

**CHAPTER 21**  
**TOWN OF DECATUR**  
**LAND DIVISION ORDINANCE**

**SECTION 1 – TITLE/PURPOSE**

The Title of this Ordinance is the Town of Decatur Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Decatur, Green County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town of Decatur.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of Decatur.
- D. Encouraging the most appropriate use of the land throughout the Town of Decatur.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Decatur.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Decatur.
- G. Providing the best possible environment for human habitation in the Town of Decatur.
- H. Enforcing the goals and policies set forth in any Town Comprehensive Plan, or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Decatur.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Decatur.
- K. Securing safety from fire, flooding, and other dangers in the Town of Decatur.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Decatur.
- M. Conserving the value of prime agricultural soils in the Town of Decatur.
- N. Providing for the conservation of the agriculturally important lands in the Town of Decatur by minimizing conflicting land uses.
- O. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Decatur.
- P. Regulate the development of subdivisions and condominium projects.
- Q. Insure accurate legal descriptions.

R. Providing for administration and enforcement of this Ordinance by the Town Board.

## SECTION 2 – AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Decatur, to ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written letter in support of this Ordinance dated February 19, 2007 from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Decatur is the Town of Decatur Planning Commission.

## SECTION 3 - ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Decatur. Pursuant to s. 236.45 (4), Wis. Stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

## SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in s. 91.01 (1), Wis. Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming' placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- B. Certified survey or Certified Survey Map means a certified survey with the map of a minor land division of less than forty (40) acres prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat. All minor land divisions of less than forty (40) acres require a Certified Survey Map by a registered land survey.
- C. Cluster Development means development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:
  - a. Preserve by deed restriction, including conservation easement, restrictive covenant and development right transfers the majority of the land division parcel for present or future agricultural use or conservation;
  - b. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Decatur.
- D. Condominium means a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- E. Conservation Easement as provided in s. 700.40, Wis. Stats., means a holder's non-possessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b),

Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.

- F. Conservation Subdivision means a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.
- G. Deed restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- H. Developer's Agreement means an agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.
- I. Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- J. Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.
- K. Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel, any of which is 40 acres or less in area, by a division or by successive divisions of any part of the original property within a period of 5 years, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land division, a Condominium, Condominium Plat, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 40 acres in size.
- L. Land Use Plan means the Town of Decatur Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town of Decatur, including any subsequent amendment.
- M. Lot means a parcel of not less than one (1) acres or greater, but less than forty (40) acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
- N. Master plan means the plan, concerning issues of land in the town, adopted pursuant to s. 62.23, Wis. stats.
- O. Minor Land Division means any division of land other than a statutory subdivision as defined herein of less than forty (40) acres in size. Any residual parcel resulting from any division of land shall be included in the minor land division if said parcel is less than 40 acres in size. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in Section 12 and the Certified Survey requirements in Section 11.
- P. Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the town.
- Q. Navigable Waters means any body of water, which is navigable under the laws of the State.

- R. Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- S. Parcel means contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.
- T. Replat means the process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.
- U. Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.
- V. Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.
- W. Statutory Subdivision means the division of a lot, as defined by §236.02(12) Wis Stats therein, by the owner, subdivider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) lots less than 1.5 acres in five (5) years or where the land division creates more than five (5) parcels or building sites of any size within five (5) years.
- X. Town means the Town of Decatur, Green County, Wisconsin.
- Y. Town Board means the Board of supervisors for the Town of Decatur, Green County, Wisconsin and includes designees of the board authorized to act for the board.
- Z. Town Clerk means the clerk of the Town of Decatur, Green County, Wisconsin.
- AA. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Decatur under §66.1001 Wis Stats.
- BB. Town Plan Commission means the Town of Decatur Plan Commission appointed by the Town Chair of the Town of Decatur, Green County, Wisconsin, and approved by the Town Board of the Town of Decatur, Green County, Wisconsin.
- CC. Variance means a departure from terms of any regulation as applied to a specific structure or parcel of land, which may be permitted contrary to the set regulations when it is found that the literal application of such regulation will effect an unreasonable limitation on the use of the property which does not generally apply to other properties in the same area, and for which there is no compensating gain to the public health, safety or welfare.
- DD. Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- EE. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

## SECTION 5 – EXEMPTIONS

- A. All of the following specific uses and activities are exempt from this ordinance:
  - 1. Cemetery plats made under s. 157.07, Wis. stats.
  - 2. Assessor's plats made under s. 70.27, Wis. stats.

## SECTION 6 – COVERAGE/COMPLIANCE

- A. This Ordinance applies to all lands in the Town of Decatur. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
- B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Decatur subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Statutory Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Green County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
  - 1. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2. through 9. below, it is intended that the provisions of this Ordinance shall apply.
  - 2. Chapter 236, Wis. stats.
  - 3. The Town of Decatur Comprehensive Plan adopted under s. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
  - 4. The applicable Town of Decatur, County of Green zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
  - 5. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
  - 6. All applicable State and local sanitary codes.
  - 7. All of the applicable Town of Decatur Ordinances.
  - 8. All State Department of Transportation and County of Green Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
  - 9. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, stats., and any other applicable Town of Decatur, County, or extraterritorial authority ordinances and regulations.
- C. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division plat approvals and Certified Survey map approvals and prior to any person commencing any form of construction or installation of any building in the Town of Decatur.
- D. No land shall be divided or any land division occur if any parcel, lot, or outlot created to be by the land division is smaller than one (1) acre. No land shall be divided or any land division occur in the Town of Decatur without review of the Planning Commission and approval of the Town Board of the Town of Decatur.
- E. Any parcel in the Town of Decatur, which shall be divided by a land division regardless of the lot size or number of lots created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Green County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- F. Any parcel in the Town of Decatur, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692.

§281.31, §236.45 Wis Stats, Chapter 703 Wis Stats, and any appropriate State Administrative Code provisions.

- G. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded..
- H. Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.
- I. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Decatur in violation of this Ordinance or the Wisconsin Statutes.
- J. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Decatur, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
- K. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
- L. All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis Stats.
- M. No persons shall make, record, or replat any land division, except as provided under §70.27(1) Wis Stats if it alters acres dedicated to the public without proper Court action to vacate such plat, map, or part thereof.
- N. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of §703.11 Wis Stats and the following:
  - 1. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Decatur and/or County zoning district in which it is located.
  - 2. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.
  - 3. Review and Approval: The Town of Decatur Planning Commission shall review and make a recommendation to the Town Board. The Town Board of the Town of Decatur shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of Decatur Comprehensive Plan.
- O. Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed land division and

the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

## SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

- A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
- B. No land shall be issued a land division approval if the Town Board of the Town of Decatur determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
- C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Decatur.
- D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Decatur governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Decatur, or likely to cause a public nuisance in the Town of Decatur. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- F. No person shall be issued any land division approval by the Town of Decatur who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Decatur
- G. No person shall sell any parcel of land, lot, or outlot of one (1) acre or less in size in the Town of Decatur if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Decatur or the County of Green.
- H. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.
- M. No person shall be issued a final land division approval by the Town Board unless any proposed Town of Decatur roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Decatur Plan Commission, and the Town Board.

## SECTION 8 – APPLICATION AND SKETCH MAP SUBMITTAL

- A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of Decatur that will create a land division, including a Cluster Development, Statutory Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall submit to the Town Clerk a Land Division Application, which may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments:
1. The name and address of the owner of the property and the land divider.
  2. A Certified Survey Map showing the location and size of the property and the type of land division that is to be requested.
  3. The names and addresses of all adjacent landowners.
  4. A statement of intended use.
  5. The name and address of the surveyor who is doing the survey work.
  6. The present use of the land.
  7. The number and size of parcels, lots, or outlots upon a final land division.
  8. Existing zoning and other land use controls on and adjacent to the proposed land division.
  9. The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of Decatur.

This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

- B. With any Land Division Application the land divider shall submit to the Town Clerk a Certified Survey Map at a scale of 1 inch= 200 feet or other appropriate scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2 x 14 inches. Each submission shall include all contiguously owned land except the map need not show more than 20 times the area of the intended certified survey. The map shall show all of the following:
1. A north arrow, the date, the scale, and a reference to a section corner.
  2. The dimensions and areas of the parcels, lots, outlots, and easements.
  3. The location and type of existing and proposed buildings and structures and uses, including any Cluster Development or Conservation Subdivision areas.
  4. The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the land division.
  5. The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
  6. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.

7. The location of any slopes of 12% or greater.
  8. The setback of building lines required by any approving agency.
  9. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.
- C. The Town Clerk (or designee) shall review for completion the Land Division Application and Certified Survey map for completeness, including payment of applicable application fees, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the land divider by certified mail if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk (or designee) shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk (or designee) shall, within five (5) working days after filing of a complete application, transmit the copies of the Land Division Application and map to the Town Plan Commission.
- D. The Planning Commission shall set a date to meet and review the application within 60 (sixty) days of receipt of the completed application. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Plan Commission meeting to review and consider the complete Application and any preliminary approvals for land division no later than ten (10) days prior to the date of the meeting.
- E. The land divider or the land divider's designee shall attend the meeting. Failure of the land divider or designee to attend the meeting or provide a complete Application may be used as grounds for the Town Board or Town Plan Commission to recommend denial of any later requested approvals for the land division.
- F. The Town of Decatur Planning Commission will review the application and make a recommendation to the Town Board regarding the acceptance or rejection of the proposed land division.
- G. The Town Board will, within 60 (sixty) days of the Town of Decatur Planning Commission decision meet and decide on the proposed land division.

#### SECTION 9 – SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

- A. Prior to the submittal of the Statutory Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application noted in Section 8. The Statutory Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the Town Board or Town Plan Commission for conformance and consistency with §236.11 Wis Stats, §236.12 Wis Stats, and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Decatur Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Statutory Subdivision.
- B. A Statutory Subdivision Preliminary Plat shall be required for all proposed Statutory Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:
1. Title or name under which the proposed statutory 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. Property location of the proposed statutory subdivision by: government lot, quarter-section, township, range, County, and State;

3. A sketch showing the general location of the statutory subdivision within the U.S. Public Land Survey section;
4. Date, Graphic Scale, and North Arrow;
5. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
6. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application;
7. Exact length and bearing of the exterior boundaries of the proposed Statutory Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
8. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
9. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
10. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
11. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
12. 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 (1929 datum);
13. Location and names of any adjacent Statutory Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplattd and unsurveyed lands;
14. 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 lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;
15. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad

- tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
16. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
  17. Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers;
  18. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
  19. Approximate radii of all curves;
  20. Existing zoning on and adjacent to the proposed Statutory Subdivision;
  21. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Statutory Subdivision in relation to the access;
  22. Any proposed lake and stream improvements or relocation;
  23. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
  24. Location of soil boring tests, where required by Section ILHR 85.06 of the Wisconsin Administrative Code, made to a depth of at least six (6) 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 (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
  25. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies.
  26. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
  27. The surveyor or engineer preparing the Statutory Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Statutory Subdivision and physical features and that he has fully complied with the provisions of this Ordinance;
  28. The Town of Decatur, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Statutory Subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans;
  29. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the land divider intends to regulate land use in the proposed statutory subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of Decatur as to form;

30. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
  31. Any wildlife habitat areas in addition to threatened or endangered species;
  32. A detailed statement as to whether and how the proposed development is consistent with the Town of Decatur Comprehensive Plan or the Town of Decatur Master Plan;
  33. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Decatur. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Statutory Subdivision preliminary plat;
  34. The school district in which the development is located should be noted on the face of the preliminary plat;
  35. Characteristics of vegetation;
  36. Historic and cultural features;
  37. Scenic vistas.
- C. Unless the timeline is extended by agreement with the land divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Statutory Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Statutory Subdivision plat as proposed. One (1) copy of the Statutory Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of Decatur Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Statutory Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Decatur records.
- D. In the event of a rejection of the proposed Statutory Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division Application or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
- E. If either the Town Board or the Town Plan Commission denies two consecutive Statutory Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Statutory Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 3 months of the second denial.

- F. The Town Board may delegate by Resolution its proposed Statutory Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

#### SECTION 10 – FINAL PLAT APPROVAL

- A. The Statutory Subdivision Final Plat shall comply fully with ss. 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. stats, in its Statutory Subdivision final plat.
- B. The Town of Decatur requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- C. A copy of the approved Statutory Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording.
- D. The Town Board may delegate by Resolution its Final Statutory Subdivision plat approval to the Town Plan Commission.
- E. The Town Board or its designee shall approve or reject the Statutory Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11(2) Wis Stats.

#### SECTION 11 – CERTIFIED SURVEY MAP

- A. Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application noted in Section Eight (8). A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions that create any parcels, lots or outlots less than forty (40)acres in area and any other land divisions noted in §236.34 Wis Stats. All required Certified Survey Maps shall comply in all respects with §236.10 Wis Stats, s. 236.34, Wis. stats., where applicable, and State survey standards. The Town of Decatur shall comply with the ninety (90) day requirement in §236.34 Wis Stats for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- B. The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by s. 236.24, Wis. Stats., all of the following:
  1. All existing buildings, fences, water courses, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
  2. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board.
  3. The area of parcels, outlots, and lots in acres.
  4. The date of the map.
  5. The graphic scale of the map and north arrow.
  6. The entire area contiguous to the plat owned or controlled by the owner or land divider.
  7. Any floodplain limits.

- C. The Certified Survey Map shall include in its certification, in addition to the information required by s. 236.34, Wis. stats., all of the following:
1. A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this ordinance.
  2. The owner's name, address, and signature.
  3. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- D. 1. The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with all of the following:
- a. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
  - b. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
  - c. The adopted Town Comprehensive Plans or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
  - d. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

## SECTION 12 – DESIGN STANDARDS

Any Minor Land division or Statutory Subdivision shall meet the following design standards:

### A. Street and Road Standards.

1. The land divider shall dedicate land for and to improve streets and roads in the Town of Decatur as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of Decatur. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
2. All parcels, outlots, or lots shall have a minimum frontage of 100 feet if in a platted subdivision or on land classified as agricultural #1, #2, #3 ; or 400 feet if not in a platted subdivision on a public street or public road unless a lesser amount is shown to be reasonably necessary and is approved by the Town Board.
3. Street and road locations shall be consistent with any applicable Town of Decatur road plan or Town of Decatur Comprehensive Plan officially adopted by the Town Board. Town road right-of-way widths, radii of curvature, and grades shall conform to the Town road standards in §86.26 Wis Stats.
4. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All land divisions where 20 or more lots are created on a new road must have two accesses on to other town or county roads.
5. Minor public streets or roads shall be so laid out so as to discourage their use by through traffic.
6. The number of intersections of minor public streets or public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a

frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protection of residential properties.

A tangent section must be provided between reverse curves on arterial and collector public streets and roads. If the pavement cross sections through the curves do not have superelevation, the minimum lengths for such tangent sections are listed on the following table:

<u>Design Speed (MPH)</u>	<u>Tangent Length (feet)</u>
20	—
25	100
30	150
35	200
40/45	250
50/55	300
60	400
65	500

If the curve radii are at least 50% greater than the radii required by the design speed, the tangent sections may not be required, depending on grades topography and vegetation.

8. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
9. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the land division in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a land division, the remaining half of the street shall be dedicated by the land divider of the adjoining land.
10. Permanent dead-end streets will not be allowed. Streets with no outlet shall terminate in a cul-de-sac. All cul-de-sac streets designed to have one end permanently closed shall not serve more than twenty (20) approved lots or dwelling units. All Cul de sac streets designed to have one end permanently closed shall terminate in a circular turnaround at the most distant point and must (among other things) meet the following design standards: a) a full loop with a grassy area in the middle; b) a minimum of 100 feet inside diameter (blacktop to blacktop); c) a full width paved surface (20 feet) with two foot gravel shoulder on each side; d) a 23 foot Right of Way on the outside of the blacktop road surface; and e) the grassy area must be properly graded so as to provide for drainage and must be seeded down. The use of cul de sacs should be avoided when possible.
11. Where possible, parcel, outlot, and lot lines shall be perpendicular to the public street or public road line, and to the tangent at the lot corner on curved public roads or public streets.
12. No public street or public road names shall be used which will duplicate or may be confused with the names of existing streets or roads. Street or road names shall be subject to the approval of the Town Board.
13. Alleys are not allowed.

#### B Lot Design and Improvements.

1. Building site needs.

- a. Town of Decatur parcel, outlot, lot size, and dimensional requirements. The minimum parcel, outlot, and lot size requirements are:
  - 1. On land classified as agricultural #1, #2, or #3, no lot shall be less than one acre or greater than 3 acres and shall have a road frontage of no less than 100 feet unless the land divider can show need for a variance from these amounts due to topography, natural boundaries, or other reasons which can be shown to the Town. Land divisions on these classes of land shall be limited to those to be used by someone relating to the farming of said land,
  - 2. On land not classified as agricultural, any lot shall be at least 5 acres in size and shall have a road frontage of no less than 400 feet unless the land divider can show need for a variance from these amounts due to topography, natural boundaries, or other reasons which can be shown to the Town.
  - 3. To conform to the Town Comprehensive Plan to preserve the Family Farm and other land uses, special consideration may be given for land divisions requested by family members.
- b. Needs for convenient access, circulation, control, and safety of street traffic.
- c. Limitations and opportunities of topography.
- d. If a land division of forested land is approved no more than 25% of trees with a diameter of 6" or greater on the lot may be cut.
- 2. To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require for all land division that walkways be provided, either along public streets and public roads, or through the center of blocks.
- 3. Double frontage lots for all land division plat or Certified Survey Maps shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
- 4. Sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of Decatur shall be provided for each lot in accordance with specifications approved by the Town Board.

#### SECTION 13 – MINOR LAND DIVISION

Any division of land less than forty (40) acres in size, other than a Statutory Subdivision as defined herein, shall be surveyed and a Certified Survey Map shall be prepared and recorded as provided in §236.34 Wis Stats.

- A. Prior to the preparation of the Map, the land divider may submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section Eight (8) for a completeness determination by the Town Clerk. It shall be reviewed by the Town Board or the Town Plan Commission for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats, the Town of Decatur Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules. The application fee will apply to this preliminary review in addition to the fee for the final approval.

- B. After preliminary Minor Land Division approval has been granted by the Town Board or Town Plan Commission the land divider may proceed to have drawn a Certified Survey Map in accordance with §236.34 Wis Stats. The land divider shall be required to dedicate any road right-of-way the Town of Decatur or the County deems necessary and shall be required to build the highway to the appropriate Highway Standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- C. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Board or the Town Plan Commission. That if so designated, within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the land divider or his or her agent, shall approve, approve on condition or reject the incomplete proposed Certified Survey Map as required in Section Eleven (11). If the Minor Land Division and Certified Survey Map are approved, a Resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
- D. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the Town Board or Town Plan Commission, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis Stats and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.

- E. Any Minor Subdivision shall meet the design standards noted in Section 12.

#### SECTION 14 – EASEMENTS

- A. The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 10 feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.
- C. Private access easements for ingress and egress within any land division area shall be a minimum of sixty-six (66) feet in width; excluding easements for lake access.

#### SECTION 15 – COSTS OF APPLICATION REVIEW

- A. All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Decatur for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Decatur in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

#### SECTION 16 – VARIANCES

- A. The Town Board may grant and the Town Plan Commission may recommend variances because of exceptional or undue hardship from the provisions of this Ordinance. The findings of the Town Plan Commission and the Town Board in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236Wis Stats, and that because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the land divider.
- B. The requirement of filing and recording the land division plat shall not be waived by the Town Board.

#### SECTION 17 – VIOLATIONS

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and noncomitant penalties shall include the following:
  1. Recordation improperly made carries penalties as provided in s. 236.30, Wis. stats.
  2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in s. 236.31, Wis. stats.
  3. Monuments disturbed or not placed carries penalties as provided in s. 236.32, Wis. stats.
- B. No person shall sell land in the Town of Decatur in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.

#### SECTION 19 – EFFECTIVE DATE

This ordinance is effective upon publication. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 17<sup>th</sup> day of January, 2017

By the Town Board of the Town of Decatur

Allen Schneider  
Allen Schneider, Town Chairperson

Ronald Schwartzlow  
Ronald L. Schwartzlow, 1<sup>st</sup> Supervisor

Robert A. Gadow  
Robert A. Gadow, 2<sup>nd</sup> Supervisor

Attested by:

Ann L. Schwartz  
Ann L. Schwartz, Clerk/Treasurer