

CHAPTER 20: LAND USE AND LAND DIVISION

20.01. Title/Purpose.

This chapter is entitled “Land Use and Land Division.” The purpose of this chapter is to regulate and control the design and construction of roadways and public improvements and the division and use of land within the limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Town and its environs.

20.02. Authority.

This chapter is adopted under the statutory authority granted pursuant to the village powers of the Town in Wis. Stat. §§ 60.10(2)(c), 60.22(3), 61.34(1), 236.03, and 236.45.

20.03. Definitions.

As used in this chapter, the following words and phrases shall be defined as follows:

A. “Applicant” shall mean that individual(s) submitting the application materials to the Town and signing the Cost Recovery Agreement. “Applicant” shall include at least one of the owners of the Subject Property. If more than one Applicant is listed on the application materials, all Applicants shall be jointly and severally liable for all requirements imposed pursuant to this Chapter 20.

B. “Approving Authority” shall mean those entities granted approval authority under Wis. Stat. § 236.10.

C. “Conceptual Plan” shall mean a map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed Project, a timeline for the proposed Project, and any other information Applicant deems necessary to provide the Town with a general overview of the proposed Project.

D. “Cost Recovery Agreement” shall mean that agreement required under Chapter 23 of the Municipal Code.

E. “County” shall mean Walworth County, Wisconsin. When used in a geographical sense, “County” shall mean all lands within the boundaries of Walworth County, Wisconsin.

F. “County Zoning Division” shall mean Walworth County Land Use & Resource Management Department, Zoning Division.

G. Unless specified otherwise this chapter, “days” shall mean calendar days, not business days.

H. “Objecting Agency” shall mean those entities who may object to a preliminary and/or final plat, as set forth in Wis. Stat. §§ 236.10 and 236.12.

I. “Ordinance” shall mean this Chapter 20 of the Municipal Code.

J. “Project” shall mean, generally, all modifications, construction, work, or other activities to be performed upon the Subject Property or changes to the allowed use of the Subject Property, as set forth in the application materials submitted to the Town by Applicant.

K. “SEWRPC” shall mean the Southeastern Wisconsin Regional Planning Commission, or any successor agency thereto.

L. “State” shall mean the State of Wisconsin, including any State agency or department, agent, or employee.

M. “Subject Property” shall mean the land to be developed, subdivided, or otherwise affected by the application submitted by Applicant.

N. “Town” shall mean the Town of Darien, County of Walworth, State of Wisconsin, in its present form or in any later recognized, consolidated, annexed, or detached form. When used in a geographical sense, “Town” shall refer to all lands located within the corporate limits of the Town.

O. “Town Board” shall mean the present governing body of the Town, or any future body constituting the governing body of the Town.

P. “Town Clerk” shall mean that individual elected or appointed to perform the duties set forth under Wis. Stat. § 60.33.

Q. “Plan Commission” shall mean the Town of Darien Plan Commission, as authorized under Wis. Stat. §§ 61.35 and 62.23.

R. “WDOT” shall mean the State of Wisconsin Department of Transportation, or any successor agency thereto.

S. “Wis. Stat.” or “Wisconsin Statutes” shall mean the official statutes of the State, as amended from time to time.

20.04. Intent.

It is the general intent of this chapter to regulate the design and construction of roadways and public improvements and the division and use of land so as to:

- A. Promote and achieve the wise use, conservation, protection, and proper development of the Town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- B. Lessen congestion in the streets and highways.
- C. Further the orderly layout and appropriate use of land.
- D. Avoid the inefficient and uneconomical extension of governmental services in the Town.
- E. Conserve the value of prime agricultural soils in the Town.
- F. Provide for the conservation of the agriculturally important lands in the Town by minimizing conflicting land uses.
- G. Promote the rural and agricultural character, scenic vistas, and natural beauty of the Town.
- H. Secure safety from fire, panic, and other dangers.
- I. Facilitate adequate provision for housing, transportation, stormwater, wastewater, and other public facilities and services.
- J. Secure safety from flooding, water pollution, disease, and other hazards.
- K. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control.
- L. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- M. Preserve natural vegetation and cover and promote the natural beauty of the Town.
- N. Facilitate the further division of larger tracts into smaller parcels of land.

O. Provide for the administration and enforcement of this chapter, including penalties for its violation.

P. Implement those municipal, County, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, County, and local comprehensive plans.

20.05. 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 laws. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

20.06. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, and 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.

20.07. Severability.

If any section, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

20.08. Repeal.

Any portion of the Municipal Code inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

20.09. General Provisions - Jurisdiction.

Jurisdiction of this chapter shall include all unincorporated lands within the Town. This chapter, as it applies to divisions of tracts of land into less than five 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. 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 these regulations, or other applicable laws or ordinances.

D. Cemetery plats made under Wis. Stat. § 157.07.

E. Assessors' plats made under Wis. Stat. § 70.27, but such assessors' plats shall comply with Wis. Stat. §§ 236.15(1)(a) through 236.15(1)(g), 236.20(1), and 236.20(2)(a) through 236.20(2)(e).

20.10. General Procedures.

A. Conceptual Plan.

(1) Prior to the filing of any application under this chapter, Applicant shall submit a Conceptual Plan for review and comment by the Plan Commission.

(2) A Conceptual Plan may be an informal, rough draft. No specific forms or documents are required.

(3) A Conceptual Plan must be accompanied by the required application fee for the Project, as set forth in Section 20.34, below. Payment of said fee shall satisfy the fee requirement(s) for the submission of one formal application for the contemplated Project within six months of said payment. Submission of more than one formal application or submission of a formal application more than six months after submission of the Conceptual Plan will require payment of additional fees.

B. Application Requirements.

(1) All applications under this Chapter 20 must include a completed Cost Recovery Agreement, as set forth in Chapter 23 of the Municipal Code. No application will be considered prior to receipt of such Cost Recovery Agreement.

(2) For any application under this Chapter 20 other than a plat review or planned development, Applicant must file eight complete sets of the required application materials no less than 15 days prior to the next scheduled Plan Commission meeting. A complete set of the required application materials shall consist of the following:

(a) All forms prescribed for the Project by the County Zoning Division.

(b) A copy of the map, survey, and/or Project description to be considered and acted upon.

(c) A signed copy of the Cost Recovery Agreement.

(3) All applications must also include all fees required under Section 20.34, below.

(4) For any application involving a plat review, the additional requirements of Sections 20.18 and/or 20.20 below, shall apply. For any application involving a planned development, the additional requirements of Section 20.21, below, shall apply.

C. **General Review Procedures.**

(1) At the Plan Commission meeting at which an application filed under subsection 20.02.B.(2), above, is considered, those in attendance may have the opportunity to speak regarding Applicant's proposal. The Plan Commission shall have no obligation to hear from all persons in attendance. Once the public comment session has ended, the Plan Commission may deliberate and/or ask questions of parties involved.

(2) The Plan Commission shall reach a decision to recommend that the Town Board approve, approve conditionally, or deny the request, or shall table the request.

(3) The Town Board shall address the application after the application is approved or conditionally approved by the Plan Commission.

(4) The Town Clerk shall notify the County Zoning Division of the Town Board's decision within seven days of such decision.

(5) Any approval granted by the Town Board under this chapter shall be effective for a period of 12 months. In the event that final approval by the County is not obtained within that time period, Applicant must resubmit the application for reconsideration, following the procedures contained in this chapter for a new application, including payment of a new application fee. The Town Board, in its sole discretion, may grant up to a 12-month extension for Applicant to obtain County approval.

D. **Time for Review.** Any deadline or timeline for review and action by the Plan Commission or Town Board established in this chapter may be extended by the agreement of the Town and Applicant, unless prohibited by law. Such agreement need not be in writing.

E. **County Application.** An exact duplicate of the application submitted to the County for consideration must be filed with the Town Clerk within three business days of filing the application with the County. The Town Clerk and/or the Plan Commission shall review said application to ensure its conformity with the application considered by the Town. In the event of any substantive inconsistency, the Town shall notify the County Zoning Division of the same, and schedule the application for reconsideration at the next meeting of the Plan Commission.

F. **Notification.** Within five business days of receiving final approval from the County, Applicant must notify the Town, in writing, of said approval. In cases where a survey, plat, or certified survey map is involved, Applicant must file 10 copies of the approved survey, plat, or certified survey map with the Town Clerk.

20.11. Compliance.

No person, unless exempt under this chapter, shall divide or create a land division of any land in the Town or seek to alter the allowed use of any land within the Town without complying with the requirements of this chapter, and no land division, including any cluster development, conservation subdivision, major subdivision, certified survey map, condominium plat, replat, or minor land division, shall be entitled to be recorded in the office of the County Register of Deeds unless the final land division, plat, or map as approved by the Town Board is in full compliance and consistent with all of the following:

- A. Wis. Stat. ch. 236 and all other applicable State laws.
- B. All State administrative code provisions and State agency rules and regulations, including, but not limited to, rules regulating lot size and lot elevation; rules relating to the highway system if the Subject Property abuts on a State trunk highway or connecting street; rules regulating water quality standards, pollution, and floodland, wetland and shoreland areas.
- C. Duly approved comprehensive plan or comprehensive plan component of the Town.
- D. All other applicable local and County ordinances and regulations.
- E. All requirements of this chapter; when any general provision of this section conflicts with another provision of this chapter, the more restrictive provisions shall apply.

20.12. Dedication and Reservation of Lands.

A. Whenever any land to be subdivided encompasses all or any part of a street, drainageway, or other public way which has been designated on a duly adopted Town, County, or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by Applicant in the locations and dimensions indicated on said comprehensive plan or component thereof as set forth in this chapter.

B. Whenever any land to be subdivided encompasses all or any part of a proposed public playground, park, school site, open space site, or other public land, other than a street, highway, drainageway, other public way, or public access to navigable lakes or streams designated in a duly adopted Town, County, or regional comprehensive plan or comprehensive plan component, the proposed public land shall be made part of the

plat. Applicant shall dedicate such proposed public land to the Town for public use, unless otherwise agreed, in writing, by the Town.

C. In the design of any plat, certified survey map, condominium plat or plan, or planned development, due consideration shall be given to the reservation of suitable sites for future schools, public parks, public playgrounds, drainageways, and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat, certified survey map, condominium plat or plan, or planned development as required by this chapter. If not so designated, open space shall be provided in accordance with the conservation subdivision requirements or as required by the Town.

D. Applicant shall, at the discretion and direction of the Plan Commission or Town Board, provide open space in accordance with the conservation subdivision requirements and/or dedicate open space lands, or where no open space lands are directly involved, pay a fee in lieu of land dedication. The Plan Commission shall, at the time of reviewing the preliminary plat, certified survey map, condominium plat or plan, or development plan, record such requirement in the minutes of the meeting, and provide Applicant with written notice of the amount of land to be dedicated and/or the fee in lieu thereof.

(1) Dedication of Public Land.

(a) Whenever a public playground, public park, or other public land is encompassed, all or in part, within the Subject Property or required by the Plan Commission or Town Board, the public lands shall be made a part of the plat, certified survey map, condominium, or development plan and shall be dedicated to the public by Applicant at the rate of one acre for each 50 proposed or potential dwelling units.

(b) The rate for dedication of public areas shall not include wetlands, floodplain areas, or other undevelopable land, although these areas may be included in the area dedicated as approved by the Plan Commission.

(2) Park Site Fee Option.

(a) In lieu of dedication of public land under subsection 20.12.D.4.(a), above, the Plan Commission or Town Board may require Applicant to pay a fee equal to the cost to the Town, as determined by the Plan Commission, to provide the public land that is required under subsection 20.12.D.4.(a). Such fee shall be paid at the time of Applicant's application for a building permit.

(b) Unless otherwise required by law, fees collected by the Town under the provisions of this subsection 20.12.d.4.(b) shall be placed in a nonlapsing fund for Town parks and shall be separate from the General Fund of the Town, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Town.

E. Conservation Subdivision - Open Space Provisions. The open space provisions for a conservation subdivision shall follow the requirements in this chapter and as required by the Plan Commission.

20.13. Improvements.

A. Before final approval of any plat, Applicant shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, Applicant shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements, and shall file a bond or letter of credit meeting the approval of the Town attorney or provide a certified check in an amount equal to the estimated cost of the improvements - said estimate to be made by the Town Board after review and recommendation by the Town engineer - as a guarantee that such improvements will be completed by Applicant not later than two years from the date of recording of the plat, and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

B. Contracts and contract specifications for construction of street and utility improvements, including contractors and subcontractors providing such work, shall be subject to the approval of the Town engineer.

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, Applicant shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15 and as may be required by the Town engineer. The Town Board may waive the placing of monuments required under Wis. Stat. § 236.15(1)(b), (1)(c), and (1)(d) for a reasonable time on the condition that Applicant execute a surety bond to ensure the placing of such monuments within the required time limits established by the Town.

20.14. Variances.

A. Where, in the judgment of the Town Board, 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 requirement to the extent deemed just and proper. No such variance shall be granted unless the Town Board finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(1) **Exceptional Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions created by nature and not by the acts of Applicant, or Applicant's predecessors in title, such that literal enforcement of the

requirements of this chapter would result in severe hardship. Such hardships should not apply generally to other properties.

(2) Preservation of Property Rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(3) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

B. A simple majority vote of the entire membership of the Town Board shall be required to grant a variance.

20.15. Land Suitability.

A. No land shall be subdivided or developed for any use which is determined by the Plan Commission or Town Board unsuitable or improper for such land 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 Town or its residents.

B. The Town Board, in applying the provisions of this section, shall record, in writing, the particular facts upon which it bases its conclusion that the Subject Property is unsuitable for any use, and afford Applicant an opportunity to present evidence in rebuttal to such finding of unsuitability, if Applicant so desires. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

20.16. Violations.

A. It shall be unlawful to develop, divide, build upon, alter the use of, convey, record, or place monuments on any land in violation of this chapter or any other local, County, or State ordinance, regulation, or law.

B. No Applicant shall be issued a building permit by the Town authorizing the building on or improvement of any subdivision, minor land division, or replat until the provisions and requirements of this chapter have been fully met.

20.17. Penalties and Remedies.

A. Any person, firm, or corporation who fails to comply with any provision of this chapter shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$1,000.00, plus the costs of prosecution, for each offense, and in default of payment of such forfeiture shall be imprisoned in the County jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.

B. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or any other applicable law or regulation.

C. An assessor's plat made under Wis. Stat. § 70.27 may be ordered as a remedy by the Town, at the expense of Applicant, when a subdivision is created by successive divisions.

D. No plat of any subdivision shall be entitled to be recorded until it shall have been approved in the manner prescribed by this chapter.

20.18. Land Division Procedure.

A. Preliminary Plat Review.

(1) Before submitting a final plat for approval, Applicant shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and any County subdivision ordinances. Applicant shall file an adequate number of copies, as determined by the Town Clerk, of the preliminary plat, with supporting data, and the application with the Town Clerk, together with all necessary fees, at least 25 days prior to the meeting of the Plan Commission at which first consideration is desired.

(2) Within two days of the filing of the preliminary plat, the Town Clerk shall transmit copies of the preliminary plat and supporting data to all Approving Authorities and Objecting Agencies as required under Wis. Stat. § 236.12, and may also transmit additional copies to the Town Board, Plan Commission, Town engineer, and all affected Town commissions or departments, for their review and recommendation concerning matters within their jurisdiction. The preliminary plat and supporting data shall be reviewed by the Plan Commission and Town engineer for conformance with this chapter and all other applicable rules, regulations, ordinances, comprehensive plans or comprehensive plan components, and neighborhood plans.

B. Preliminary Plat Approval.

(1) Within 20 days of receiving a copy of the preliminary plat, any Objecting Agency shall notify Applicant and all other Approving Authorities or Objecting Agencies of any objections based upon the failure of the preliminary plat to comply with statutes, rules, or ordinances within such Objecting Agency's jurisdiction, or if there are no objections, the Objecting Agency shall so certify on the face of a copy of the preliminary plat and return that copy to the authority from which it was received. The preliminary plat shall not be approved or deemed approved until any objections have been satisfied. If an Objecting Agency fails to act within the 20-day limit, it shall be deemed to have no objection to the preliminary plat.

(2) The Plan Commission shall, within 30 days of the date of filing of a preliminary plat and supporting data with the Town Clerk, recommend approval, conditional approval, or rejection of such plat, and shall transmit the preliminary plat and application, along with its recommendation, to the Town Board.

(3) The Town Board shall, within 90 days of the date of filing the original preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat. One copy of the preliminary plat shall thereupon be returned to Applicant with the date and action endorsed thereon, and if approved conditionally or rejected, a letter setting forth the conditions of approval or reasons for rejection shall accompany the preliminary plat. One copy each of the preliminary plat and letter shall be placed in the Plan Commission's permanent file.

(4) Except as provided in Wis. Stat. § 236.11(1)(b), approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

C. Final Plat Review.

(1) Applicant shall prepare a final plat in accordance with this chapter, and file an adequate number of copies, as determined by the Town Clerk, of the final plat and a letter of application with the Town Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired.

(2) Within two days of the filing of the final plat, the Town Clerk shall transmit copies to all Approving Authorities and Objecting Agencies as required under Wis. Stat. § 236.12, and shall also transmit two copies each to the Town Board, Plan Commission, and Town engineer, and one copy each to all other affected Town commissions or departments, for their review and recommendation concerning matters within their jurisdiction.

(3) The Town engineer 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 other applicable rules, regulations, ordinances, and comprehensive plans or comprehensive plan components which may affect it, and shall provide the Plan Commission with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendations on approval of the final plat. The conclusions and recommendations shall be made part of the record of the Plan Commission meeting at which the final plat is being considered and are not required to be submitted in writing.

(4) If permitted by the Town Board, the approved preliminary plat may be final platted in phases, with each phase encompassing only that portion of the approved preliminary plat which Applicant proposes to record at one time. However, it is required that each such phase be final platted and be designated as a "phase" or addition to the approved preliminary plat.

D. Final Plat Approval.

(1) Within 20 days of receiving a copy of the final plat, any Objecting Agency shall notify Applicant and all Approving Authorities or Objecting Agencies of any objections based upon the failure of the final plat to comply with statutes, rules, or ordinances within such agency's jurisdiction, or if there are no objections, the Agency shall so certify on the face of a copy of the final plat and return that copy to the authority from which it was received. The final plat shall not be approved or deemed approved until any objections have been satisfied. If an Objecting Agency fails to act within the 20-day limit, it shall be deemed to have no objection to the final plat.

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

(3) 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. If the final plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to Applicant. The Town Board may approve the final plat after the Town Clerk certifies on the face of the final 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.

(4) If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat, or may extend the time for submission of the final plat, pursuant to Wis. Stat. § 236.11(1)(b).

(5) Failure of the Town Board to take action on the final plat within 60 days, the time having not been extended by agreement with Applicant, and no unsatisfied objections having been filed, the final plat shall be deemed approved. Upon written demand, a certificate to that effect shall be made upon the face of the final plat by the Town Clerk.

(6) After the final plat has been approved by the Town Board and the required improvements either installed or a contract and sureties ensuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the final plat attesting to such approval to be duly executed and the final plat returned to Applicant.

(7) Applicant shall file 10 copies of the approved final plat with the Town Clerk.

E. **Plats Within the Extraterritorial Plat Approval Jurisdiction.** When the Subject Property lies within 1-1/2 miles of the corporate limits of a village or city, Applicant shall proceed as specified above, except:

(1) Responsibility lies with the village, city, or County clerk to whomever the preliminary plat is first submitted; and Applicant shall indicate which one in Applicant's application.

(2) In addition to any Approving Authorities, the village plan commission or village board or and/or the city plan commission or city common council shall approve such plats. Applicant shall comply with the land division ordinances of the municipality(ies) having extraterritorial plat approval jurisdiction, as well as those of the Town.

(3) All improvement requirements specified by the village, city, or Town in matters over which each has jurisdiction shall be met before signing of the final plat.

F. **Replat.** When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of that subdivision, or part thereof, Applicant shall vacate or alter the recorded plat as provided in Wis. Stat. §§ 236.40 through 236.44, and shall then proceed as specified in subsections 20.18.A. through 20.18.E., above.

G. **Minor Land Division Review and Approval (Certified Survey Map).**

(1) When it is proposed to divide land into not more than four parcels or building sites, any one of which is 15 acres or less in size, or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the boundaries of said block, lot, or outlot, Applicant shall subdivide such land by use of a certified survey map. Applicant shall prepare the certified survey map and a letter of application in accordance with this chapter and the Walworth County Subdivision Control Ordinance.

(2) Applicant shall comply with the procedural requirements outlined in subsection 20.10.B., above. In addition, the Town Clerk shall transmit two copies of the application materials each to the Town Board and the Plan Commission.

(3) The Plan Commission and Town engineer shall examine the certified survey map as to its conformance with this chapter and all rules, regulations, ordinances, and comprehensive plans or comprehensive plan components which may affect it. The Plan Commission may, in its discretion, transmit a copy of the certified survey map to the Town engineer for review.

(4) The Plan Commission shall, within 45 days from the date of filing of the certified survey map, recommend approval, conditional approval, or rejection of the

certified survey map, and shall transmit the certified survey map, along with its recommendations, to the Town Board.

(5) The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within 90 days from the date of filing of the map. If the certified survey map is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to Applicant. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original certified survey map and return the certified survey map to Applicant.

(6) Upon failure of the Town Board to take action on the certified survey map within 90 days, the time having not been extended by agreement with Applicant and no unsatisfied objections having been filed, the certified survey map shall be deemed approved. Upon written demand, a certificate to that effect shall be made on the face of the certified survey map by the Town Clerk.

H. **Appeals.** An Applicant or other person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Wis. Stat. § 236.13(5), within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the Objecting Agency making such objection(s) 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 Authority or Objecting Agency is arbitrary, unreasonable, or discriminatory.

20.19. Conservation Subdivision Requirements.

A. **General.** Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the authority to specify which areas shall be preserved.

B. **Inventory of Existing Resources.** Applicant shall prepare and submit to the Town Clerk an inventory and mapping of existing resources at the Subject Property including the following, mapped at a scale of no less than 1 inch = 200 feet:

(1) Topographic contours at two-foot intervals.

(2) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics, such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems.

(3) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.

(4) Land cover, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than 24 inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation.

(5) Current and past land use, buildings, structures, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.

(6) Known critical habitat areas for endangered species, including a review of existing inventories, including the State Department of Natural Resources Bureau of Endangered Resources inventory of endangered, threatened, or special concern species.

(7) Photographs of the Subject Property, including views from surrounding roads, public areas, and elevated areas, with a map indicating the location where the photographs were taken.

(8) Unique geological resources, such as rock outcrops and glacial features.

(9) A brief description of the historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing inventories, including the State Historical Society of Wisconsin inventory of historic buildings, archaeological sites, and burial sites.

C. **Development Yield Analysis.** Applicant shall submit a table showing the maximum number of dwelling units that would be permitted under the County zoning ordinance consistent with the minimum lot size, lot widths, setbacks, and other provisions of such ordinance and compare it to the number of dwelling units proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g., floodplains, wetlands, steep slopes, and drainageways) shall be excluded from the development yield analysis.

D. **Site Analysis and Conceptual Plan.** Using the inventory of existing resources, the development yield analysis, and applying the standards specified in this chapter, Applicant shall prepare and submit a Conceptual Plan, at a scale of no less than 1 inch = 200 feet, that contains the following:

(1) Open space areas indicating which areas are to remain undeveloped and proposed trail locations.

(2) Boundaries of areas to be developed and proposed general street and lot layout.

(3) Number of housing units proposed.

(4) Proposed methods for and location of water supply, stormwater management (e.g., best management practices), and sewage treatment.

(5) Inventory of preserved and disturbed natural features and prominent views.

(6) Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.

(7) Proposed methods for ownership and management of open space.

E. Residential Lot Requirements.

(1) Lots shall be configured to minimize the amount of impervious surfaces. Maximum lot coverage = 35 percent (includes buildings and other impervious surfaces).

(2) Maximum building height = 35 feet.

(3) Access to the majority of lots shall be by interior local streets, with the exception of existing farmsteads to be preserved that have an existing driveway on an arterial street.

(4) Lots shall be configured to minimize the amount of road length required for the subdivision.

(5) Development envelopes shall be configured to minimize loss of woodlands.

(6) If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

(7) All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.

(8) Lots shall be oriented around one or more of the following:

(a) A central green or square.

(b) A physical amenity, such as a meadow, a stand of trees, or some other natural or restored feature.

(9) Development envelopes shall not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.

(10) Residential structures shall be oriented to maximize solar gain in the winter months.

(11) A 30-foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.

(12) Connectivity of environmental corridors, trails, and green spaces, as well as the conservation subdivision themes of adjacent properties, shall be considered in the development design.

F. **Stormwater Management Best Management Practices.**

(1) The use of open swales shall be maximized.

(2) Roof down spouts should drain to porous surfaces.

(3) Peak discharges shall be no more than predeveloped conditions in accordance with the Town development standards.

(4) The development should address capturing sediment and pollutant discharges in accordance with the Town development standards.

(5) Landscape plantings should be used to increase infiltration and decrease runoff.

(6) Natural open drainage systems shall be preserved.

G. **Residential Cluster Siting Standards.**

(1) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units and no less than five dwelling units.

(2) Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between incompatible uses.

(3) Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the State Department of Natural Resources.

(4) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.

(5) Residential clusters should be sited to achieve the following goals, to the extent practicable:

(a) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.

(b) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.

(c) Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.

(d) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.

(e) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

(6) Landscaping around the cluster may be required to reduce off-site views of residences.

H. **Open Space Design.**

(1) The minimum common open space required shall be owned and maintained under one of the alternatives listed under subsection 20.19.I., below, as approved by the Town. The uses within the open space may be accessible to the residents of the development. These uses may also be available to the general public, providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified below.

(2) Open space shall be designated as part of the development. The minimum required open space is 60 percent of the net buildable area.

(3) The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

(a) First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.

(b) Second priority will be given to areas providing some plant and wildlife habitat and open space values.

(c) Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.

(4) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:

(a) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.

(b) Privately-held buildings or structures, provided they are accessory to the use of the open space.

(5) Road rights-of-way shall not be counted towards the required minimum open space.

(6) No more than 50 percent of the required open space may consist of water bodies, floodplain, or wetlands.

(7) That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.

(8) Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens, but should be designed in a manner that avoids adversely impacting archeological sites.

(9) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels, shall be identified in the plan.

I. **Ownership and Maintenance of Open Space.** The designated common open space and common facilities shall be owned and managed by one or a combination of the following:

- (1) A homeowners' association.
- (2) A condominium association established in accordance with the Condominium Ownership Act, Wis. Stat. ch. 703.
- (3) A nonprofit conservation organization.
- (4) The Town or another governmental body empowered to hold an interest in real property.
- (5) An individual who will use the land for open space purposes as provided by a conservation easement.

J. **Homeowners' Association.**

(1) A homeowners' association shall be established by Applicant if the common open space is proposed to be owned by a homeowners' association. Membership in the association shall be mandatory for all purchasers of homes in the development and their successors. The bylaws and the declaration of covenants, conditions, and restrictions of the homeowners' association shall guarantee continuing maintenance of the open space and other common facilities, and shall be submitted for approval to the Town as part of the information required for the preliminary plat.

(2) The homeowners' association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners' association shall contain the following information:

- (a) The legal description of the common land.
- (b) A description of common facilities.
- (c) The restrictions placed upon the use and enjoyment of the lands or facilities.
- (d) Persons or entities entitled to enforce the restrictions.
- (e) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
- (f) A mechanism for resolving disputes among the owners or association members.

(g) The conditions and timing of the transfer of ownership and control of land or facilities to the association.

(h) Any other matter Applicant deems appropriate.

K. **Condominium Association.** If the common open space and facilities is to be held as a condominium under Wis. Stat. ch. 703, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a “common element” is defined in Wis. Stat. § 703.01(2).

L. **Nonprofit Conservation Organization.** If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization is subject to Town approval and must contain appropriate provisions for reversion in the event the organization becomes unwilling or unable to uphold the terms of the conveyance.

M. **Public Dedication.** The Town may accept the dedication of fee title or a conservation easement to the common open space if, at a minimum:

(1) The common open space is accessible to the residents of the Town.

(2) The Town agrees to, and has access to, maintain the common open space.

(3) Streets or other public ways which have been designated on a duly adopted official map or element of the Town comprehensive plan shall be dedicated or reserved by Applicant to the Town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this chapter.

N. **Individual Ownership.** An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.

O. **Maintenance Plan.** Every Applicant for a conservation subdivision must provide a plan to properly manage the common open space in perpetuity and to properly manage and maintain all common facilities, including any stormwater facilities. This plan shall be approved by the Town prior to final plat approval.

(1) The plan shall:

(a) Designate the ownership of the open space and common facilities in accordance with subsection 20.19.I., above.

(b) Establish necessary regular and periodic operation and maintenance responsibilities.

(c) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.

(d) Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis, describing:

(i) Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape.

(ii) The proposed end state for each common open space area; and the measures proposed for achieving the end state.

(iii) Proposed restoration measures, including measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring historic features and habitats or ecosystems.

(iv) The operations needed for maintaining the stability of the resources, including mowing schedules, weed control, planting schedules, clearing, and cleanup.

(e) At the Town's discretion, Applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

(2) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization, and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made.

(a) Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case any bond or other financial guaranty of the performance may be forfeited, and any permits may be revoked or suspended.

(b) The Town may enter the premises and take corrective action.

(c) The costs of any corrective action taken by the Town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town shall file a notice of such lien in the office of the County Register of Deeds.

P. **Management.** Management and maintenance plans may be amended only with the approval of the Town Board.

20.20. Condominium Plat and Plan.

A. General.

(1) A condominium plat prepared by a registered land surveyor is required for all condominiums. It shall comply in all respects with the requirements of Wis. Stat. ch. 703. A condominium development plan shall also be required for all condominiums and shall comply with the design standards set forth in the Town development standards, and with Section 20.30, below. If the condominium is to be subdivided into lots, the provisions of Sections 20.26, 20.27, and 20.28, below, shall be complied with.

(2) A preliminary condominium plat shall be submitted to the Plan Commission for all tracts of land proposed to be developed as a condominium, and shall show all the data required by Section 20.23, below, for preliminary plats.

(3) Preliminary and final condominium plats shall be submitted, reviewed, and approved or disapproved in the same fashion as preliminary and final plats for land divisions, as set forth in Section 20.18, above.

B. **Additional Information.** The preliminary and final condominium development plan shall show correctly on its face, in addition to the information required by Wis. Stat. § 703.11, the following:

(1) Date of plan.

(2) Graphic scale.

(3) Name and address of the condominium owner, condominium developer, and land surveyor.

(4) All existing buildings, proposed structures, streets, watercourses, drainage ditches, and other features pertinent to the development.

(5) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.

(6) Additional building setback lines required by the Plan Commission which are more restrictive than the regulations of the zoning district in which the condominium is located or which are proposed by Applicant and are to be included in recorded protective covenants.

(7) Additional yards required by the Plan Commission which are more restrictive than the regulations of the zoning district in which the condominium is located.

(8) All lands reserved for future public acquisition.

(9) Existing contours in the area of the land to be developed.

(10) Floodplain and shoreland boundaries and the contour line lying at a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.

(11) General location sketch showing the location of the proposed land division.

(12) Any additional information the Plan Commission finds that it requires relative to a particular problem presented by a proposed condominium development.

C. **POWTS.** All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the County.

D. **Density.** Adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.

E. **Review and Approval.**

(1) An Applicant for a condominium shall prepare and submit a conceptual condominium plan, a preliminary condominium plan, and a final condominium plan for review by the Plan Commission and the Town Board.

(2) The Plan Commission and the Town Board shall review the proposed plan, the Subject Property, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

(3) The Plan Commission and the Town Board may approve the proposed plan provided that the proposed uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

20.21. Planned Development.

A. General.

(1) A development plan shall be required for all planned developments. The planned development shall comply with the design standards adopted by the Town Board.

(2) A preliminary development plan shall be submitted to the Plan Commission for all proposed planned developments that contain floodplains or shorelands and shall show all the data required by Section 20.23, below.

B. Additional Information. The development plan and the preliminary development plan shall show correctly on its face, the following:

(1) Date of plan.

(2) Graphic scale.

(3) Name and address of the Subject Property owner, subdivider and/or developer, and land surveyor.

(4) All existing buildings, proposed structures, streets, watercourses, drainage ditches, and other features pertinent to the development.

(5) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.

(6) Additional building setback lines required by the Plan Commission which are more restrictive than the regulations of the zoning district in which the planned development is located or which are proposed by Applicant and are to be included in recorded protective covenants.

(7) Additional yards required by the Plan Commission which are more restrictive than the regulations of the zoning district in which the planned development is located.

(8) All lands reserved for future public acquisition.

(9) Existing contours in the area of the land to be developed.

(10) Floodplain and shoreland boundaries; and the contour line lying at a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.

(11) Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development, it shall have the authority to request, in writing, such information from Applicant.

C. **POWTS.** All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the County.

D. **Density.** Adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.

E. **Review and Approval.**

(1) Before submitting a planned development plan, Applicant shall prepare a Conceptual Plan in accordance with this chapter, and submit 12 copies, along with a letter of application, to the Town Clerk.

(2) At least 30 days prior to the meeting of the Plan Commission at which action is desired, Applicant shall submit a preliminary planned development plan. It shall be clearly marked "Preliminary Planned Development Plan," and shall be in sufficient detail to determine whether the proposed development will meet the requirements of this chapter.

(3) Within six months after the preliminary planned development plan is approved, a development plan shall be filed with the Town Clerk. Applicant shall file 12 copies with the Town Clerk at least 30 days prior to the meeting of the Plan Commission at which action is desired. If Applicant makes application for a conditional use permit with the County, Applicant shall submit a copy of the information provided to the County to the Town Clerk.

(4) The Town Clerk shall, within two days of receipt, transmit a copy of the development plan to the Plan Commission, Town engineer, and all affected Town commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days.

(5) The Plan Commission shall review the proposed plan, the Subject Property, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the

proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

(6) The Plan Commission shall, within 60 days of the date of filing of the development plan with the Town Clerk, approve or reject such development plan. The plan shall be reviewed by the Plan Commission for conformance with this chapter and all other applicable rules, regulations, and ordinances, adopted regional, County, or Town comprehensive plans or adopted plan components which affect it. If the development plan is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of reasons forwarded to Applicant.

(7) Failure of the Plan Commission to act within 60 days, the time not having been extended, the development plan shall be deemed approved.

(8) The Plan Commission may approve the development plan provided that the proposed uses and structures are in accordance with the purpose and intent of this chapter and are not found to be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

(9) Subsequent to the Plan Commission's approval of the development plan, the Town Board shall have 30 days to review the development plan. If the Town Board rejects the development plan, the reasons shall be stated in the minutes of the meeting and a written statement of reasons forwarded to Applicant. Failure of the Town Board to act within 30 days, the time having not been extended, the development plan shall be deemed approved. The Town Board may approve the development plan provided that the proposed uses and structures are in accordance with the purpose and intent of this chapter and are not found to be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

20.22. Private Road Development.

A. General.

(1) A street, roadway, or lane shall be considered a private road if it serves three or more lots or parcels and if it is not accepted in a writing recorded in the office of the County Register of Deeds as a public road.

(2) Applicant may allow ingress and egress for some or all lots of a subdivision by a private road only if such private road complies with the requirements of this chapter.

(3) Subdivisions utilizing private roads shall be developed in accordance with all provisions and requirements of this chapter, except for those regarding public roadway construction.

B. Private Roads.

(1) A private road shall have a 66-foot wide dedicated (for ingress and egress purposes) right-of-way with a 60-foot minimum radius cul-de-sac at any dead end, and shall include an easement for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively referred to as "Public Structures") for the purpose of providing public utilities, including conveyance of sewage, water, and stormwater runoff across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

(2) The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.

(3) The Town shall have no obligation or responsibility for the installation or maintenance of stormwater or other public structures upon such private road or for any repair, maintenance, upkeep, plowing, or grading of such private road.

(4) A private road shall be designed and constructed to meet the minimum standards for such roads established under State and County law.

(5) The Town shall appoint an engineer of its choice, at Applicant's expense, to oversee the construction to the standards required by this chapter.

(6) Every private road shall be accessible to all of the usual vehicles, such as solid waste removal vehicles, emergency vehicles, and those delivery trucks or school buses as may need to access the private road. Written approval of the proposed road street shall be obtained from emergency service units, such as fire and police departments, a copy of which shall be recorded with the plat in the office of the County Register of Deeds.

(7) If a private road is brought up to Town standards for public streets and offered for acceptance by the Town, the Town Board, in its sole discretion, may refuse to accept the private road as a public road.

C. Private Road Maintenance Agreement. A private road maintenance agreement, in a form approved by the Town Board, shall be recorded as a part of the deed for every parcel of property to which the road provides access. The maintenance agreement shall be binding on all parties, shall guarantee a financial mechanism for, and actual, regular maintenance of, the private road by all owners of property to which the road provides access, and shall include, at a minimum, the following:

(1) Creation of a private road association responsible for the maintenance of the private road, including membership, annual meeting, and

specification of duties and responsibilities. Membership in the association must be mandatory for all purchasers of property to which the road provides access, and their successors.

(2) Method of assessment for road maintenance costs, including frequency, apportionment of assessment between property owners, collection process, and method of collection from delinquent property owners.

(3) Legal description of the private road and all parcels or lots adjacent, abutting or which have access to the private road.

(4) Purpose of easement, including ingress, egress, stormwater and utility construction, maintenance, installation, and improvement.

(5) Yearly estimate of expenses for road maintenance.

(6) Method of payment of extraordinary expenses.

(7) Remedies for a property owner's failure to comply with provisions of private road agreement.

(8) Method of amendment of private road agreement.

(9) A hold harmless clause in favor of the Town and its agents, boards, commissions, employees, and consultants regarding design and maintenance of the private road.

20.23. Preliminary Plat.

A. **General.** A preliminary plat is required for all subdivisions. The preliminary plat shall be based upon a survey by a registered land surveyor at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(1) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.

(2) The location of the proposed subdivision by government lot, quarter-section, section, township, range, County, and State.

(3) General location sketch of the subdivision within the U.S. Public Land Survey section.

(4) Date, graphic scale, and north arrow.

(5) Name and address of the owner, subdivider, or developer of the Subject Property, and land surveyor preparing the plat.

(6) Entire area contiguous to the proposed plat owned or controlled by Applicant shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.

B. **Preliminary Plat Data.** All preliminary plats shall show the following:

(1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

(2) 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.

(3) Location and name of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

(4) Location of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural and manmade features within the Subject Property or area immediately adjacent thereto.

(5) Location, width, and name of all proposed public rights-of-way and easements.

(6) Approximate dimensions of all lots together with proposed lot and block numbers and street setback lines.

(7) Location, approximate dimensions, and size 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 private uses not requiring platting.

(8) Approximate radii of all curves.

(9) Existing zoning on and adjacent to the proposed subdivision.

(10) Any proposed lake and stream access clearly indicating the location of the proposed subdivision in relation to the access.

(11) Name of the school district and the boundary lines thereof when a proposed subdivision is situated in more than one school district.

(12) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

C. **Covenants**. Applicant shall submit, with the preliminary plat, a draft of protective covenants whereby Applicant intends to regulate land use in the proposed subdivision, condominium, or planned development, and otherwise protect the proposed development. The Town attorney shall review all covenants and shall provide a report to the Plan Commission.

D. **Preliminary Grading and Stormwater Management Plan**. Preliminary grading and stormwater management plans shall be submitted along with the preliminary plat and shall show the following on a separate sheet:

(1) The exterior boundaries of the proposed subdivision along with the proposed lots, lot numbers and drainage easements.

(2) Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than five feet where the slope of the ground surface is 10 percent or more.

(3) Elevations shall be marked on such contours based on National Geodetic Datum (mean sea level) where available.

(4) Water elevations of adjoining lakes and streams at the date of the submittal and approximate high and low water elevations, all referred to mean sea level datum where available.

(5) Floodplain limits and the contour line lying at a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is available, five feet above the elevation flood of record.

(6) Location of all existing streets, alleys, or other public ways, easements, railroad, and utility rights-of-way.

(7) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to mean sea level datum where available.

(8) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, 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 sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.

(9) Preliminary street grading showing proposed streets with their proposed elevations and grades.

(10) Preliminary stormwater management features showing proposed swales, storm sewers, and stormwater basins. Sizes of proposed storm sewers and stormwater basins shall be shown and the supporting calculations included in a report, to be filed as part of the preliminary data.

(11) Any proposed lake and stream improvement or relocation.

(12) Soil, type, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

(13) Location and results of soil boring tests as required by Wis. Admin. Code ch. Comm 85.

E. **Testing.** The Plan Commission may require that borings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Wis. Admin. Code ch. Comm 85 shall be complied with, and the appropriate data submitted with the preliminary plat and plan.

F. **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features, and that he or she has fully complied with the provisions of this chapter.

20.24. Final Plat.

A. **General.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.20.

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

(1) Railroad rights-of-way within and abutting the plat.

(2) Setbacks or building lines if required by the Plan Commission or other ordinances.

(3) Utility and/or drainage easements.

(4) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(5) Special restrictions required by the Town Board relating to access control along public ways, delineation of floodland limits, or the provision of planting strips.

C. **Covenants**. Applicant shall submit, with the final plat, a draft of protective covenants whereby Applicant intends to regulate land use in the proposed subdivision, condominium, or planned development, and otherwise protect the proposed development. The Town attorney shall review all covenants and shall provide a report to the Plan Commission.

D. **Survey Accuracy**. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor in azimuth, four seconds of arc per interior angle.

E. **Surveying and Monumenting**. All final plats shall meet all the surveying and monumenting requirements of Wis. Stat. § 236.15.

F. **State Plane Coordinate System**. Where the final plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented, and coordinated by the WDOT, SEWRPC, or any county, city, village, or town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and 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. All distances and bearings shall be referenced directly to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

G. **Certificates**. All final plats shall provide all the certificates required by Wis. Stat. § 236.21. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied.

20.25. Certified Survey Map

A. **General**. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.34. The minor subdivision shall comply with the design standards and improvement requirements set forth in this chapter.

B. **Additional Information.** The map shall show correctly on its face, in addition to the information required by Wis. Stat. § 236.34, the following:

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

(2) Setbacks or building lines required by the Plan Commission and/or other ordinances.

(3) Utility and/or drainage easements.

(4) All lands reserved for future acquisition.

(5) Existing contours when required by the Town engineer at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than five feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (mean sea level) as available. This requirement may be waived if the parcel(s) created are fully developed.

(6) Proposed lot drainage as may be required by the Town engineer and/or Town Board.

(7) Date of the map, graphic scale, and north arrow.

(8) Name and address of the owner, subdivider, and/or developer of the Subject Property and the land surveyor who prepared the certified survey map.

(9) Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.

(10) Name of the school district and the boundary lines thereof when a proposed certified survey map is situated in more than one school district.

C. **State Plane Coordinate System.** Where the certified survey map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the WDOT, SEWRPC, or any county, city, village or town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and State plane

coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

D. **Certificates.**

(1) The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Town Board, after a recommendation by the Plan Commission and any other Town, County, or State authority with jurisdiction over the matter shall certify its approval on the face of the map.

(2) 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 Wis. Stat. § 236.21(2)(a).

20.26. Required Land Improvements.

A. **General.** No subdivision of land shall be approved or construction or installation of improvements began without receiving a statement signed by the Town Clerk certifying that the improvement described in the subdivision's plans and specifications, together with agreements, meet the minimum requirements of all ordinances and design standards of the Town.

B. **Street Plan.** The subdivision of land, including the arrangement, character, extent, width, grade, and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the County jurisdictional highway system plan, comprehensive plan or plan component, or neighborhood unit development plan of the Town and other responsible governmental bodies, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

C. **Street Improvements.**

(1) Street improvements are required to be constructed in conformity with the design standards adopted by the Town.

(2) Final surface for public streets should be delayed to avoid premature damage of final surface course. Final surface course should be installed after 50 percent to 75 percent of the lots have experienced construction.

D. **Minimum Street Standards.**

(1) All minimum standards established are intended to be construed solely as minimums. Additional standards may be required depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the design standards established by the Town. The Town engineer may recommend, and the Town Board may require, standards beyond the minimums set forth when geological conditions dictate the necessity for additional standards.

(2) All right-of-way widths shall conform to the dimensions shown in the design standards adopted by the Town.

(3) Minor streets shall be so laid out that their use by nonlocal traffic will be discouraged, without impairing overall traffic or utility efficiency.

(4) Alleys in residential districts are not permitted, except where deemed necessary and at the discretion of the Town Board.

(5) Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by Applicant. The platting of new half-streets shall not be permitted.

(6) Temporary termination of the streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection, 33 feet in width and 33 feet in length, abutting the right-of-way lines of the access street on each side.

(7) No street names may be used which will duplicate or be confused with the names of existing streets. Existing street names must be projected across unplatted lands wherever possible. Each street name shall be approved by the Town Board.

(8) Provisions should be made for serving lots abutting primary, major, and arterial streets and highways by the use of restriction of access to internal subdivision streets. Frontage streets should be avoided.

(9) Streets are the preferred routing of the overland emergency floodway.

(10) Single purpose streets shall not be allowed.

(11) The installation of trees, shrubs, hedges, bushes, fences, or any other improvements, other than those owned by the Town, shall be prohibited within the right-of-way.

E. **Street Intersections.** Streets should intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(1) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

(2) The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.

(3) Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 250 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.

F. **Easements.**

(1) Utility easements, when required, shall be at least 20 feet wide and shall include a provision prohibiting the installation of trees, shrubs, hedges, bushes, playground equipment, fences, sheds, or other buildings or structures, other than those owned by the Town or a utility district. All other easements provided for nonmunicipally owned utilities shall meet the requirements of the individual company.

(2) The Town Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, side and rear yard drainage, and other utility lines.

(3) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width needed to straighten, or for maintenance access, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.

(4) Easements shall be added when stormwater from public or other private areas drain to a publicly or privately owned and maintained detention area such that a perpetual right to drain is established. The Town retains the right to enter the easement and perform any necessary maintenance if the private property owner fails to adequately maintain the privately owned area.

G. **Block Standards.**

(1) The lengths of blocks should not be less than 600 feet nor more than 1,500 feet. Blocks over 900 feet may require crosswalk. Crosswalk dedication of not less than 10 feet in width shall be provided as required by the Town Board at the approximate centers of the blocks. A sidewalk shall be constructed on the centerline of the crosswalk and extend the full length of the crosswalk. The use of additional crosswalks in any instance to provide safe and convenient access to schools, parks, or other similar destinations will be specified by the Town Board.

(2) No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.

(3) Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

(4) Cul-de-sac streets should be no more than 750 feet in length from an intersecting street.

H. **Lot Standards.**

(1) The minimum lot dimensions for residential development shall comply with all Town, County, and State zoning laws. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building set back lines on both streets.

(2) Building lines shall conform to the front yard provisions of the Town, County, and State zoning laws, and in no instance shall the building lines be less than 25 feet from the street line.

(3) All lots shall abut publicly dedicated streets for a minimum distance of 100 feet unless the Town approves private roadway access to such lot.

(4) Side lines of lots shall be approximately at right angles or radial to the street line.

(5) Double frontage lots are discouraged except where lots back upon a primary street (major thoroughfare), and in such instances vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional rear yard depth of at least 20 feet in order to allow for a protective screen planting.

(6) Lots abutting a limited access highway, railroad, watercourse, drainage way, channel, or stream shall have additional minimum width or depth as

required to provide an adequate building site and afford the minimum usable area required in any Town, County, or State zoning law front, rear, and side yards.

I. **Public Sites and Open Spaces.** In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in Section 20.12, above. 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, watercourses, watersheds, and ravines.

J. **Hydrology and Soils.** The application materials submitted by Applicant shall state in detail all measures Applicant will perform to eliminate the effects of soil erosion (refer to Wisconsin Construction Site Best Management Practice Handbook), mud tracking, and the resultant sedimentation problems both on and off the Subject Property. Control of erosion shall be required, both during and following construction, until the soils are stabilized and expiration of the required maintenance bond.

K. **Sewers.** Sanitary sewers shall meet the approval of the Town sanitary district or other sanitary authority and be installed to comply with all applicable Town, County, State, or other specifications. Sanitary sewers shall be connect to the public sanitary sewer system if reasonably accessible, as determined by the applicable sanitary district or the Town. Where public sanitary sewers are not reasonably accessible, individual septic systems may be permitted, provided they are designed in accordance with all applicable Town, County, and State regulations. A subdivision plat shall in no case be approved which shall be dependent upon individual septic systems and private wells where lots therein contain less than 40,000 square feet each and less than 150 feet in width.

All Town maintained utilities shall be placed within dedicated right-of-way and approved easements and specifically these utilities shall not be placed upon private properties except for condominium or planned developments in which alternate agreement(s) are entered into by the Town and Applicant.

L. **Public Utilities.** All existing utility lines, conduits, or cable for electric, telephone, cable television, and other communication services should be placed a minimum of 24 inches underground, generally along rear lot lines within easements or in an easement within 10 feet of the right-of-way line of dedicated public ways as approved by the Town Board in conjunction with the approval of any final plat. All transformer boxes shall be located so as not to be hazardous to the public and outside the right-of-way in an easement.

M. **Stormwater Drainage Facilities.** Applicant shall construct stormwater drainage facilities adequate to serve the subdivision, condominium, or planned development, which may include storm sewers, road ditches, open channels, stormwater

detention or detention basins and structures, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be designed in accordance with the Town design standards, as required by the Town engineer. Any changes in the stormwater drainage system outside the proposed development which are necessary as a result of an increase in stormwater discharge rates discharging from the proposed development shall be the responsibility of Applicant.

N. **Survey Monuments.** Applicant shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15, and as may be required by the Town engineer.

O. **Street Signs and Guard Rails.** Street signs and guard rails shall, at the option of the Town Board, be obtained by the Town and placed where necessary by the Town, at Applicant's expense.

P. **Record Drawings.** One mylar copy of record drawings shall be furnished to the Town within 60 days after the installation of the improvements covered therein.

Q. **Improvements Extended to Limit of Parcel.** Any and all improvements or utility services required by this chapter for the subdivision and/or minor land division of lands within the Town shall be extended to the farthest limit of the parcel unless Applicant is excused from such requirement by the Town Board.

20.27. Improvement Acceptance Procedure.

A. Substantial Completion.

(1) Within 30 days of the written request of Applicant, and after all the required improvements have been substantially completed, the Town engineer shall make an inspection of the required improvements.

(2) Within 30 days of such inspection, the Town engineer shall prepare a substantial completion certificate and punchlist for correction of items which do not comply with the approved drawings and specifications or design standards of the Town. Upon completion of all items listed in the punchlist, Applicant shall sign and return the substantial completion certificate.

(3) Within 30 days of receipt of the substantial completion certificate, the Town engineer shall reinspect the required improvements. If all punchlist items are found to be completed, the Town engineer shall, within seven days of the inspection, notify the Town Clerk, in writing, that the Project has been substantially completed. If items required for substantial completion are not completed in a reasonable time, the Town Board reserves the right to make a claim on Applicant's bond or letter of credit to complete the necessary work, or to withhold, notwithstanding any other ordinance provision, building and occupancy permits.

B. Final Acceptance.

(1) Within 30 days of the written request of Applicant, after all the required improvements have been completed and record drawings have been submitted, the Town engineer shall make a final inspection of the Subject Property.

(2) Within 30 days of such inspection, the Town engineer shall prepare a final completion certification and final punchlist for correction of items which do not comply with the approved drawings and specifications or design standards of the Town. Upon completion of all items listed in the final punchlist, Applicant shall request, in writing, a reinspection. Within 30 days of receipt of the request, the Town engineer will inspect the work. If all punchlist items are found to be completed, the Town engineer shall, within seven days of inspection, notify the Town Clerk, in writing, of his or her recommendation for approval and acceptance of the work. The Town Clerk shall schedule the acceptance for the next regular Town Board meeting. If punchlist items are not completed in a reasonable time, the Town Board reserves the right to make a claim on Applicant's bond or letter of credit to complete the necessary work.

(3) Prior to final acceptance of the public improvements, Applicant shall pay any outstanding invoices, submit copies of lien waivers for all improvements, and submit a five percent guarantee bond for the full value of the public improvements as estimated by Applicant's engineer and verified by the Town engineer. Said bond shall be Applicant's guarantee against defects of the public improvements, and shall terminate two years after acceptance of the public improvements by the Town Board.

(4) Upon acceptance by the Town Board, the balance of the public improvements construction guarantee, cash, or letter of credit, and any deposited fees remaining, shall be released to Applicant.

C. Guarantee Period.

(1) Between 60 and 120 days prior to the end of the two-year guarantee period, the Town engineer shall make an inspection of the completed work.

(2) Within three days of his or her inspection, the Town engineer shall prepare a punchlist for correction of items not meeting Town standards, and provide it to Applicant.

(3) If deficient items are not corrected by Applicant prior to the end of the guarantee period, the Town Board reserves the right to make a claim on the maintenance bond to complete the necessary work, or withhold building and occupancy permits.

D. Building Permit. Notwithstanding any law, regulation, or ordinance to the contrary, no building permit shall be issued for the construction of any building, structure or improvement to the land or any lot within a subdivision which has been approved for

platting or replatting until all requirements of this chapter have been fully complied with, nor will any permit for any temporary or permanent facilities or structures be issued until all roadways are capable of supporting emergency equipment.

E. **Occupancy Permit.** Notwithstanding any law, regulation, or ordinance to the contrary, no occupancy permit shall be granted for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and roadways providing access to the subject lot or lots have been substantially completed, excluding final surface course. In case of corner lots, this shall include both streets upon which the property is located.

20.28. Assurance of Completion of Public Improvement.

A. **General.** Prior to improving any property, a final plat must be filed and be accompanied by the following:

(1) An opinion of probable cost of all public improvements, prepared by a professional engineer licensed in the State.

(2) Construction plans and specifications for such improvements previously approved by the Town engineer.

(3) Agreements executed by the Town and Applicant wherein they agree to make and install the improvements in accordance with the plans and specifications accompanying the final plat.

(4) Letter of credit, in a form approved by the Town, in the amount of 110 percent of the Town engineer's opinion of probable cost of the installation of such improvements, with good and sufficient surety thereon, to be approved by the Town Board, conditioned upon the installation of the required improvements within two years of the approval of the final plat.

(5) Maintenance bond, in an amount not less than five percent of all public improvements, approved by the Town engineer, providing guarantee of workmanship and materials. The maintenance bond shall be delivered to the Town and shall guarantee for a period of two years from the final acceptance of the Project all public improvement items and improvements of a public nature that are constructed in a private development, including, but not limited to, streets, ditches, sewer mains, water mains, and street lights.

(6) The work schedule for each major phase of work to be on the Project, with estimated starting and completion dates.

(7) If the Project will be constructed in phases, the amount of the letter of credit required under subsection 20.28.C.(4), above, and the maintenance bond required under subsection 20.28.C.(5), above, shall be calculated based upon the

Town engineer's assessment of the probable cost for the phase of the Project that is currently being constructed.

B. Reduction of Letter of Credit.

(1) The letter of credit may be periodically reduced by the Town Board upon recommendation of the Town engineer.

(2) Applicant shall submit to the Town engineer a list of completed items and their cost, along with copies of waivers of lien for the completed items. Upon review and confirmation of these submittals, and within 30 days of submission, the Town engineer shall recommend to the Town Board the reduction in the value of the letter of credit to be approved. Each reduction shall not be more than the value of items for which lien waivers have been obtained.

(3) A 10 percent contingency shall be held as retainage and not released until acceptance of the Project and receipt of the five percent maintenance bond, as specified under subsection 20.28.A.(6)a., above.

C. Insurance. Applicant shall provide and maintain comprehensive general liability insurance, which will protect the Town and each of its officers, employees, agents, and consultants from claims which may arise out of or result from the performance of work by anyone, directly or indirectly, employed by Applicant, or by anyone for whose acts Applicant may be liable.

(1) Comprehensive general liability insurance shall provide coverage in the amounts required by the Town Board.

(2) Work shall not commence upon the Subject Property until certificates of insurance for all required insurance, signed by the insurance companies or their authorized agents, have been filed with both the Town Clerk and the Town engineer.

(3) The policies of insurance so required by this subsection shall:

(a) With respect to comprehensive general liability insurance, include as additional insureds the Town and the Town engineer, each of whom shall be listed by name as additional insured, and include coverage for the respective officers and employees of each such additional insured.

(b) Remain in effect at least until final payment and at all times thereafter when Applicant may be correcting, removing, or replacing defective work in accordance with this chapter.

(c) Completed operations insurance shall remain in effect for at least two years after final payment. Applicant shall furnish the Town

evidence satisfactory to the Town of continuation of such insurance at final payment and one year thereafter.

20.29. Engineering and Administrative Procedures.

A. **Introduction.** These standards have been prepared to ensure that the design and construction of public improvements will meet the minimum requirements of the Town.

B. **Scope.** In addition to the Town, the review and approval of contract documents for certain types of improvements may also fall within the jurisdiction of other public agencies. These standards are not intended as a substitute for the requirements of other public agencies. It shall be Applicant's responsibility to ensure that the proposed contract documents meet the requirements of all other public agencies and that any and all permits and bonds required by such agencies are secured.

C. **Predesign Conference.** It is recommended that after preliminary plat approval and prior to the development of detailed drawings, Applicant's engineer meet with the Town engineer to review Town requirements and any other proposed projects or existing conditions that may affect the final Project design. The request for this preliminary meeting, if desired, shall be initiated by Applicant's engineer.

D. **Drawing Preparation Requirements.** All drawings submitted for approval shall bear the name of Applicant's engineer, his/her signature, the imprint of the professional engineer seal, and his/her address and telephone number. Where feasible, drawings shall consist of 24-inch x 36-inch sheets. Drawings shall be clear and legible, and shall be drawn to a conventional, even scale which will permit all necessary information to be plainly shown. All elevations shall be referenced to National Geodetic Vertical Datum (mean sea level datum) where available, and benchmarks shall be noted. All improvements proposed for use on the Project shall be indicated on the drawings. All proposed improvements and all existing municipal and privately owned utilities shall be shown in both plan and profile.

E. Specification Requirements.

(1) Technical specifications shall be complete in themselves, except that appropriate specific sections of the most recent edition of the "Standard Specifications for Road and Bridge Construction," as published by the WDOT ("Standard Specifications"), and the various standard published material specifications prepared by associations such as the "American Society for Testing and Materials" ("ASTM") or the "Concrete Reinforcing Steel Institute" ("CRSI"), may be incorporated by reference.

(2) The specifications shall include all information not shown on the drawings which is necessary to establish in detail the quality of materials and work required in the Project, allowable parameters for testing the various parts of the Project, and instructions for testing material and equipment. Wherever there is conflict between

the written specifications and the drawings, the more stringent requirements, as determined by the Town, shall apply.

(3) The specifications shall include a clause that all work included shall be guaranteed by Applicant to be free from defects in construction and materials and in conformance with the approved drawings and specifications. A statement of comprehensive liability insurance shall also be provided as required in Section 20.26, above.

F. **Design Computation Requirements.** Design computations shall be made by Applicant's engineer for all phases of the Project when such computations are required to facilitate review by the Town engineer. Said computations shall be neat and legible and in a form considered acceptable by the Town engineer. Said computations shall include, but not be limited to, the following:

- (1) Detention reservoir capacity design.
- (2) Sediment basin design.
- (3) Storm sewer system design, including inlet capacity.
- (4) Structural strength design for conduits more than 20 feet below finished grade.
- (5) Road and drive culvert sizing.

G. **Opinion of Probable Cost.**

(1) Applicant's engineer shall prepare an itemized opinion of the probable cost of the work. The opinion shall be delineated public and private improvements when applicable.

(2) This opinion of probable cost shall be submitted with the construction plans and reviewed by the Town engineer to assure adequate bond amounts and to set the inspection fee deposits.

H. **Other Permit Applications and Approvals.** Other governmental agencies may review and approve for construction all or certain parts of the work included in a Project and may require a permit for such work. They may also require that an application for a permit be executed by the Town. When such permit application is required, it shall be prepared by Applicant's engineer. All required permits and necessary authorizations from other governmental agencies shall be secured by Applicant.

I. **Revisions to Approved Drawings and Specifications.** Any deviations from previously approved drawings or specifications affecting capacity, stability or operation of the system shall be approved, in writing, by the Town engineer before such

changes are made. Minor changes not affecting capacity, stability, or operation of the system will not require formal approval, but must be approved, in writing, by the field inspector.

J. **Construction Supervision.** Periodic visits to a Project shall be conducted by the Town engineer and/or field inspector, which may include spot checking of grades and improvements, but full-time inspection and performance certifications are the responsibility of Applicant's engineer or other independent professional employed by Applicant. Confirmation of approved grades and utility installation and preparation of record drawings are likewise the responsibility of Applicant's engineer or other independent professional employed by Applicant.

K. **Existing Facilities.** Drawings and specifications shall provide for the continuous operation of existing facilities without interruption during construction unless otherwise specifically authorized by the Town engineer.

L. **Record Drawings.** Reproducible record drawings signed and sealed by Applicant's engineer or other independent professional employed by Applicant shall clearly show any and all changes from the approved drawings. Record drawings shall be submitted to the Town engineer prior to Applicant's request for final inspection of the required improvements. The record drawings shall be based on actual measurements of both horizontal and vertical dimensions made after completion of the work.

M. **Waiver of Design Standards.** Where conditions so warrant, the Town Board may consider waiving any of the requirements found in these standards upon appeal by Applicant, per Section 20.14, above.

20.30. Restoration of Existing Improved Surfaces.

A. **General.** Applicant shall restore all permanent type pavements, sidewalks, driveways, curbs, gutters, trees, shrubbery, lawns, fences, poles, and other property and surface structures removed or disturbed during or as a result of construction operations to a condition that existed before the work began. The surface of all improvements shall be constructed of the same material and match in appearance the surface of the improvements which were removed.

B. **Saw Cutting.** When necessary to remove sections of existing pavement, sidewalk, or curb and gutter, and prior to removal, the edges of the section to be removed shall be cleanly cut with a concrete saw.

C. **Removal of Roadway Pavements, Sidewalk, Driveway, and Curb.** Where concrete pavement, sidewalk, driveway or curbing is cut, the width of the cut shall exceed the actual width of the top of the trench at subgrade by 12 inches on each side. Exposed surface of Portland Cement or asphaltic concrete shall be cut with a pavement saw to full depth before removal.

D. Asphaltic Concrete Pavement Surface.

(1) Where the existing pavement surface is asphaltic concrete and the base consists of a rigid material such as brick or Portland Cement concrete, the base replacement shall consist of eight-inch Portland Cement concrete base course.

(2) The surface replacement shall consist of a two-inch binder course and a one and one-half-inch minimum surface course conforming to the requirements of the WDOT Standard Specifications.

E. Asphaltic Plant Mix Pavement or Asphaltic Treated Surface-flexible Base. Where the existing pavement is asphaltic plant mix material or asphaltic surface treatment and the base consists of a flexible material such as gravel, crushed stone, seal coat, bituminous aggregate mixture, pozzolanic material, or soil cement, the base replacement shall consist of a nine-inch compacted thickness of crushed aggregate base course conforming to the WDOT Standard Specifications and special provisions thereof. The surface replacement shall be as specified in subsection 20.30.D, above.

20.31. Underground Improvements.

A. Pavement Crossing. Unless otherwise specifically approved by the Town Board, all conduits crossing existing pavements shall be installed by tunneling, jacking, or auguring. When the carrier pipe is a conduit intended to operate under internal pressure, a casing pipe of adequate strength for all applied loads shall be used. The nearest face of pits or other open excavations on each side of a traveled pavement shall be at least 10 feet from the edge of the pavement.

B. Utility Locations.

(1) Sanitary sewers shall, where possible, be located in the gravel shoulder four feet from the edge of pavement. The shoulder portion within 10 feet of manhole covers shall be paved with the same material used in construction of the roadway. The paved area around the manhole shall return at a 45 degree angle to the pavement. Flexible markers shall be installed to locate the sanitary manholes.

(2) All utility lines, conduits, or cable for electric, telephone, cable television, and other communication services should generally be placed along the rear lot lines of the subdivision and be placed a minimum of 24 inches underground within easements or within a 10-foot easement along the right-of-way line of dedicated public ways. All transformer boxes shall be located so as not to be hazardous to the public.

(3) Gas lines and facilities shall be installed in a 10-foot easement parallel to the right-of-way.

C. **Trenching.**

(1) Trenches shall be excavated to the depths and grades necessary for pipelines, including allowances for bedding material.

(2) As determined by the Town engineer, unsuitable soils found at or below the bottom of the trench shall be excavated to meet firm subsoil.

(3) Trench widths must comply with the following maximum trench widths at the top of pipelines:

Nominal Pipe Sizes (Inches)	Trench Widths (Inches)
12 or smaller	30
14-18	36
20-24	42
27-30	48
33 or larger	1-1/3 times pipe O.D.

(4) If trench widths will exceed the maximum limitations above, higher strength pipe may be required or a concrete cradle may be used to achieve the necessary load factor.

D. **Bracing and Sheeting.** Open-cut trenches shall be sheeted and braced as required by governing federal and State laws, including all OSHA Safety and Health Standards, and as may be necessary to protect life, property, and the work.

E. **Bedding and Backfill Requirements.**

(1) **Bedding.** Bedding shall be provided for all underground pipelines, except where concrete encasement, concrete cradles, boring, or jacking are indicated. Bedding shall be a minimum thickness of four inches and consist of a well graded, washed mixture of 100 percent crushed gravel or crushed stone aggregate free of clay, loam, dirt, calcareous, or other foreign matter conforming to the "Standard Specifications for Sewer and Water Construction in Wisconsin," and shall be properly compacted.

(a) For sewer pipe 18 inches in diameter and smaller, use bedding material of 3/8-inch crushed stone chips with the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
1/2-inch	100%
3/8-inch	90-100%
No. 8	0-15%
No. 30	0-3%

(b) For sewer pipe larger than 18 inches in diameter, use bedding material of 3/4-inch crushed stone chips with the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
1-inch	100%
3/4-inch	90-100%
3/8-inch	20-55%
No. 4	0-10%
No. 8	0-5%

(c) Wherever two or more pipe or conduits are placed in the same trench or excavated area, backfill the trench with granular bedding material to support the uppermost pipe or conduit.

(2) **Backfill.** For conduits not requiring special granular backfill, or aggregate slurry material, backfill may be made with materials available from the trench excavation. The material shall be free from rocks and be carefully placed in 12-inch lifts. For conduits requiring excavation beneath or within four feet horizontally of existing driveways, or sidewalks or in other areas which, in the opinion of the Town engineer, are or may be subject to vehicular traffic loading, special granular backfill shall be provided above the bottom of the trench and shall extend upward to the surface of the ground or pavement. Provide either sand, pit run gravel, granular material, or excavated granular materials.

(a) **Sand.** Well graded, free from organic matter, cohesion less, complying with the "Standard Specifications for Sewer and Water Construction in Wisconsin," with the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
1-inch	100%
No. 16	45-80%
Material finer than No. 20	2-10%

(b) **Pit Run Gravel.** Free from organic matter, cohesion less granular material obtained from natural deposits of sand and graves, passing three-quarter inch sieve, and not more than 15 percent passing the No. 200 sieve.

(c) Granular Complying Construction Material. Use 100 percent crushed stone or gravel with the "Standard Specifications for Sewer and Water in Wisconsin," with the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
1-inch	100%
3/4-inch	90-100%
3/8-inch	20-55%
No. 4	0-10%
No. 8	0-5%

(d) Excavated Granular Materials. A mixture of sand and gravel, free from organic matter, clay, loam, dirt, and other foreign material, passing the one and one-half-inch sieve, with not more than 15 percent passing the No. 200 sieve.

(e) Crushed Stone.

(i) Clean, hard, tough, durable, angular material crushed from bedrock limestone, dolomite, or granite.

(ii) Gradation requirements:

<u>Sieve Size</u>	<u>Percent Passing</u>
3-inch	100%
2-1/2-inch	90-100%
2-inch	35-70%
1-1/2-inch	0-155%
3/4-inch	0-5%

(f) For conduits requiring excavation beneath or within four feet horizontally of existing pavements, or in other areas at the direction of the Town engineer, aggregate slurry materials shall be provided above the bottom of the trench and shall extend upward to the surface of the pavement. Provide aggregate slurry material consisting of No. 1 and No. 2 coarse aggregate class with the cement deleted concrete mix.

(i) The material shall be mixed with water to inundate the aggregate sufficient to provide an approximate three-inch slurry.

(ii) Gradation Requirements. Comply with Section 6.33.3 of the "Standard Specifications for Sewer and Water Construction in Wisconsin."

20.32. Stormwater Drainage.

A. **Introduction.** All developments, regardless of size, shall include provisions for the construction of stormwater drainage facilities designed in accordance with this section. The design of all stormwater drainage facilities proposed for construction as independent projects shall also meet the technical requirements of this Section 20.32.

B. General Project Requirements.

(1) **Surface Flow.** Surface swales/ditches described in subsection 20.32.D.3., below, shall be encouraged for use and designed in accordance with the requirements of this section. Swales shall be constructed on rear and side lot lines to intercept and transport stormwater so as to reduce the impact on adjacent lots and lands. Natural swales and depressional storage areas shall be incorporated into stormwater facilities design wherever practicable. Swales and ditches, together with any underground storm sewer system, shall provide an adequate outfall for runoff from the 100-year frequency 24-hour duration rainstorm. In areas where swales/ditches cannot be provided, the underground storm sewer system shall be designed for the 100-year storm condition.

(2) **Storm Sewer.** Where allowed or required by the Town engineer, storm sewers may be constructed to drain the development and any contiguous drainage areas. Applicant shall submit to the Town engineer two copies of the storm drainage computations.

(3) Stormwater Detention.

(a) Stormwater facilities are required for all subdivisions, condominiums, or planned developments.

(b) Stormwater detention for residential subdivisions with individual lot sizes of three acres or more may not be required to provide stormwater detention if such development will not result in exceeding the capacities of downstream existing drainage ways, endanger downstream properties, or degrade the quality of downstream waters, as determined by the Town.

(c) Detention facilities shall be installed after all necessary erosion control measures have been provided and prior to any land disturbing activities.

(d) Stormwater detention facilities shall be located on private lands within public easements for Town access.

(4) **Drainage Basin Divides.** The design of stormwater drainage systems shall not result in the interbasin transfer of drainage, unless no reasonable alternative exists and there is no legal restraint to prevent such transfer.

(5) **Lot Grading.** The proposed finished yard grade, rear and side yard swales, and the location and top of foundation elevation for all proposed structures shall be shown on a lot grading plan. Generally, the top of the foundation of any structure must be constructed at least eight inches above the proposed finished yard grade and approximately 18 inches above the centerline of the abutting street. Where foundations are lower than the street centerline, or in the case of depressed driveways, alternate means of surface drainage diversion must be shown to avoid structure flooding. Sufficient finished grade elevations must be shown on the drawings to ensure positive drainage away from each structure.

C. **Design Criteria for Stormwater Detention.**

(1) **General.** In concept, a detention basin shall have a high water level, with one-foot of freeboard, based on a 100-year, 24-hour design storm and shall have an outlet which allows runoff no greater than that for the land in its natural state prior to development.

(2) **Release Rates.** The allowable release rates for the two-year, 10-year, 100-year frequency, 24-hour duration rainstorms shall be no greater than that for the land in its natural state prior to development.

(3) **Design Calculations.**

(a) The design of stormwater detention facilities shall be based on runoff hydrographs from the two-year, 10-year, and 100-year frequency, 24-hour duration rainstorms. The modified rational formula shall not be used for development of hydrographs. All design rainfall events shall be based on the Point Rainfall Intensity-Duration-Frequency Relationships for Milwaukee, Wisconsin, as prepared by SEWRPC. All design computations which do not rely on continuous accounting of antecedent soil moisture conditions shall assume "wet" conditions.

(b) Stormwater runoff from areas tributary to the site shall be considered in the equations for the design of the Project site's drainage system. If the tributary areas are undeveloped or do not meet release rate requirements, Applicant may bypass all tributary area flows around rather than through the storage facility. Runoff calculations for all undeveloped tributary land shall assume a reasonable fully developed land cover based upon anticipated zoning.

(4) **Water Quality Design.** Detention basins shall be designed to provide for the reduction of sediments. This can be accomplished by detaining the two-year frequency storm and releasing it over an extended period of time. Detention basins shall detain a volume of stormwater equal to the difference between the developed and undeveloped two-year, 24-hour storm, and release it over a 24-hour time period.

(5) **Basin Design.**

(a) The use of wet-bottom detention basins shall be encouraged and designed to be safe, aesthetically pleasing, and available for recreational use. Wet bottom basins shall be at least three feet deep, excluding near-shore banks and safety ledges. If fish habitat is provided, at least 25 percent of the basin bottom shall be a minimum of 10 feet deep. Wet-bottom basins shall be designed to remove stormwater pollutants and sediments and designed in such a manner to reduce nuisance problems such as embankment erosion and algae. Embankments above normal water levels shall be either terraced or sloped at a maximum of 4:1. A safety ledge is required no greater than two feet six inches below the normal water level. Such ledges shall be no less than six feet wide and shall back pitch toward the basin embankment.

(b) Dry-bottom detention basins shall be designed to be safe, aesthetically pleasing and available for multiple uses. Dry-bottom detention basins shall be designed and sized such that a minimum of 80 percent of the bottom area shall have standing water no longer than 72 hours for the 100-year frequency storm. The basin shall have a minimum slope of one percent, and a maximum embankment slope of 20 percent.

(6) **Outlet.**

(a) All concentrated stormwater discharges leaving a site must be directed into a well-defined receiving channel or pipe with adequate capacity for safe conveyance of flows from all design events.

(b) Single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates call for smaller outlets, structures such as perforated risers, flow control orifices, etc., shall be used.

D. **Design Criteria for Surface Swales and Storm Sewers.**

(1) **Storm Sewer.**

(a) When storm sewer construction is permitted or required, storm sewers shall be designed to flow full, using Manning's Formula with an appropriate roughness coefficient based on pipe material. If a storm sewer is designed with a constantly submerged outfall, the sewer shall be designed using the "hydraulic gradient" with the maximum allowable water level an elevation one-foot below centerline of pavement.

(b) The rational method shall be employed when computing storm runoff. The storm system shall be designed with "positive street and swale drainage" such that stormwater runoff will be directed overland to the stormwater detention area in a manner to minimize property damage due to flooding.

(c) Storm sewers shall be designed for a minimum five-year storm event flowing full and have a maximum velocity not to exceed 10 per second.

(d) The minimum size storm sewer or inlet connection shall be 12 inches in diameter.

(e) Unless otherwise approved by the Town engineer, storm sewers shall be reinforced concrete pipe conforming to ASTM C76 minimum Class III with O-ring joints conforming to ASTM C443. All inlet connections shall be concrete sewer pipe, ASTM C14 for extra strength pipe.

(f) Minimum cover shall be generally three feet for all storm sewers, unless special precautions are taken to protect the pipe, as approved by the Town engineer.

(g) Connections to sanitary sewers or existing agricultural drainage systems (tiles) will not be permitted for any new developments. All developments will utilize separate drainage systems to avoid disruption or overloading of the existing agricultural tile drainage system. Any field tile systems cut during the process of land development must be reconnected. Connection of existing agricultural drain tiles to new stormwater management systems may be approved if proper allowance for flows from said tiles is incorporated in the new design system.

(2) **Culverts**. Culverts shall be sized for each lot along rural streets and placed on the grading plan. Culverts shall meet the following minimum standards:

(a) Minimum pipe diameter of 15 inches.

(b) Culverts shall be designed for a minimum 10-year storm event flowing full and have a maximum velocity not to exceed 10 per second.

(c) The rational method shall be employed when computing storm runoff. The stormwater drainage system shall be designed with "positive street and swale drainage" such that stormwater runoff will be directed overland to the stormwater detention area in a manner to minimize property damage due to flooding.

(d) Corrugated metal pipe (CMP) shall be hot-dipped galvanized steel or aluminum steel conforming to AASTO M36. Sixteen gauge CMP shall be used for pipe diameter 21 inches and smaller. Twelve gauge CMP shall be used for pipe diameters 24 inches and larger.

(e) Reinforced concrete pipe shall conform to ASTM C76, minimum Class III.

(f) Culvert slope and invert elevations shall match the ditch slope and invert elevations.

(g) Minimum cover at driveways shall be six inches.

(h) All culverts shall include end sections.

(3) **Swales and Ditches.** Manmade swales and ditches shall meet the following minimum design standards:

(a) Minimum grade of one percent.

(b) Maximum grade of 10 percent.

(c) Minimum depth of 24 inches below the shoulder of the street. At high points in the roadway, a depth of 18 inches is allowable.

(d) Maximum bank slope of 4:1 under normal conditions.

(e) The bottom and banks of ditches with grades of less than three percent shall be sodded or else seeded in combination with mulch and/or erosion blanket.

(f) The bottom and banks of ditches with grades between three and six percent shall be sodded and stabilized.

(g) The bottom and banks of ditches with grades between six and 10 percent shall be paved, riprapped or otherwise stabilized as approved by the Town engineer.

(h) Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least one-foot below foundation grades in the vicinity of the flow path. Overland flow paths designed for flows in excess of the minor drainage system capacity shall be provided in drainage easements. Street ponding and flow depths shall not exceed curb heights.

20.33. Public Roadway Construction.

A. Introduction.

(1) All developments, regardless of size within the Town limits shall include provisions for the construction of roadways and appurtenant construction to serve each parcel of property within the development. Where more than one building, other than an accessory building is located or planned on one parcel of property, the proposed construction shall also include access roadways as required to serve each such building.

(2) The design of all roadways proposed for construction shall meet the technical requirements of this section and the WDOT Standard Specifications.

B. **Street Classification.** Streets shall be classified in accordance with their intended use and applicable, Town, County, State, or federal laws and regulations.

C. **Geometrics.** Roadway geometrics shall be as determined by the Town or the Town engineer in conformance with all applicable regulations.

D. **Roadway Excavation.**

(1) Topsoil shall be stripped from all proposed roadway areas. The roads shall then be constructed to the lines and grades as shown on the Project drawings.

(2) No construction required by this section shall be permitted between November 1 and April 15 without written authorization of the Town engineer.

E. **Subgrade.**

(1) All roadways shall be constructed to within +/-0.10 feet of the proposed subgrade elevation with the average subgrade within +/-0.02 feet of the proposed subgrade elevation.

(2) Roadways shall be proof rolled prior to construction of the base course. A fully loaded tandem-axle truck shall be provided to drive slowly over the area to be inspected. Areas which show deflections greater than one and one-half inch shall be repaired and pass proof rolling tests before construction may proceed. The Town engineer shall be present for and should be notified two business days prior to proof rolling.

F. **Sub-base Course.**

(1) Sub-base course construction required under this section shall be crushed stone or crushed gravel complying with the applicable provisions of the WDOT Standard Specifications, Gradation No. 1.

(2) Geotextile fabrics, where allowed by the Town engineer for subgrade stabilization, shall conform to WDOT Standard Specifications, Type SR.

<u>Test</u>	<u>Method</u>	<u>Value</u>
Tensile Strength (lbs.)	ASTM D-4595	275 min.
Puncture Strength (lbs.)	Modified ASTM D-3787 using 5/16-inch flat-tipped rod	100 min.
Mullen Burst (lbs./in ²)	ASTM D-3786	500 min.
Elongation at Required Strength (%)	ASTM D-4595	15 min.
Equivalent Opening Size (U.S. Standard Sieve)	ASTM D-4751	20-100
Water Flow Rate (gal/min/ft ²) at 50mm Constant Head		10 min.

G. **Base Course.** Base course construction required under this section shall be either bituminous base course or crushed stone or crushed gravel in accordance with Figures 1 and 2. Materials shall comply with the applicable provision of the WDOT Standard Specifications, Gradation No. 1. Roadways shall be proof rolled prior to construction of the binder course or pavement section. A fully loaded tandem-axle truck shall be provided to drive slowly over the area to be inspected. Areas which show deflections greater than one inch shall be repaired and pass proof rolling tests before construction may proceed. The Town engineer shall be present for and should be notified two business days prior to proof rolling.

H. **Pavement and Surface Courses.**

(1) Pavement construction required under this section may be either asphaltic pavement or concrete pavement in accordance with Figure 1. Materials shall comply with the WDOT Standard Specifications. Gradation No. 1 shall be used for asphaltic binder course and Gradation No. 3 shall be used for asphaltic surface course. For priming asphaltic and other stabilized surfaces, comply with the applicable provisions of the WDOT Standard Specifications.

(2) In new construction, surface course shall be placed no later than three years from the time in which the base is placed unless otherwise authorized, in writing, by the Town engineer.

(3) Each lift of asphaltic pavement shall not exceed two inches.

I. **Standard Design Method for Pavements.** When, in the opinion of the Town engineer, the volume and composition of the traffic anticipated to be carried by the pavement can be estimated within reasonable limits and, in all cases, where the roadway is designed as a four or more lane facility, the structural design for pavements shall be based on the latest revision of the WDOT Facilities Development Manual.

J. **Special Requirements for Underground Utilities.**

(1) **Structure Adjustment.**

(a) Where finished grade or alignment for existing underground structures, such as inlet basins, catch basins, manholes or valve vaults is affected by proposed work, the Project drawings shall provide for the adjustment of such structures as required.

(b) Where a Project is to be constructed under two or more construction contracts, one or more of which includes the construction of pavement, the contract documents for those contracts including paving work should provide for the adjustment of underground structures that may be constructed under other contracts as may be required to fit the proposed pavement.

(2) **Pavement Markings.** Pavement markings shall be applied in accordance with State standards.

20.34. Fees - Land Division/Land Use and Zoning.

A. **General.** Applicant shall pay costs and fees incurred by the Town as a result of any Project as set forth in this chapter and as set forth in Chapter 23 of the Municipal Code, plus a five percent overhead factor to assist in defraying costs for Town supervision and administration. The unused balance of any deposit paid by Applicant to the Town shall be refunded one year after final inspection or acceptance of the Project, provided Applicant has fully paid all fees and costs due to the Town. A written development agreement shall be executed and filed by Applicant prior to the final approval of any plat or certified survey map.

B. **Certified Survey Map Review Fee.** Applicant shall pay a fee of \$50.00 per lot contained on said certified survey map.

C. **Preliminary Plat and Preliminary Engineering Plan Review Fee.** Applicant shall pay a fee of \$500.00, plus \$50.00 per lot or parcel within the plat, and deposit \$1,000.00 with the Town Clerk at the time of application for approval of a preliminary plat.

D. **Condominium Review Fee.** Applicant shall pay a fee of \$600.00, plus \$50.00 per unit, and deposit \$500.00 with the Town Clerk at the time of application for approval of a condominium development plan. This fee includes the preliminary plat review fee required under subsection 20.34.C., above, and the final plat review fee required under subsection 20.34.F., below.

E. **Planned Development Review Fee.** Applicant shall pay a fee of \$200.00, plus \$2.00 per unit, and deposit \$500.00 with the Town Clerk at the time of application for approval of a development plan.

F. **Final Plat Review Fee**. Applicant shall pay a fee of \$100.00, plus \$1.00 per lot or parcel within the plat, and deposit \$500.00 with the Town Clerk at the time of the application for approval of a final plat.

G. **Engineering Review Fees**. All public improvements shall be reviewed and approved by the Town engineer. Applicant shall pay all fees and costs connected with the review of the drawings and specifications for such improvements. Applicant shall make an initial deposit of \$3,000.00 to the Town Clerk at the time of the application for approval of final engineering plans. After an initial review by the Town engineer, an additional fee deposit for engineering review may be required. Applicant, prior to any development plans being placed on the Plan Commission or Town Board agenda, shall deposit said additional fees with the Town Clerk.

H. **Engineering Inspection Fees**. The Town engineer shall inspect all public improvements proposed under the provisions of this chapter during the course of construction. Applicant shall pay all fees and costs connected with the inspection of the construction of such improvements, including final approvals and Project guarantee reductions. The inspection fee deposit shall be as established by the Town based upon the approved engineering plans. Said fee deposit is due prior to construction at the time of signing Applicant's agreement.

I. **Administrative Fee**. Applicant shall pay to the Town Clerk the cost of any legal, administrative, or fiscal services incurred by the Town in connection with its review of any plat or certified survey map. Legal work shall include, without limitation, the drafting of contracts between the Town and Applicant. These fees may also include the cost of obtaining professional opinions, including, but not limited to, those of attorneys, engineers, landscape architects, and land planners, requested by the Town Board in connection with the land division being considered. No application shall be accepted until Applicant has executed a Cost Recovery Agreement.

J. **Effect on Nonpayment of Fees**. Notwithstanding any other provision of this chapter, no final approval of any final plat, condominium, planned development, or certified survey map shall be granted by the Town Board until such time as all fees imposed under this chapter have been paid in full, with the exception of construction-related fees. In the case of construction related fees, the Town reserves the right to withhold building permits until all fees imposed under this chapter have been paid in full.

K. **More than One Category**. In the event that a single Project falls into more than one category listed above, a single fee shall be charged, and said fee shall be the highest fee applicable to the Project in question.