Town of Troy

Walworth County, Wisconsin

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STATE OF WISCONSIN **TOWN OF TROY** **WALWORTH COUNTY**

ORDINANCE NO. **2026-06**

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2014-1 AND 2014-5 AND CREATE A NEW TOWN OF TROY LAND DIVISION ORDINANCE

WHEREAS, the Town Board of the Town of Troy adopted land division regulations for the Town of Troy and by Town of Troy Ordinance No. 2014-1; and

WHEREAS, the Town Board of the Town of Troy adopted an amendment to the Town of Troy Ordinance No. 2014-1 by adopting Ordinance No. 2014-5; and

WHEREAS, the Wisconsin Legislature adopted and the Governor signed 2025 Wisconsin Act 68, which makes various changes to sections within Wisconsin Chapter 236; and

WHEREAS, this matter was submitted to the Town of Troy Plan Commission for its consideration at the March 4, 2026, commission meeting, pursuant to Wisconsin Statute Section 236.45(4); and

WHEREAS, based on the various changes identified in 2025 Wisconsin Act 68, the Town of Troy Plan Commission determined it necessary to repeal and replace the Town of Troy Ordinance No. 2014-1 titled, "Land Division Ordinance" and Town of Troy Ordinance No. 2014-5 titled, "An Ordinance to Amend Ordinance No. 2014-1 Known as the Land Division Ordinance for the Town of Troy" to reflect the changes identified in 2025 Wisconsin Act 68.

NOW, THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: TITLE/PURPOSE.

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

A. Promoting the public health, safety, and general welfare of the Town of Troy.

B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, or other land use plans.

C. Promoting the planned and orderly layout and use of the land in the Town of Troy.

D. Encouraging the most appropriate use of the land throughout the Town of Troy.

E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Troy.

F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Troy.

G. Providing the best possible environment for human habitation in the Town of Troy.

H. Enforcing the goals and policies set forth in any Town Comprehensive Plan.

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 Troy.

J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Troy.

K. Securing safety from fire, flooding, and other dangers in the Town of Troy.

L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Troy.

M. Conserving the value of prime agricultural soils in the Town of Troy.

N. Providing for the conservation of the agriculturally important lands in the Town of Troy by minimizing conflicting land uses.

O. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Troy.

P. Regulate the development of condominium projects.

Q. Insure accurate legal descriptions.

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

S. The planning commission reviews all land divisions and makes recommendations regarding such matters to the Town Board.

SECTION 2: AUTHORITY.

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Troy, pursuant 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 recommendation of this Ordinance dated December 4, 2013 from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Troy is the Town of Troy Plan 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 Troy. 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 any of the following activities conducted for the purpose of producing an income or livelihood including crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a

federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; or any other use that the department, by rule, identifies as an agricultural use.

B. Certified Survey or Certified Survey Map means a certified survey with the map of a minor land division of less than five (5) 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 five (5) acres require a Certified Survey Map by a registered land survey.

C. 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.

D. 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.

E. 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.

F. Deed Restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, or recorded restriction, 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.

G. Developer's Agreement means an agreement by which the local municipality and/or County and the Land Divider agree in reasonable detail to all of those matters arising in the development project, consistent with applicable laws and the provisions of this ordinance.

H. 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.

I. Land Divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided or is proposed to be divided, resulting in a land division.

J. Land Division means the division of a lot, out lot, 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, including any land division by or for a Conservation Development, a Statutory Subdivision, a Minor Land Division, a Condominium, Condominium Plat, Re-plat, Certified Survey Map, and any other land division.

K. Land Use Plan means the Town of Troy Comprehensive Plan, adopted under s. 66.1001, Wis. stats. by the Town of Troy, concerning issues of land use in the Town including any subsequent amendment.

L. Lot means a parcel 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, or developed.

M. Minor Land Division means any division of land other than a statutory subdivision as defined herein of less than 35 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 35 acres in size. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12.

N. 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, Walworth County, or the Town of Troy.

O. Navigable Waters means any body of water which is navigable under the laws of the State.

P. Out Lot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.

Q. Parcel means contiguous lands under the control of a Land Divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.

R. 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 out lot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or out lot is a replat.

S. 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.

T. Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.

U. Statutory Subdivision means a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

1. The act of division creates 5 or more parcels or building sites of 1 ½ acres each or less in area; or
2. Five or more parcels or building sites of 1 ½ acres each or less in area are created by successive divisions within a period of 5 years.4

V. Town means the Town of Troy, Walworth County, Wisconsin.

W. Town Board means the Board of Supervisors for the Town of Troy, Walworth County, Wisconsin and includes designees of the board authorized to act for the board.

X. Town Clerk / Treasurer means the Clerk / Treasurer for the Town of Troy, Walworth County, Wisconsin.

Y. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Troy under §66.1001 Wis. Stats.

Z. Town Plan Commission means the Town of Troy Plan Commission appointed by the Town Board of the Town of Troy, Walworth County, Wisconsin.

AA. 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.

BB. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

CC. Plan Commission Secretary means the Secretary of the Town of Troy Plan Commission, Walworth County, Wisconsin.

SECTION 5: EXEMPTIONS.

A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Troy into less than 5 parcels, shall not apply to any of the following:

1. Transfers in interest in land by will or pursuant to court order.
2. Leases for a term of not more than 10 years, mortgages, or easements.
3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size required by applicable laws, and meet all specifications required by applicable laws, including this ordinance and as permitted by zoning, subject to the review procedures described in Section 14.5 of this Land Division Ordinance.

B. 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 Troy. The Town Board shall be responsible to administer this Ordinance except as described otherwise herein.

B. Upon final approval, the Town of Troy shall make a certificate for a final plat that is deemed approved on the face of the plat no later than ten (10) days after the Land Divider submits the plat with the required certificates and affidavits. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Troy subject to the requirements of this Ordinance and no land division shall be entitled to be recorded in the Office of the Register of Deeds for Walworth 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 Troy Comprehensive Plan adopted under s. 66.1001, Wis. Stats. or other Town Land Use Plan or any component thereof.
4. The applicable Town of Troy, County of Walworth zoning regulations, building code, sanitary 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 applicable Town of Troy Ordinances, including but not limited to:
    i. Ordinance 92-6 Town Roads & Driveway Specifications, including revisions.
8. All State Department of Transportation and County of Walworth 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 plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, Wis. Stats., and any other applicable Town of Troy, Walworth County, or extraterritorial authority ordinances and regulations.
10. The Town of Troy Land Division Review Checklist (**Addendum A**) will be provided at the time of application.

C. All applicable fees, costs, reimbursements, and other charges shall be paid, and any required financial guarantees shall be on file, prior to commencing construction of any improvement, whether public or private, or site development or approval of the final land division, whichever is earlier.

D. No land shall be divided or any land division occur if any parcel, lot, or out lot to be created by the land division is smaller than 40,000 square feet, or smaller than permitted by applicable zoning.

E. Any parcel in the Town of Troy, 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 Walworth 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 Troy, which shall be divided and cause a land division regardless of the lot, out lot, or parcel size or number of lots, out lots, or parcels created, shall comply with §59.692, §281.31, §236.45 Wis. Stats., Chapter 703 Wis. Stats., and any applicable State laws and 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 for any land division to be recorded.

H. Any out lots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the out lot.

I. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or out lots, or create plats or maps on any land in the Town of Troy in violation of this Ordinance or the Wisconsin Statutes.

J. It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Town of Troy authorizing the building on, or improvement of, any subdivision, minor land division, condominium or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes

K. All land division approvals required by the State Department of Administration or its successor Department, and all other applicable State, County, and local agencies, 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 Troy and/or County zoning district in which it is located.
2. Submittal: The Land Divider shall submit the proposed site plan to the Town Clerk/Treasurer who will forward it to the Troy Town Board for consideration and possible approval, in conjunction with the condominium plat and condominium declaration. The site plan shall depict the use and location of all existing and proposed structures, neighboring land and water uses, parking areas, and driveway locations. The submittal shall also describe 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 Troy shall approve the site plan, declaration and plat if it finds that the proposed uses and structures are in accordance with the terms, 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 Troy Comprehensive Plan and other applicable laws.

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.

P. Non-Liability: The Town of Troy does not guarantee, warrant or represent that only those areas designated as floodplains on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required are the only unsuited soils, and hereby asserts that there is not liability on the part of the Town of Troy, or its officers, employees, agents ,and independent contractors for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, or conformance with this Ordinance.

SECTION 7: SPECIFIC COMPLIANCE PROVISIONS.

A. All parcels, lots, or out lots 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 may be divided along these natural or constructed features.

B. No Land Divider shall be issued a land division approval if the Town Board of the Town of Troy determines that any proposed land division plat, or Certified Survey Map or other land division will materially interfere with existing agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive 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. In the event of a conflict between the requirements of this ordinance, the applicable zoning ordinance, other applicable laws, and the conditions imposed upon any land division approval, the most restrictive requirements apply as determined by the Town Plan Commission.

C. No Land Divider 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 Troy.

D. No Land Divider 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 Troy 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 Troy, or likely to cause a public nuisance in the Town of Troy. 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. Land Divider shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Plan Commission Secretary.

F. Land Divider shall be issued any land division approval by the Town of Troy who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Troy.

G. Land Divider shall sell any parcel of land, lot, or out lot in the Town of Troy 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 Troy or the County of Walworth.

H. At the commencement of a project the Town Board may require the Land Divider to provide security in the amount that is not more than 120% of the estimated total cost to complete the required public improvements. Until such time that the Land Divider makes or installs all public improvements deemed necessary by the Town Board, the Land Divider shall execute a letter of credit or other security acceptable to the Town Board to ensure that the Land Divider will make public improvement within a time established by the Town Board. The form of the letter of credit shall be at the discretion of the Town Board after review and recommendation of the Town Attorney. If the improvements are not installed to the Town's satisfaction within the time required by the Town, the Town Board may cause all uncompleted work to be constructed and the parties executing the irrevocable letter of credit shall be firmly bound for the payment of all necessary costs thereof. The Land Divider is also required to execute a Developer's Agreement with the Town.

I. Land Divider shall be issued a final land division approval by the Town Board until the Land Divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities: Walworth County, the Wisconsin Department of Administration, and any other applicable State, County, and local agencies.

J. Land Divider shall be issued a final land division plat approval by the Town Board until the Land Divider agrees in writing that the Land Divider will be responsible for the cost of any necessary alteration of any existing utilities that arise by virtue of the land division.

K. Land Divider shall be issued a final land division plat approval by the Town Board unless all requirements established in writing by the Town Board are met.

L. The Town of Troy shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.

M. Any such dedication shall be accepted, upon completion of the required work to the satisfaction of the Town, by separate Resolution of the Town Board. The Land Divider 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 Board, as recommended by the Town Engineer.

N. Any natural gas, water, sewer, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or out lot in the proposed land division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board every year.

O. Land Divider unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses have been made, as required by the Town Board at no cost to the Town of Troy; or such fees, in lieu of such dedication, as established by the Town Board, shall have been paid by the Land Divider to the Clerk/Treasurer of the Town of Troy; subject to Wisconsin Statutes Section 236.45(6), including such amendments or renumbering as may be made thereto from time to time.

P. The Town Plan Commission or Town Board may require submission of a draft of protective covenants whereby the owner intends to regulate land use in the proposed division or development and otherwise protect the proposed development. The Town Attorney shall review all covenants and shall approve covenants as to form.

Q. Before or as a condition of receiving final approval from the Town Board of any plat or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted; the Land Divider shall submit to and receive approval from the Town Board, Town Attorney, and the Town Engineer, a Developer's Agreement and a financial guarantee in the form of a letter of credit, for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or approval of the final plat, condominium plat, or certified survey map, whichever is earlier. If the Land Divider chooses any form of financial guarantee, other than a letter of credit, the Land Divider shall submit this request to the Town Board for approval at the time the Land Divider submits final plans and reports.

SECTION 8: CONSERVATION DEVELOPMENT.

In order to further the goals and policies of the Town Comprehensive Plan, or land use plan, assuming all other provisions of this ordinance are met, the Town Board will favor plans for land divisions that provide for a conservation development. At the discretion of the Town Board, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans that include the conservation development.

SECTION 9: 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 Troy that will create a land division, shall, prior to any submittal of any Preliminary Plat or map information, submit to the Town Plan Commission Secretary a land division application, which may be obtained from the Town Plan Commission Secretary, with the appropriate fee and with all of the following required information and attachments:

1. The name and address of the owner of the property, and the land divider.
2. The location and size of the property, and the type of land division that is to be requested.
3. The tax key number, legal description, and existing zoning of the property.
4. A plat of survey including surveyor's name and address.
5. The number and size of projected parcels, lots, or out lots upon a final land division.

6. A site plan showing the location of buildings, roads, and other pertinent facilities including their setback(s) from lot lines; and also highway access and drainage plans.
7. A signed and dated Town of Troy Charge Back Agreement which obligates the Land Divider to reimburse the Town for all costs, fees and expenses the Town incurs in relation to the matter.
8. Submittal and execution of a Developer's Agreement is required when a letter of credit is executed for public improvements.

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. Prior to the submission of a preliminary plat for approval under Section A, as per Wisconsin State Statute 236.105, the Land Divider has the opportunity to meet informally with the Planning Commission Chairman and Secretary before the Land Divider submits a preliminary plat for approval, or a final plat if the Land Divider does not intend to submit a preliminary plat for approval, to obtain a conceptual review of the Land Divider 's proposed subdivision and opinions regarding whether the subdivision complies with the Town's requirements and conditions for approving plats. Conceptual reviews and opinions provided under this Section are not binding on the Town of Troy or Land Divider . A Land Divider shall submit to the Town Plan Commission Secretary an Application for Pre-submission Conceptual Review for the Platting of Land.
    1. Pre-submission Conceptual Review Fee. If the Land Divider chooses to meet with the Planning Commission Chairman and Secretary prior to the Land Divider submitting a preliminary plat for approval, the Land Divider shall be subject to a fee in the amount listed on the current fee schedule.

C. With the initial land division application, the Land Divider shall submit to the Town Plan Secretary a sketch map to scale. More than one attached sheet may be used but no sheet may be larger than 8 ½ x 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:
    1. A north arrow, the date, the scale, and a reference to a section corner.
    2. The approximate dimensions and areas of the parcels, lots, out lots, and easements.
    3. The location and type of existing and proposed buildings and structures and uses, including any Conservation Development 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 waterways, 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.

D. The Town Plan Commission Secretary shall review for completion the applicable land division application and sketch map for completeness, including payment of applicable application fees, within ten (1) working days of receipt. The Town Plan Commission Secretary shall thereafter notify the Land Divider by certified mail if the application is determined by the Town Plan Commission Secretary to be complete or incomplete. The Town Plan Commission Secretary shall provide written reasons for any alleged incompleteness of the application with the notification.

E. The Town Plan Commission Secretary shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Plan Commission for the appropriate meeting to review and consider the complete or incomplete Application and any preliminary approvals for land division no later than ten (10) days prior to the date of the meeting.

F. The Land Divider or the land divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents, and sketch map to the Town Plan Commission for its consideration. Failure of the Land Divider or designees to attend the meeting or provide a complete Application may be used as grounds for the Town Plan Commission to recommend denial of the current, or of any later requested approvals for the land division.

SECTION 10: 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 9. The Statutory Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the 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, and all other applicable Town of Troy 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, out lots, lots, parks, and cemeteries, and owners of record of abutting unplatted 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, out lots, and parcels together with proposed lot, out lots, 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; if these parcels are out lots 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. Easements shall be shown and shall include but not be limited to all existing or intended 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;

29. Any wildlife habitat areas in addition to threatened or endangered species;
30. A detailed statement as to whether and how the proposed development is consistent with the Town of Troy Comprehensive Plan;
31. The school district in which the development is located should be noted on the face of the preliminary plat;
32. Characteristics of vegetation;
33. Historic and cultural features;
34. Scenic vistas.

C. The Town of Troy, 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;

D. 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 Troy attorney as to form;

E. The Land Divider shall prepare and submit a traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Troy. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Statutory Subdivision preliminary plat;

F. Unless the timeline is extended by agreement with the land divider, the Town Board shall, within ninety (90) days of the date of receipt by the Town Plan Commission Secretary of a complete proposed Preliminary Plat, deem the Statutory Subdivision Preliminary Plat complete, grant 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, or other Land Use Plan, nonconformance or inconsistency with Town of Troy 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 Plan Commission Secretary for the Town of Troy records.

G. If the Town Board 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 within 3 months of the second denial.

H. In the event of a rejection of the proposed Statutory Subdivision Preliminary Plat by the Town Board, the Town Board shall recite in writing the particular facts upon which it bases its conclusion for rejection.

SECTION 11: 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., and all other applicable laws, in its Statutory Subdivision final plat.

B. The Town of Troy 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/Treasurer within five (5) days of the recording.

D. Once the final plat is approved and recorded, and all required improvements have been installed and accepted by the Town, the Land Divider shall seek and obtain from the Town Board a Resolution from the Town of Troy specifically stating that the Town of Troy accepts from the Land Divider all lands shown on the plat as dedicated to the Town of Troy for the public, including street or road dedications.

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/Treasurer unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11 (2) Wis. Stats.

SECTION 12: 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 Plan Commission Secretary the Land Division Application noted in Section Nine (9). A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions. All required Certified Survey Maps shall comply in all respects with §236.1 0 Wis. Stats., s. 236.34, Wis. Stats., where applicable, and State survey standards. The Town of Troy 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.
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, out lots, 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/Treasurer.

D. The Certified Survey Map is entitled to final approval by the Town Board 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/Treasurer and it substantially conforms and is consistent with all of the following:
   1. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
   2. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
   3. 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.
   4. All appropriate requirements for Certified Survey Maps and Minor Land Divisions as noted in this Ordinance.

SECTION 13: 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 Troy as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of Troy. 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, outlets, or lots shall have frontage on a public street or public road.
   3. Street and road locations shall be consistent with any applicable Town of Troy road plan or Town of Troy 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 §82.50 Wis. Stats. and such more restrictive standards as may be adopted from time to time by the Town.

4. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
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 rear 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.
7. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector public streets and roads.
8. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practical.
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. Consideration should be given when approving all streets whether permanent or temporary that there is a place to put snow.
11. Where possible, parcel, out lot, 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 shall have a minimum width of 30 feet with a minimum roadway width of 20 feet.

B. Cul-de-Sacs.

1. Permanent cul-de-sac streets may not be permitted where it is possible to provide a loop street or a through street. The feasibility of a through street or a loop street shall be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other governmental regulations, and the ability of the design to meet all other requirements of this section.
2. Temporary cul-de-sac streets may not be permitted where it is possible to provide a loop street or a through street, unless a waiver or modification is granted as provided for in this section. The feasibility of a through street or a loop street shall be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands,

restrictions imposed by other governmental regulations, and the ability of the design to meet all other requirements of this section.

3. When cul-de-sac streets are proposed, whether permanent or temporary, the application for the conceptual discussion shall be accompanied by a written analysis by the Land Divider of the merits of the design and the reasons that a through street or loop street would not be feasible.
4. Approval of cul-de-sac streets, whether permanent or temporary, shall be made at the sole discretion of the Town Board after referral and receipt of a recommendation from the Plan Commission, all which must occur prior to submittal of a preliminary plat.
5. The length of a cul-de-sac, whether temporary or permanent, shall be measured from the centerline intersection with the through street to the center point of the turnaround.
6. Permanent cul-de-sacs shall include a terminal turnaround, which shall be provided at the closed end with a right-of-way radius of not less than sixty (66) feet.
7. Temporary cul-de-sacs shall be provided with a temporary terminal turnaround, which shall be provided at the closed end with a right-of-way radius of not less than sixty-six (66) feet. The temporary terminal turnaround right-of-way shall be placed adjacent to lot boundary line and the right-of-way of the same widths, as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. No "T" shaped turnarounds, "hammerhead" shaped turnarounds or dead end streets are allowed.
8. Permanent cul-de-sac streets shall not exceed 1,200 feet in length and no waiver or modification may be granted to this restriction.
9. Temporary cul-de-sac streets shall not exceed 1,200 feet in length, unless a waiver or modification is granted to this restriction. In order to be granted a waiver or modification to this requirement, the Land Divider must submit proof that the temporary cul-de-sac has an ability to be extended. This feasibility shall be based on the physical features of the tract proposed for development, the physical features of the adjoining tract, the potential of extension of the street to adjoining lands, restrictions imposed by other governmental entities, the ability of the design to meet all of this section, a review of topographic, wetlands, environmental corridors, and natural features and adequate access for emergency vehicles.

C. Block and Lot Design and Improvements.

1. A block is a parcel of land bounded on at least one (1) side by a public street or public road and on the other side by natural or man-made barriers or unplatted land. The lengths, widths, and shapes of blocks shall be determined by the following:
   i. Building site needs.
   ii. Town of Troy parcel, out lot, lot size, and dimensional requirements.
   iii. Needs for convenient access, circulation, control, and safety of street traffic.
   iv. Limitations and opportunities of topography.

v. Block lengths shall normally not exceed 2,000 feet, or be less than 600 feet in length, except cul-de-sacs and permanent dead-end public road or public streets, unless waived specifically by Resolution by the Town Board.

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 Troy shall be provided for each lot in accordance with specifications approved by the Town Board.

5. Access to public streets: Every lot shall front or abut on a public street; except that this subsection does not apply to flag lots, which are separately regulated by subsection (6), below. A lot shall only be considered to be abutting on a public street if:

   i. The lot abuts a public street for at least sixty (60) feet; and

   ii. Either of the following is true:

      a. The lot meets the minimum average width requirement of the zoning district in which it is located at the building setback line; or

      b. One-half (1/2) the depth of the lot is at least the minimum average width of the zoning district in which it is located; and

   iii. Provided further, that a lot which has a narrow strip as part of the lot extending to the public street from the main part of the lot where the building could lawfully be placed, shall only be considered to be abutting on the public street if the narrow portion of the lot is as wide as the required minimum average width for the district in which it is located.

6. Flag Lots: Flag lots may only be permitted with Town Plan Commission and Town Board approval, where they provide flexibility in the design, reduce the length of permanent cul-de-sacs; avoid preservation areas such as floodplains, wetlands, steep slopes, or Primary or Secondary Environmental Corridors, while permitting the construction of homes having minimal impact on the environment. The access drive to the proposed building must be paved or graveled from the road right-of-way to the residence to a width of at least 12' and not conflict with the future development of streets in the area. The grade of the proposed access drive must meet the building code requirements, or extension of the street to adjoining lands restrictions.

D. Storm Water Drainage.

1. The owner shall construct storm water drainage facilities, adequate to serve the division or development which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention 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 so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

i. Drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specification approved by the Town Engineer.

ii. The owner shall assume the cost of installing all storm water drainage facilities within the proposed division or development.

E. Fire Protection Reservoirs.

1. General Requirements. To ensure adequate water is available for the purposes of fire suppression, any Land Divider who subdivides lands into five (5) or more residential or commercial lots shall provide a system of Fire Protection Reservoirs within the platted area for fire suppression purposes. The full and total cost of all engineering and legal fees, reservoirs, installation, plumbing, fire fittings, painting, access lanes/roads, initial filling with water, land restoration, and other cost of compliance with this ordinance shall be the responsibility of the Land Divider.

i. The system of reservoirs or accepted alternatives shall be in place, approved and functional before any new building construction begins with the platted areas.

ii. The requirements for Fire Protection Reservoirs shall apply equally to new and existing developments if, after the date of enactment, in excess of four (4) lots are created.

iii. All specifications and installations shall follow established engineering practices, the Fire Department's "Tank Installation Guidelines" and NFPA 1142 "Standard on Water Supplies for Suburban and Rural Fire Fighting" as they may be amended from time to time. All proposed installation plans and specifications shall be approved by the Town Engineer before work is begun.

iv. Within 30 days of completion and final approval of the system, a complete set of record drawings, specifications, warranties, and other requested information shall be provided to the Town Fire and Highway Departments.

v. The complete installation and all associated items shall have a 24-month warranty, beginning at the final acceptance date, to be free from defects in materials and workmanship. If during this period the Town, at its sole discretion, determines corrective actions are necessary, the Land Divider shall make the corrections at his expense in a period determined by the Town but not to exceed 60 days from notification of defect.

2. Reservoirs Required. The Land Divider of new or expanded plats shall provide "Emergency Water Reservoirs" as hereby defined: 5 or more lots – a minimum of one (1) 10,000-gallon storage tank.

   i. The Town, upon recommendation of the Fire Chief, may require greater or less capacity if it is determined, after reviewing the proximity of other water sources, that such capacity is appropriate.

   ii. Natural sources or man-made ponds may also be used as water reservoirs provided, they comply with the same general requirements as tanks for location and number. These types of sources shall be of the dry hydrant type and installed as defined and specified by the State of Wisconsin Department of Natural Resources and Fire Department.

   iii. All fire fittings used or installation shall be specified by the Fire Department, and the cost of these fittings shall be included as part of the overall installation.

3. Tank Location. Tank location shall be determined by the Town after receiving recommendation from the Fire Chief, Highway Superintendent, and Town Engineer. The location selected shall be noted on a map to be kept on file with the Fire Chief and Highway Superintendent for future reference.

4. Inspection and Acceptance. When all work has been completed and the tanks are functional, the Land Divider may request an inspection. This inspection will be made by the Fire Chief and Highway Superintendent. In addition, a test pumping may be performed to ensure that adequate water flow can be obtained.

   i. If a second inspection is required as a result of problems noted during the initial inspection, a fee in an amount as set forth from time to time by resolution of the Town Board shall be assessed for each additional inspection.

   ii. When all requirements contained herein have been satisfied the Town Board shall provide final acceptance of the water source.

F. Other Required Improvements.

1. Other required improvements may be identified in the Developer's Agreement such as but not limited to streetlamps, street signs, and street trees.

SECTION 14: MINOR LAND DIVISION.

Any division of land less than 35 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. pursuant to the procedure described in Section 12.

A. Prior to the preparation of the Map, the Land Divider shall submit the proposed Minor Land Division to the Town Plan Commission Secretary, along with the information as noted in Section Nine (9) for a completeness determination by the Plan Commission Secretary. It shall be reviewed by 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 Troy 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 out lots 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.

B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board, 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 Troy 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 Plan Commission Secretary. Within ninety (90) days of the submission to the Town Plan Commission Secretary of the proposed Certified Survey Map, unless the time is extended by the Land Divider or his or her agent, the Town Board shall approve, approve on condition, or reject the incomplete proposed Certified Survey Map as required in Section 12. 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/Treasurer. 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 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 Land Divider's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board 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 Land Division shall meet the design standards noted in Section 13.

SECTION 14.5: PRIOR REVIEW OF SALES OR EXCHANGES OF PARCELS BETWEEN ADJOINING LANDOWNERS.

In every situation, regardless of circumstances, that a property owner seeks to convey land in a manner that would adjust a lot line or create or eliminate a lot line, and that conveyance does not require a certified survey map or subdivision plat pursuant to this ordinance, and where an adjacent property owner intends to acquire such interest in land, the proposed action shall be submitted to the Town of Troy Plan Commission for prior review, before the conveyance documents are signed and before the conveyance is recorded in the office of the Walworth County Register of Deeds. Such application must be filed with the Town Clerk/Treasurer along with a fee payment to offset all or part of the cost of this limited review, in an amount to be determined from time to time by separate resolution of the Town Board. The Town Plan Commission review shall be limited to considering whether the conveyance is in compliance with the Wisconsin Statutes Section 236.45(2)(am)(3) and the applicable laws cited therein, including these regulations, the Zoning Ordinances, and other

applicable laws and ordinances. Such conveyance can only be approved if the same number of lots exists prior to the conveyance as would exist after the conveyance. Such conveyance can only be approved if the resulting lots would all be both legal and conforming, even if any such lots are legal nonconforming prior to the conveyance, because the conveyance creates new lots which do not predate the ordinance and therefore have no legal non-conforming rights. Such conveyance must not be approved if the conveyance includes land that has a legal nonconforming use, because the legal nonconforming rights are limited to use of the preexisting lot. Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements. Such conveyance shall not be approved if the conveyance would make an existing conforming structure illegal or nonconforming or would increase the extent of any preexisting legal nonconformity of an existing structure.

SECTION 15: EXISTING SUBSTANDARD LOTS OF RECORD.

A. Conveyance and Building Permit Issuance Restricted. In the case of legal lot of record, which does not conform to the zoning regulations of the Town of Troy and Walworth County and, which adjoins a lot held in the same ownership, even if separated by a public or private road, easement, or body of water, no such lot shall be conveyed to another owner, nor shall a building permit be issued for a structure on said lot, except in conformity with the following:

1. Petition for Determination. The owner of any substandard lot, as set forth above may, at any time prior to the proposed conveyance of such lot or request for a building permit, file an application with the Town Plan Commission and Town Board at least two (2) weeks prior to their regularly scheduled meeting for a determination as to whether the lots should be combined, re-divided, and/or rezoned prior to any such sale or Building Permit issuance.
2. Refer to Town Plan Commission. Such petition shall be submitted to the Town Engineer, who shall prepare a report for the Town Plan Commission for use in making a recommendation to the Town Board. The Town Engineer shall determine the practical possibility of use, re-division, or combination of said lots, or construction of a permitted structure, which shall be as much in conformity to the zoning district regulations as possible.
3. The Town Plan Commission shall make a recommendation to the Town Board and the Town Board shall make a final determination upon consideration of the following, as to whether the lots should be combined, re-divided, and/or rezoned.
   i. Compatibility. The size, quality, and character of the existing lots and building development in the immediate area with a view toward maintaining compatibility and protecting existing property values.
   ii. Sewage Disposal. All newly created lots must conform to all provisions of the Walworth County Ordinance Regulating On-site Sewage Disposal Systems.
   iii. Practicality. The economic and engineering practicality of any possible re-division or combination.
   iv. Building Location. All newly created parcels shall have a building site location, which complies with requirements of the Town of Troy and Walworth County.
   v. Public Improvements. All newly created lots must meet the minimum standards for public road access, and if public road improvements would be necessary, the proposed public road improvements must meet the minimum

standards for public road improvements, including in relation to topography, access to the newly created and adjacent parcels, and maneuvering area within the public right-of-way.

vi. Compliance with Zoning District Regulations. All newly created lots must comply with the zoning district regulations for the district in which the lots are located, pursuant to the Zoning Ordinance of Walworth County, Wisconsin, even if that can only be achieved by rezoning the property to a zoning district that would allow the creation of the proposed lots, except as follows. If the combination of all of the lots in common ownership would result in a single lot that is necessarily and unavoidably less than 100 ft. wide and/or less than 20,000 sq. ft. in area, then compliance with the zoning district regulations for the district in which the lot is located is not required to combine the substandard lots into one lot.

4. The Town Plan Commission shall make its recommendation to the Town Board within a reasonable time after receiving all necessary information and the Town Board shall act within a reasonable time to receipt of the Town Plan Commission's recommendation.

5. Method of Re-division or Combination. Such re-division or combination must be accomplished by a Certified Survey Map approved by the Town Board.

   i. Determination. The Town Board's determination shall either require or not require the combination, redivision, or rezoning of the lots as follows:

      a. Combination, Re-division, Rezoning Required. If the Town Board determines that conveyance or issuance of a Building Permit shall be prohibited unless a combination and/or re-division of the lots is completed, the Town Board may suggest a proposed combination, redivision, and/or rezoning. The Town Board may impose reasonable conditions upon any such determination. Any plat or Certified Survey Map or rezoning petition that would ensue is subject to all applicable review proceedings required by law, and the Town Board's determination pursuant to this Section shall not be interpreted as warranting that all required approvals would be granted. If, however, the Town Board determines that a lot may be created that is less than 100 feet in width and/or less than 20,000 sq. ft. in area pursuant to Section 15A(3) (f) above, the Town may not thereafter deny the request on the sole basis that the lot is less than 100 ft. in width and/or less than 20,000 sq. ft. in area, if the application for combination of such lots is received within one year of such determination and it is in substantial compliance with the Town Board's determination.

      b. Combination, Re-division, Rezoning Not Required. If the Town Board determines that conveyance or issuance of a Building Permit can take place without a combination or redivision or rezoning of the lots, the Town Board shall notify the applicant and the Building Inspector of this determination. The Town Board may impose reasonable conditions upon any such determination. Thereafter, upon satisfying any conditions precedent that may be imposed, and/or issuance of the Building permit may proceed

6. Continuing Effect. When a determination is made pursuant to Section 15A (5), above, the determination shall be final. Any lot(s) created pursuant to a

determination made in Section 15A (5) (a1), and any lot that is allowed to be separately conveyed or constructed upon pursuant to a determination made in Section 15A (5) (a2) and the adjacent lot(s) in common ownership, shall be considered a legal lot of record and all provisions in the Town of Troy Land Division Ordinance which pertain to a legal lot of record shall apply. To the extent such a determination allows greater use of non-conforming lots than would otherwise be permitted, this determination shall be deemed to be a special exception to the terms of the Town of Troy Land Division Ordinance.

B. Determination of ownership. For the purposes of this section, lots and properties shall be considered in the same ownership when owned by: the same individual or corporation; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as joint tenant or tenant in common with another; an individual and other lots are owned by said spouse, parents, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or spouse of a brother or sister of such person; and when any of said lots are owned by an individual and other lots are owned by a corporation in which said individual is an officer or director or controlling stockholder.

SECTION 16: EASEMENTS.

A. Utility easements shall be provided at locations and of widths deemed adequate by the Town Board, but in no case less than 10 feet. Utility easements shall be located along the rear or side lot line.

B. Easements or drainage-ways of widths sufficient to accommodate storm water run-off shall be provided where a land division area includes a segment or segments of water courses, drainage-ways, channels, or streams.

C. Private access easements for ingress and egress within any land division area shall be a minimum of 20 feet in width; excluding easements for lake access.

SECTION 17: 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 by Resolution or as set forth in the Town Plan Commission fee schedule.

B. All costs incurred by the Town to properly review each Land Division including the cost of professional services incurred by the Town (including engineering, inspection, legal, planning, administration and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application shall be the responsibility of the Land Divider who shall timely pay or reimburse the Town. The Town Board may require that all or a portion of the known or projected costs of application review be paid in advance.

SECTION 18: REQUEST FOR WAIVER OR MODIFICATION OF PROVISIONS.

A. Waiver or Modification of Ordinance Provisions. A petitioner may request that the municipality waive or modify enforcement of one or more provision(s) of this Ordinance, as follows:

1. Written Request. The petitioner shall submit a written request for the waiver or modification to the Town Clerk/Treasurer. In the written request for waiver or modification, the petitioner shall specify the specific provision the petitioner

requests the municipality to waive or modify, and petitioner's reasons for requesting the same

2. Referral to Town Plan Commission and Town Board. Upon receipt of a written request for a waiver or modification, the Town Clerk/Treasurer shall, within a reasonable time, place the matter on a Town Plan Commission and a Town Board agenda for review and action.
3. Considerations. The Town Plan Commission and Town Board shall each make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
   i. Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the ordinance.
   ii. Whether the request for a waiver or modification, if granted, would adversely affect property owners in the surrounding area.
   iii. Whether the request for a waiver or modification, if granted, would benefit the petitioner's project in a way that is consistent with the municipality's interests.
   iv. Whether petitioner is in full compliance with applicable ordinances and agreements with the municipality.
   v. Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the petitioner.
4. Grant or Denial of Request for a Waiver or Modification. After considering the above-listed factors and any other factors that may be relevant to the matter, the Town Plan Commission and Town Board shall then each independently determine whether it is objectively reasonable to grant the request for a waiver or modification. A waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so. If the Town Plan Commission and Town Board each determine that it is objectively reasonable to grant the request, then the request is granted, otherwise it is denied.
5. Past non-compliance not waived. A waiver or modification that is granted pursuant to a written request as described in this section shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of the ordinance that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the Town Board.

SECTION 19: COMMENCEMENT.

A. No construction or installation of improvements shall commence in a proposed division or development until the Final Plat or Certified Survey Map has been approved and all pertinent conditions of said approval have been satisfied.

SECTION 20: 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 concomitant penalties shall include the following:
    1. Recordation improperly made carries penalties as provided in s. 236.30, Wis. stats.
    2. Conveyance of lots, out lots, 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. It shall be unlawful to sell any land that has been divided or created in violation of this ordinance or the Wisconsin Statutes. The unlawful sale of unapproved or unauthorized parcels, out lots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.

SECTION 21: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 22: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this 10th day of June, 2026.

TOWN OF TROY

Jerry Arntson, Town Chair

ATTEST:

Michael Ramos, Town Clerk / Treasurer

Published and posted this 10th day of June, 2026.