Streets. Collector streets shall be arranged so as to provide ready collection and conveyance of traffic from the development 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.

- (3) 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.
- (4) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being developed 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 development or land division or for the advantageous development of the adjacent tracts.
- (5) Reserve Strips. Reserve strips shall not be provided in any development 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.
- (6) 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) Street Names. Street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

B. Limited Access Highway and Railroad Right-of-Way Treatment. Whenever the proposed development contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When development or lots back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to all other setback or lot line requirements. This strip shall be a 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 and the building of structures hereon is prohibited."
- (2) 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 two hundred and fifty (250) feet from said highway or railroad right-of-way.

- (3) 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.

C. Street Design Standards. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

- (1) Street Widths.

Type of Street	R.O.W. Width To Be Dedicated	Pavement Width (Edge of Pavement to Edge of Pavement)
Arterial Streets	80 feet	44 to 48 feet
Collector Streets	66 feet	22 to 32 feet
Minor Streets	66 feet	20 to 24 feet
Alleys	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet

- (2) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

- (3) Temporary Dead-ends or Cul-de-sacs. (Maximum length of 800 feet).

- (a) No temporary turnaround is required if the street only serves one lot depth or width.
- (b) A temporary tee turnaround is required if the distance from the centerline of intersection to far lot line of last lot of construction phase is four hundred (400) feet or less. The tee turnaround shall have a minimum width of twenty-four (24) feet a minimum transverse length of sixty (60) feet. A

minimum radius of ten (10) feet and be surfaced with two (2) inches of bituminous asphalt over a ten (10) inch stone base.

- (c) A temporary tee or temporary circular turnaround is required when not visible from the intersection or when the distance is greater than four hundred (400) feet but not greater than eight hundred (800) feet from the centerline of the intersection to the far lot line of the last lot in the construction phase. The temporary tee turnaround shall be constructed as specified in Section 10.01.13(C)(3)(b). The circular turnaround shall have a minimum radius of forty (40) feet and be surfaced with two (2) inches of bituminous asphalt over a ten (10) inch stone base. The Town Engineer shall determine whether the temporary turnaround required will be in the design of a tee or circle.

- (4) Street 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:

- (a) Arterial Streets. Six (6%) percent
- (b) Collector Streets. Seven (7%) percent
- (c) Minor Streets, Alleys, and Frontage Streets. Ten (10%) percent
- (d) Pedestrian Ways. Twelve (12%) percent, unless steps of acceptable design are provided.

The grade of any street shall in no case exceed twelve (12%) percent or be less than one-half (1/2) of one percent (0.5%).

Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover or tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to forty (40) times the algebraic difference in the rates of grade for collector streets and thirty (30) times the difference for all other streets.

- (5) Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being divided, the other half of the street shall be dedicated by the developer. The platting of half streets should be avoided where possible.

D. Street Intersections.

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

- (2) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (3) The number of intersections along arterials shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than six hundred (600) feet.
- (4) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Town Board, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (5) Minor streets shall not necessarily continue across arterial or collector streets, but if the centerline of such minor streets approach the major streets from opposite sides within one hundred and fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.

E. Blocks.

- (1) General Provisions. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; the zoning requirements; the need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
- (2) Length. Blocks in residential areas shall not, as a general rule, be less than five hundred (500) feet nor more than one thousand two hundred (1,200) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (3) Pedestrian Ways. Pedestrian ways not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Town Board to provide adequate pedestrian circulation or access to schools, shopping center, churches or transportation facilities.
- (4) Width. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

F. Lots.

- (1) General Provisions. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. However, no lot, land division, parcel, or tract shall be created or sold unless it is accessible to a street. Furthermore, every lot within a subdivision shall front on a publicly dedicated and improved street for a distance of at least sixty-six (66) feet, provided that the lot width at the building set back line complies with the Sauk County zoning regulations. Every lot, land division, parcel, or tract not located within a subdivision shall front on a publicly dedicated street for at least sixty-six (66) feet, unless a lesser frontage is approved in writing by the Town of Sumpter and is in conformance with the Sauk County Land Division and Subdivision Regulations Ordinance and allows for a building footprint adequate to meet the requirements of the Restrictive Covenants and the Sauk County Zoning Ordinances. Minimum lot frontage on cul de sacs is fifty (50) feet.
- (2) Side Lot Lines. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (3) Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (4) Access. Every lot shall front or abut on a public street, as specified in Section 10.01.13(F).
- (5) Corner Lots. Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (6) Minimum lot size shall be the size necessary to meet Sauk County sewerage standards or applicable zoning; except that in a subdivision all lots shall be greater than nine thousand five hundred (9,500) feet and less than one (1) acre.

- (7) Lots with existing slopes of twenty (20%) percent or higher will require any building to be set back at least thirty (30) feet from the start of the twenty (20%) slope to reduce the possibility of erosion.
- (8) In a condominium, the density shall not be greater or less than that allowed for similar development. In no event shall a condominium dwelling unit be less than one thousand five hundred (1,500) square feet in size.

G. Easements.

- (1) Utility Easements. The Town Board shall require utility easements of widths deemed adequate for the intended purpose where necessary or advisable for electric power and communication poles, wires, and conduits; storm and sanitary sewers; and gas, water, and other utility lines.
- (2) Drainage Easements. Where a subdivision, condominium, or land division is traversed by a watercourse, drainage way, channel or stream, or low area, an adequate drainage way width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the Town Board; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Board.

H. Public Sites and Open Spaces. In the design of the plat, condominium, or certified survey map, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways, and other public purposes. If designated on the master plan, master plan component, official map, or neighborhood development plan, such areas shall be made a part of the plat. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourse, watersheds, and ravines.

I. Tree Removal. The only trees that may be removed from the developed area are the minimum amount necessary for buildings, driveways, sanitary sewer, wells, roads, storm water improvements, utilities, and yards.

- J. Non-agricultural development shall be located on the least productive area of the land suitable for development as determined by Sauk County Planning and Zoning.
- K. Developers are encouraged to cluster lots or improvements in order to minimize the amount of land devoted to residential use and maximize open space.
- L. The proposed improvements shall not disturb any existing cemetery, historical or archeological sites identified in the Comprehensive Plan, or registered historical or archeological site.
- M. All necessary measures will be taken to ensure that endangered and threatened species on a proposed site will be protected.
- N. New roads and utility transmission lines must be located and constructed in a manner that minimizes impact on prime farmland and other natural resources. Good site planning will preserve the natural view, protect erodible slopes, preserve woodlands, and protect wildlife habitat. It is desirable that development sites be landscaped to blend with the surrounding area.
- O. All subdivisions and condominiums must have community sewer systems if public sanitary sewer is not available.
- P. If feasible, all subdivisions and condominiums shall utilize shared or clustered wells.

Sec. 10.01.14 Required Improvements

- A. Survey Monuments. The developer shall install survey monuments placed in accordance with the requirements of sec. 236.15, Wis. Stats., and as may be required by the Town Board.
- B. Grading. After the installation of temporary block corner monuments by the developer and establishment of street grades by the Town Board, the developer shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board. The developer shall grade the roadbeds in the street rights-of-way to sub grade.
- C. Surfacing. After the installation of all utility and stormwater drainage improvements, the developer shall provide for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by these

regulations and the master plan or master plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, and by the Sauk County Highway Department where County approval is required.

- D. Curb and Gutter. If required by the Town Board for stormwater purposes, the developer shall provide concrete curb and gutter on all streets in accordance with plans and specifications approved by the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- E. Lighting. Developer shall install full cut off lighting to illuminate street signs.
- F. Sidewalks.
 - (1) If required by the Town Board, the developer shall provide a concrete sidewalk on both sides of all collector streets within subdivisions and land divisions. The Town Board may require the construction of sidewalks on minor streets that serve subdivisions and land divisions with a gross density of four (4) dwelling units per acre or more.
 - (2) Wider than standard sidewalks may be required by the Town Board in the vicinity of schools, commercial areas, and other places of public assemblage and the Town Board may require the construction of sidewalks in locations other than those required under the preceding provisions of this Chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
 - (3) Alternative pedestrian ways may be approved in lieu of sidewalks where the proposed alternative pedestrian ways are constructed of all-weather material, are dedicated to the Town, or are owned and maintained by a properly registered homeowners association and have frontage on each parcel otherwise required to be provided with a sidewalk.
- G. Public Sanitary Sewerage. In all development in or adjacent to the sanitary sewer district, the developer shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to the development. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town Board.

- H. Development outside the sanitary sewer district may be served by private sewage disposal systems if public sewer facilities are not available. Private sewage disposal systems shall comply with chs. SPS 83 and 85, Wis. Admin. Code, and the Sauk County Sanitation Ordinance.
- I. Stormwater Management. The developer shall provide stormwater drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, 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 twenty 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, stormwater 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 recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the developer; however, the cost of oversizing above a twenty four (24) inch diameter storm sewer shall be paid by other users connecting to the system by special assessment.
- (1) Stormwater Management. Whenever it is planned to disturb one (1) acre or more and/or the Town Engineer determines that the proposed development will be likely to increase stormwater runoff and/or sediment transport from the land above the levels existing prior to any development, the developer shall submit a stormwater management plan in compliance with chs. NR 216 and 151, Wis. Admin. Code.
- (2) Landscape Approvals. Every detention basin, road ditch, or open channel required or approved under this subsection shall be adequately landscaped in accordance with plans approved by the Town Board. The Board may require the planting of grasses, trees, shrubs, wild flowers, other vegetation or any combination thereof as it determines reasonable and necessary to promote the function, maintenance and aesthetic characteristics of such facilities.
- (a) Public Water Supply Facilities. The developer shall provide water mains or wells in such a manner as to make adequate water service available to the development, including each lot

in a subdivision and each condominium in a condominium development. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Board and/or the Sanitary District. The developer shall utilize well clustering wherever possible.

- (b) Other Utilities. No electrical or telephone service shall be located on overhead poles except where impossible due to exceptional topography or other physical barrier. 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.

Sec. 10.01.15 Construction

- A. Commencement. No construction or installation of improvements shall commence in a proposed development until the preliminary plat or certified survey map has been approved, the development agreement including the letter of credit has been executed, and the Town Engineer has given written authorization in accordance with Section 10.01.08(D) and the Town Engineer is satisfied that all other permits and approvals have been obtained from other authorities. Inspection fees shall be required as specified in this Chapter.

- B. Building Permits.

- (1) No building permit shall be issued until the following improvements are installed, to the written approval of the Town Engineer:
 - (a) all final grading complete and each lot corner elevation established and recorded by a licensed surveyor,
 - (b) all underground utilities, including water and sewer, installed,
 - (c) all adequate stormwater improvements,
 - (d) a hard surface roadway allowing sufficient access for emergency service vehicles, and
 - (e) final plat, plan, or certified survey map is approved and recorded (if required).
- (2) No occupancy permit shall be issued until all improvements within the development are completed and approved, with the exception of the surface coat of asphalt, which shall be completed after a freeze-thaw cycle.

- C. Plans. The following plans and accompanying construction specifications may be required by the Town Engineer before authorization of construction or installation of 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 plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities.
 - (4) Planting plans showing the locations, age, and species of any required trees.
 - (5) Erosion control and stormwater management plans.
 - (6) Additional special plans, permits, or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.
- D. Inspection. The developer, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for adequate inspection. The Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties. All street subgrades must be proof-rolled in the presence of the Town Engineer before gravel base is spread and before asphalt paving is completed.
- E. Construction Site Erosion Control. The developer shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the Town Board. In addition:
- (1) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - (2) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - (3) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

- (4) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.
- F. Protecting Existing Flora. The developer shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

Sec. 10.01.16 Developer's Maintenance Responsibility

In addition to all other requirements of this Chapter and the development agreement, the developer shall be responsible for the maintenance of all improvements within the development for a period of one year from the date of final acceptance of the final improvement. It shall be the responsibility of the developer to make any repairs necessary to such improvements upon complaint from the Town or from the owners of the development during this maintenance period. Failure of the developer to make the necessary repairs within ten (10) days shall allow, but not require, the Town to make the repairs. To ensure compliance with this provision, the Board may require a money deposit or other assurance that repairs made by the Town shall be promptly paid and in no event shall be paid later than fifteen (15) days from the date on which an itemized statement of costs incurred is presented to developer.

Sec. 10.01.17 Responsibility For Improvement Costs; Fees

- A. Responsibility For Improvements. The applicant for approval of every development shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve land division at their full cost and expense, except where the Town Board agrees to do any such work. However, with respect to any improvement serving a development constructed or installed by the Town, the cost thereof shall be charged to the benefited property through special assessments, payable over a term of years and at an interest rate established by the Town Board within its jurisdiction and as otherwise provided in the development agreement. The Town may also collect the cost by any other method allowed by law.

Sec. 10.01.18 **Fees**

- A. General Provisions. The developer shall pay the Town all fees as hereinafter required before being entitled to record a plat or certified survey map or condominium plat.
- B. Preliminary Plat and Plan and Certified Survey Map (CSM) Review Fee.
The developer shall pay an administrative fee to be determined by the Town in a fee schedule to reimburse the Town for the cost of any administrative or fiscal work which may be undertaken by the Town in connection with the preliminary plat, plan, or CSM. The fee shall be paid to the Town Clerk at the time of first application for approval of any preliminary plat, plan, or CSM. A reapplication fee to be determined by the Town in a fee schedule shall be paid to the Town Clerk at the time of reapplication or resubmittal of a revised preliminary plat, plan or revised CSM which has previously been reviewed.
- (1) In addition, all engineering work, legal costs, and additional administrative costs incurred by the Town in connection with the preliminary plat or CSM review shall be invoiced to, and separately paid by, the developer. Developer shall escrow a minimum of five hundred (\$500.00) dollars per lot, up to a maximum of five thousand (\$5,000.00) dollars with the Town to cover these expenses. If the initial escrow is depleted below five hundred (\$500.00) dollars, the Developer shall refund to escrow to an amount acceptable to the town, but not to exceed five thousand (\$5,000.00) dollars.
- C. Final Plat Review Fee. The developer shall pay an administrative fee in an amount to be determined by the Town in a fee schedule to the Town for the cost of any administrative or fiscal work which may be undertaken by the Town in connection with the plat or plan. The fee shall be paid to the Town Clerk at the time of first application for approval of any final plat or plan. A reapplication fee in an amount to be determined by the Town in a fee schedule shall be paid to the Town Clerk at the time of reapplication or resubmittal of a revised final plat or plan for final approval which has previously been reviewed. In addition, all engineering work, legal costs and administrative costs incurred by the Town in connection with the final plat review shall be invoiced to, and separately paid by, the developer.

Sec. 10.01.19 **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 any Subdivision Development 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.

Sec. 10.01.20 **Penalties**

- A. Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars plus the costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.
- B. Recordation improperly made has penalties provided in sec. 236.30, Wis. Stats.
- C. Conveyance of lots in unrecorded plats has penalties provided for in sec. 236.31, Wis. Stats.
- D. Monuments disturbed or not placed have penalties as provided for in sec. 236.32, Wis. Stats.

Sec. 10.01.21 **Definitions**

- A. For the purpose of this Chapter, the following definitions shall apply:
 - (1) Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, local school boards, and local utility companies.
 - (2) Alley. A special public way affording only secondary access to abutting properties.

- (3) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of the Zoning Code.
- (4) Certified Survey Map (CSM). A map of a land split prepared in accordance with sec. 236.34, Wis. Stats., and Section 10.01.12 of this Chapter.
- (5) Cul-De-Sac. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- (6) Developer. Any person or his or her agent dividing or proposing to divide land resulting in a subdivision, certified survey map, or other land division.
- (7) Division Of Land. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development, condominiums, and condominium plats.
- (8) Drainage Way. A manmade improvement intended to convey water within or through a subdivision during periods of high runoff. Drainage ways will normally be dry for long periods of time. Drainage ways are usually privately owned and protected by easements; however, some major drainage ways may be dedicated. Drainage ways may also be called drainage swales or grass waterways.
- (9) Dwelling Unit. A structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others.
- (10) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one half (1 ½) miles of a fourth class City or a Village and within three (3) miles of all other Cities.
- (11) Final Plat. A map prepared in accordance with the requirements of ch. 236, Wis. Stats., and this Chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
- (12) General Plan. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Town Board, pursuant to sec. 62.23, Wis. Stats., including proposal for future land use, transportation, parks and recreation, urban

redevelopment, and public facilities. Devices for the implementation of these plans such as zoning, official map, and land division ordinances, and capital improvement programs shall also be considered a part of the General Plan.

- (13) Improvement. Construction, building, or materials that are or may be to the benefit of the public including, but not limited to, roads, streets, erosion control measures, stormwater management measures, etc.
- (14) Lot. A parcel of land of at least sufficient size to meet the minimum lot size requirements of this Chapter.
- (15) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty five (135°) degrees or less, measured on the lot size.
- (16) Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts a major street. Double frontage abutting major streets should restrict direct access to the major street by means of a planting buffer or some other acceptable access buffering measure.
- (17) Lot, Reverse Frontage. A corner lot with no provision for extra width to permit side yard to be same as front yards on that side.
- (18) Master Plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Plan Commission which may pertain to the division of lands, including the Official Map, comprehensive development plans, and other planning documents including proposals for future land use, transportation, urban development, parks and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, Official Map, subdivision and land development, building development, and capital improvement plans shall be considered as planning documents within this definition.
- (19) Multiple Family Dwelling. An apartment building, row house, townhouse, condominium, or modular home as defined in sec.

101.71(6), Wis. Stats., that consists of three (3) or more attached dwelling units.

- (20) Objecting Agency. An agency empowered to object to a subdivision plat pursuant to ch. 236, Wis. Stats. The City may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Safety and Professional Services, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Workforce Development, and the Wisconsin Economic Development Corporation.
- (21) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds, and other facilities, as adopted by the Town Board pursuant to ch. 62, Wis. Stats.
- (22) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (23) Parcel. Contiguous lands under the control of a developer. No easement, street, highway, river, stream, water of body or railroad rights-of-way shall constitute a breach of contiguity. Also referred to as a lot.
- (24) Public Improvements. Public improvements shall include any improvements within a subdivision or other land division that are for the public benefit, including but not limited to streets, stormwater management improvements, erosion control improvements, and utility improvements.
- (25) Plat. This term includes a map of a subdivision or minor land division.
- (26) Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.
- (27) Public Sanitary Sewer System. A Wastewater Treatment Plant and appurtenances licensed by the Wisconsin Department of Natural Resources and owned and operated by a city, village, or town.

- (28) Public Way. Any public road, street, highway, walkway, drainage way, or part thereof.
- (29) Replat. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.
- (30) Reservation. A means of setting aside a parcel of land for a specific use in the future. Counter to the principle of dedication, the land is not owned by the public and must be purchased or released from reservation at some future date. The date by which the land must be purchased may be specified in the reservation.
- (31) Street, Arterial. A street used or intended to be used, primarily for fast or heavy through traffic. An arterial street shall include freeways and expressways as well as standard arterial streets, highways, and parkways.
- (32) Street, Collector. A street used, or intended to be used, to carry traffic from local streets to the major system of arterial streets including the principal entrance streets to residential developments.
- (33) Street, Frontage. 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.
- (34) Street, Local. A street used, or intended to be used, primarily for access to abutting properties.
- (35) Subdivider. A developer.
- (36) Subdivision. See sec. 236.02(12), Wis. Stats. The term “subdivision,” as used in this Chapter, shall further mean the division or subdivision of a parcel or tract of land by the owner or developer thereof, or the owner’s or developer’s agent, for the purpose of sale or of building development, where:
 - (a) the act of division creates four (4) or more building sites; or
 - (b) four (4) or more building sites or less in area are created by successive divisions within a period of five (5) years.