

Witt Auto Sales

From: "Mark Walter" <mwalter@baylakerpc.org>
To: <Linda29@centurytel.net>; <service@wittford.com>
Sent: Tuesday, September 20, 2005 1:45 PM
Attach: Subdivision Ord2.doc; Subdivision Ord.pdf
Subject: updated Amberg Subdivision Ordinance

Fred –

I made the changes you had asked about, added language up front that the ordinance only applies to NEW divisions of land; added a part requiring all roads to have street signs.

Attached are two files:

1. A Word document of your Subdivision Ordinance that can be edited. Formatting may change depending on which machine it gets opened on.
2. An Adobe Acrobat file of your Ordinance that you can print from any computer.

Let me know if you have any additional questions.

Mark A. Walter

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9/20/2005

TITLE 14

Subdivision Regulations

CHAPTER 1

Subdivision Regulations

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SECTION 14-1-1: INTRODUCTION AND PURPOSE

- (a) **Introduction.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Amberg does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; to facilitate the further division of large tracts of land into smaller parcels; and to implement the policies set forth in the Town of Amberg Comprehensive Plan. The regulations apply only to new divisions of land. The regulations are made with the reasonable consideration of, but not

SECTION 14-1-2: DEFINITIONS

limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry and providing for the most appropriate use of land in the Town.

State Law Reference: Chapter 236, Wis. Stats,

SECTION 14-1-2: DEFINITIONS

(a) The following definitions shall be applicable in this Chapter.

- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (2) Arterial Street A street which provides for the movement of relatively heavy traffic to, from or within the Town, It has a secondary function of providing access to abutting land.
- (3) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (4) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the set back described in Town of Amberg Ordinance Title 15-1-12.
- (5) Collector Street A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (6) Commission. The Plan Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, if one is created.
- (7) Comprehensive Development Plan. A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (8) Cul-de-Sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (9) Division of Land. Any condition that division of land occurs.
- (10) Easement The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (11) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.

SECTION 14-1-2: DEFINITIONS

- (12) Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all State laws.
- (13) Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data are not available, the maximum flood of record.
- (14) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (15) High-Water Elevation. The average annual high water level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distance mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic geological or vegetative characteristic.
- (16) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (17) Local Street. A street of little or no continuity designed to provide access to abutting property and leading in to collector streets.
- (18) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (19) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
- (20) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (21) Lot, Double Frontage. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a double frontage lot, both street lines shall be deemed front lot lines.
- (22) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (23) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (24) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (25) Lot Width. The width of a parcel of land measured along the front building line.
- (26) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

SECTION 14-1-2: DEFINITIONS

- (27) Marginal Access Street A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (28) Minor Street. A street used, or intended to be used, primarily for access to abutting properties.
- (29) Minor Subdivision. The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels of building sites.
- (30) Navigable Stream. Any stream capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreation purposes.
- (31) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (32) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (33) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.
- (34) Preliminary Plat. The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Town Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (35) Protective Covenants. Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (36) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (37) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (38) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (39) Subdivision. The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of minimum lot size or more in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner. (See section 14-1-11 design standards- lots)

SECTION 14-1-3: GENERAL PROVISIONS

- (40) **Wetlands.** Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.
- (41) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

SECTION 14-1-3: GENERAL PROVISIONS

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
 - (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivision H 85 not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy 33, which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive Plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the limits of the Town of Amberg. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.24, Wis. Stats.
- (d) **Permits.** No building permit shall be issued by the Town authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.

SECTION 14-1-4: CONDOMINIUM DEVELOPMENTS

- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (f) **Land Suitability.** No land shall be subdivided which is held unsuitable for its proposed use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Town. The Town Board in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Board may affirm, modify, or withdraw its determination of unsuitability.

SECTION 14-1-4: CONDOMINIUM DEVELOPMENTS

(a) Purpose

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels", with each property entity having different ownership and management. The Town of Amberg determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon Town area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.

(b) Portions of Chapter Applicable to Condominium Developments. The following Sections of this Chapter shall apply to condominium developments:

- (1) Sections 14-1-5 through 14-1-6 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-6 shall not only

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.

- (2) Section 14-1-15.
 - (3) Sections 14-1-9 through 14-1-17.
 - (4) Section 14-1-18.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter.
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

- (a) **Preliminary Meetings.** Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Town Board for advice regarding general subdivision requirements. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) **Preliminary Plat Review Within the Town**
- (1) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file an adequate number of copies of the Plat and the application as required by this Section with the Town Clerk at least twenty-five (25) days prior to the meeting of the Town Board at which action is desired. The Town Clerk may submit a copy of the preliminary plat to the Town Engineer for review and written report of his/her recommendations and reactions to the proposed plat.
 - (2) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Town Clerk ten (10) complete sets of preliminary plans and specifications for the construction of any public improvements required by this Chapter.
 - (3) **Property Owners Association.** The Town Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
 - (4) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

- (5) Supplementary Data to be Filed with Preliminary Plat The following shall also be filed with the preliminary plat:
- A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Town Board may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivision.
- (6) Referral to Other Agencies. The Town Clerk shall, within two (2) days after a preliminary plat is submitted, transmit four (4) copies of the plat to the County Planning Agency and two (2) copies for each of the state agencies required to review the plat to the Department of Agriculture, Trade and Consumer Protection.
- (7) Drafting Standards. The subdivider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

(e) Preliminary Plat Approval

- (1) Objecting Agencies' Recommendations. The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Board. If an objecting agency fails to act with twenty (20) days, it shall be deemed to have no objection to the Plat.
- (2) Board Review. The Town Board shall, within ninety (90) days of the date the preliminary plat was filed with the Town Clerk, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by written agreement by the subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the plat or map is approved, the Town Clerk shall endorse it for the Town Board.
- (3) Approval or Conditional Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within thirty six (36) months of preliminary plat approval and conforms substantially to

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as guide to the preparation of the Final Plat which will be subject to further consideration by the Town Board at the time of its submission.

- (4) Plat Amendment. Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the hearing and fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

(d) Final Plat Review

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with the Chapter and shall file copies of the Plat and the application with the Town Clerk at least twenty-five (25) days prior to the meeting of the Town Board at which action is desired. The owner or subdivider shall file ten (10) copies of the final plat not later than twelve (12) months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant.
- (2) The Town Clerk shall, within two (2) days after a final plat is submitted, transmit four (4) copies of the plat to the County Zoning Agency; and two (2) copies for each of the State Agencies required to review the plat to the Wisconsin Department of Agriculture, Trade and Consumer Protection. In lieu of this procedure, the subdivider may submit the original plat directly to the Department of Agriculture, Trade and Consumer Protection in accordance with Se. 236.12(6), Wis. Stats.
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Town Clerk six (6) copies of the final plans and specifications of public improvements required by this Chapter.
- (5) The Town Clerk shall refer two (2) copies of the final plat to the Town Board, one (1) copy to the Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report shall be referred to the attorney for his examination and report. The Town Clerk may also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Town Engineer shall be made within thirty (30) days of the filing of the final plat. The Town Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Town Board. If the plat or map or the plans and specifications are not satisfactory, the Town Engineer shall return them to the owner and so advise the Town Board.

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

- (6) The Town Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it.
- (e) **Partial Platting.** The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.
- (f) **Final Plat Approval**
 - (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (2) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
 - (3) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (4) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (5) After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within thirty (30) days from the date of last approval and within six (6) months of the first approval.
 - (6) The subdivider shall file ten (10) copies of the Final Plat with the Town Clerk for distribution to the approving agencies and other affected agencies for their files.
- (g) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map.
- (h) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.
- (i) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Town Board of the Town of Amberg, must be recorded together with the adopting resolution, with the County Register of Deeds within thirty (30) days of the date of the last resolution of preliminary approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the Town until recorded

**SECTION 14-1-6: TECHNICAL REQUIREMENTS FOR PRELIMINARY AND FINAL
PLATS**

with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Town Clerk prior to issuance of any permits. The subdivider shall file ten (10) certified copies of the approved land division with the Town Clerk.

**SECTION 14-1-6: TECHNICAL REQUIREMENTS FOR PRELIMINARY AND FINAL
PLATS**

(a) **General Preliminary Plat Information.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
- (3) Date, Scale and North Point.
- (4) Names and Addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and under hardship would result from strict application thereof.

(b) **Preliminary Plat Data.** All preliminary plats shall show the following:

- (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Locations of all Existing Property Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) 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.
- (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to

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PLATS

serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

- (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Seal Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Board, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Section H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (15) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (16) Approximate Dimensions of All Lots together with proposed lot and block numbers.
- (17) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (18) Approximate Radii of all Curves.
- (19) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

SECTION 14-1-6: TECHNICAL REQUIREMENTS FOR PRELIMINARY AND FINAL
PLATS

- (20) Any proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (21) Soil and Water Conservation. The Town Board upon 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 subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. In addition, the Board may request a review of such plans by the County Land Conservation Department.
 - (22) Street Plans and Profiles. The Town Board may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon the same datum as above and plans and profiles shall meet the approval of the Town Board.
 - (23) Covenants. The Town Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
 - (24) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
 - (25) Where the Town Board finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Proposed Layout**. The Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- (d) **Design Requirements**. To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than five (5) acres or three hundred (300) feet in width.
- (e) **Final Plat Technical Requirements**.
- (1) General. A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sec. 236.20, Wis. Stats.
 - (2) Additional Information. The Final Plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wis. Stats., the following:
 - a. Exact street width along the line of any obliquely intersecting street.
 - b. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval

SECTION 14-1-7: REPLAT

- flood, or, where such data is not available, a vertical distance of two (2) feet above the elevation of the maximum flood of record.
- c. Location of individual lot soil boring and percolations tests as required by Ch. H82.20, Wis. Adm. Code for all lots not served by public sewer. The results of the tests shall be submitted with the Plat.
 - d. Railroad rights-of-way within and abutting the Plat.
 - e. Setbacks or building lines required by any approving or reviewing agency.
 - f. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the Plat.
 - g. Special restrictions required by the Town Board and other approving or objecting agency relating to access control along public ways, the provision of plating strips, or shorelands or floodlands.
 - h. Where the Town Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the Final Plat, it shall have the authority to request in writing such information from the subdivider.
- (3) Deed Restrictions. The Town Board may require that deed restrictions be filed with the Final Plat.
 - (4) Survey Accuracy. A qualified person shall examine all Final Plats within the Town's jurisdiction and make field checks for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
 - (5) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wis. Stats.
 - (6) Relocate Quarter Section Corners. Where the Final Plat is located within a quarter section the corners of which have been relocated, monumented and coordinated by the Town, the Plat shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat.
 - (7) Certificates. All Final Plats shall provide all the certificates required by Sec. 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

SECTION 14-1-7: REPLAT

- (a) When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Subsections (a) through (f) of Section 14-1-5.

SECTION 14-1-8: Minor Subdivisions

- (b) The Town Clerk shall schedule a public hearing before the Town Board when a Preliminary Plat of a replat of lands within the Town is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.

SECTION 14-1-8: MINOR SUBDIVISIONS

- (a) **Certified Survey Use.** When it is proposed to divide land into not more than four (4) parcels or building sites, the subdivider may subdivide by use of a Certified Survey Map.
- (b) **Letter of Intent.** The subdivider shall submit to the Town Clerk a letter of intent. The letter of intent shall specify:
- (1) The name and address of the owner of the property under consideration.
 - (2) The name and address of the subdivider.
 - (3) The name and address of the surveyor who will be doing the work.
 - (4) The names and addresses of all prospective buyers.
 - (5) The location and size of the property.
 - (6) The present use of the land.
 - (7) The intended future use of the land.
 - (8) The estimated time table of development.
- (c) **Sketch Map.** Accompanying the letter of intent, for areas outside the flood plain, the subdivider shall submit a sketch map at a scale of one (1) inch = two hundred (200) feet or other appropriate scale. More than one (1) sketch map may be used to show the required information but they shall be of the same scale and no one (1) map shall be larger than eight and one-half (8-1/2) x fourteen (14) inches. Each submission shall include all contiguously owned land except the sketch need not show more than twenty (20) times the area of the intended certified survey. This sketch map shall show the following information:
- (1) North arrow, date and scale.
 - (2) Reference to a section corner.
 - (3) Approximate dimensions of the parcels and easements.
 - (4) The location of existing buildings, water wells, sewerage systems, water courses, drainage ditches and other features pertinent to proper division.
 - (5) Setback or building lines required by any approving agency.
 - (6) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities.
- (d) **Flood Plain Areas.** The Town Board may require that two (2) foot contour maps prepared by a registered surveyor or engineer, be the basis of the sketch in flood plain areas.
- (e) **Proposed Layout.** The Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

SECTION 14-1-8: Minor Subdivisions

- (f) **Additional Information.** The Town Board may require contour maps and individual lot percolation tests and soil borings prior to tentative approval where limiting conditions are suspected.
- (g) **Tentative Approval.** The Town Board may grant tentative approval based on the letter of intent and sketch map pending submission of the certified survey map. Tentative approval shall assure final approval if the certified survey submitted within the six (6) months is substantially the same plan and all requirements for division are met.
- (h) **Certified Survey.** The subdivider shall cause a certified survey map to be prepared in accordance with the design requirements of Section 14-1-6 and submit then five (5) copies along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Town Clerk. The map shall be reviewed by the Town Board for conformance with the Chapter and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which effect it. The Town Board shall approve or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of a copy of the map and return it to the submitter.
- (i) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Town Board.
- (j) **Certified Map Technical Requirements**
- (1) **General.** A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Sec. 236.34, Wis. Stats. The minor subdivision shall comply with the design standards set forth in this Chapter.
- (2) **Additional Information.** The map shall show correctly on its face, in addition to the information required by Sec. 236.34, Wis. Stats., the following:
- a. Date of map.
 - b. Graphic scale.
 - c. Name and address of the owner, subdivider and surveyor.
 - d. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - e. Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands
 - f. Acreage included in each parcel.
 - g. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data are not available, a vertical distance of two (2) feet above the elevation of the maximum flood of record.

SECTION 14-1-9: DESIGN STANDARDS – STREETS/ROADS

- h. Location of individual lot soil boring and percolation tests, as required by Ch. H82.20, Wis. Adm. Code, for all lots not served by public sewer. The results of the tests shall be submitted with the map.
 - i. Setbacks or building lines required by any approving or reviewing agency.
 - j. All lands reserved for future public acquisition.
 - k. Where the Town Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the Certified Survey Map, it shall have the authority to request in writing, such information from the subdivider as information on shoreline and bottom characteristics.
- (3) Relocated Quarter Sections. Where the map is located within a quarter section the corners of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map.
- (4) Certificates. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (5) Recordation. The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Town Board and the surveyor are placed on the face of the map.

SECTION 14-1-9: DESIGN STANDARDS – STREETS/ROADS

- (a) **Compliance With Comprehensive Plans**. In any new subdivision the street/road layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan or component development plan of the Town of Amberg so as to implement the policies set forth in the Town of Amberg Comprehensive Plan. In areas for which such plans have not been completed, the road/street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as rivers and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
- (b) **Compliance With Statutes**. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (c) **Dedication**. The subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the official map of the Town.

SECTION 14-1-11: DESIGN STANDARDS – LOTS

- (d) **Sufficient Frontage.** All new lots shall have a minimum 200 feet of road frontage on a public street/road to allow access by emergency and service motor vehicles.
- (e) **Continuation.** Streets/roads shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (f) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (g) **Half Streets.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.
- (h) **Road/Street Names.** New street/road names shall not duplicate the names of existing streets, but street/roads that are continuations of others already in existence and names shall bear the names of the existing streets. Street/road names shall be subject to approval by the Town Board. The subdivider shall install at the intersections of all proposed public and private streets/roads a street sign of a design specified by the Town Board
- (i) **Street Design Standards.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be specified in Section 14-1-13.

SECTION 14-1-10: DESIGN STANDARDS – BLOCK DESIGN

The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not generally be less than five hundred (500) feet or exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.

SECTION 14-1-11: DESIGN STANDARDS – LOTS

- (a) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision and for the type of development contemplated, provided that no lot shall be smaller in area than 5.0 acres per dwelling unit for areas within the Rural Development Management Area and 1.0 acre per dwelling unit for areas in the Town Center as established in the Town of Amberg Comprehensive Plan, and 2.5 acres for lots within the Shoreland Management Area as established in the Marinette County Zoning Code..

SECTION 14-1-12: NON-RESIDENTIAL SUBDIVISIONS

- (b) Lot dimensions and setbacks shall conform to the requirements of the Town of Amberg Comprehensive Plan and the Marinette County Zoning Code for the appropriate district in which the property is located.
- (c) Lots shall have a minimum average depth of ninety (90) feet. Excessive depth in relation to width shall be avoided and a proportion of two (2) to one (2:1) shall be considered a desirable ratio under normal conditions. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Marinette County Zoning Code,
- (d) Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Marinette County Zoning Code.
- (f) Side lot lines shall be at right angles to straight street/road lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (g) In case a tract is divided into parcels of more than five (5) acres in areas, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the County Zoning Code.
- (h) All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (i) Lands lying between the meander line, established in accordance with Sec. 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Sec. 236.16(4), Wis. Stats.
- (j) One dwelling unit for human habitation shall be allowed for every 5.0 acres but no more than two homes or dwelling units shall be allowed per tax parcel, provided the total acreage is sufficient to meet the net density requirements of one dwelling unit per five acres and all other lot requirements are met for areas designated as Rural Development Management Area.
- (k) Only one dwelling unit for human habitation shall be allowed for every 5.0 acres for areas designated as Rural Development Management Areas in the Town of Amberg Comprehensive Plan.
- (l) Duplexes and or condominiums are allowed when 5.0 acres is provided for each family unit, with a maximum number of four family or dwelling units allowed in one structure.

SECTION 14-1-13: REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS

SECTION 14-1-12: NON-RESIDENTIAL SUBDIVISIONS

(a) General

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the County Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by the Comprehensive Plan, Official Map and County Zoning Ordinance.

(b) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Town with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 14-1-13: REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS

(a) General Requirement

- (1) In accordance with the authority granted by Sec. 236.13, Wis. Stats., the Town of Amberg hereby requires that, as a condition of Final Plat or certified survey approval, the subdivider agree to make and install all public improvements required by this Chapter and that the subdivider shall provide the Town with security to ensure that the subdivider will make the required improvements. As a further condition of approval, the Town Board hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way. This Section shall also apply to all existing roads which may in

SECTION 14-1-13: REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC
IMPROVEMENTS

the future become dedicated for public use or submitted to the Town of Amberg as a Town road.

- (2) The following required improvements shall be installed in accordance with the standards of this Chapter and any additional engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices. These standards shall also be complied with when private roads are proposed for Town acceptance.

(b) Guarantee for Installation of Required Improvements

- (1) Payment for Installation of Improvements. The required improvements to be furnished and installed by the subdivider are listed and described in this Chapter. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

(2) Required Agreement Providing for Proper Installation of Improvements

- a. Prior installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written agreement with the Town requiring the subdivider to furnish and construct said improvements at his/her sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Town.
- b. The time for completion of the work and the several parts thereof shall be determined by the Town Board after consultation with the subdivider.
- c. The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Town's Engineer, Planner and Attorney, as well as other costs of a similar nature.

(c) Procedure; Permit Requirement

- (1) Construction Plans and Specifications. Construction plans for the required improvements conforming in all respects with the standards of the Town Board and the ordinances of the Town shall be prepared at the subdivider's expense by professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal or by a reputable contractor approved by the Town Chairperson.
- (2) Permit. To insure compliance with the standards created by this Section, no person shall commence construction of any road, public or private, which is intended to provide future access to more than one (1) land owner without first obtaining a permit for such construction from the Town Board.

SECTION 14-1-13: REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS

(3) Construction and Inspection.

- a. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.
- b. Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the preliminary plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
- c. During the course of construction, the Town Board shall make such inspections as it deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

(d) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) Highway. A road or way over which the public generally has a right to pass.
- (2) Road Bed. The whole material laid in place and ready for travel.
- (3) Roadway. The traveled part of a road.
- (4) Surface Width. The top of a roadway or traffic course.
- (5) Base Course. The supporting part of a road, or bottom.
- (6) Drainage. To make gradually dry, be trenches, channels, etc.
- (7) Grade. The rate of ascent or descent of a road.

(e) **Street and Road Improvements.** The developer shall construct streets/roads as outlined on the approved plans based on the requirements of this Code of Ordinances:

- (1) Right-of-Way. The minimum width for any road right-of-way shall be not less than sixty-six (66) feet, with a roadway of twenty-six (26) feet, and driving surface of a minimum of twenty (20) feet.
- (2) Grade. All curves and inclines shall be constructed in accordance with the standards set forth in Sec. 86.26, Wis. Stats., which standards are incorporated herein by reference.
- (3) Ditching. Ditching of roadways must be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, the additional land necessary for the removal of accumulated water must be provided and deeded over to the Town along with the necessary land for the highway. The additional land conveyed to the Town for drainage will be under the supervision of the Town Board at all times.
- (4) Stumps, Logs, Boulders. All stumps, logs, and boulders shall be removed from the roadway. [Twenty-six (26) feet].
- (5) Cul-de-Sac. All dead end roads, regardless of length, shall have a cul-de-sac having a minimum diameter of one hundred fifty (150) feet.

SECTION 14-1-13: REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC
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- (6) Base Course. The base course must be a quality and composition suitable for the location, and generally shall consist of six (6) to eight (8) inches of gravel or sandlift. In low or swampy areas, the base course must have a sandy composition to provide necessary drainage of road bed. Any muck holes encountered before and during construction of the road bed must be removed and filled with a sandy lift to provide solid base.
 - (7) Surface Course. The surface course must consist of crushed gravel of a quality and composition suitable for traffic loads. The amount of gravel necessary for acceptance must be at least one thousand (1,000) square yards per mile.
 - (8) Culverts. Any culverts necessary for proper drainage shall be provided and installed after elevation and location are obtained from the Town Board. The minimum length of any culvert installed in road bed and diameter of said culvert will be subject to the approval of the Town Board after the amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length as determined by the Town Board.
 - (9) Inspection/Approval. Road must be inspected by the Town Board prior to approval. The Town Board reserves the right to make any changes as necessary, that may be in the best interest of the Town of Amberg. If a road is rejected, corrections must be made as recommended by the Town Board before a final inspection can be made again. If final acceptance is then made, the owner or owners will turn over to the Town, the deed of all lands necessary for public acceptance of the road.
 - (10) Alternative Specifications. In the case of commercial, arterial or other heavy-use roads, the Town Board may, in the alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - (11) Town Board Determination. In any case, the Town Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - (12) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Town Engineer or Town Board and sized utilizing the methods listed in Chapter 13, entitled "Drainage", of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (f) **Other Utilities**
- (1) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
 - (2) If cable television is available, it shall also be installed underground with service provided for each lot.
 - (3) All telephone, electric and gas service lines shall be placed underground entirely throughout a subdivision area, unless otherwise approved by the Town Board. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other municipal underground services.
- (g) **Street Signs**. The subdivider shall install at the intersections of all streets/roads proposed to be dedicated a street sign of a design specified by the Town Board.

SECTION 14-1-14: EASEMENTS

(h) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Town or the public shall not be considered accepted by the Town for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Town Board by adoption of a resolution accepting such dedication. Improvements shall be dedicated to the Town free and clear of any encumbrances. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Town Board by resolution. In the event the Town must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Town, the costs of such measures shall hereby be determined to be Town-incurred costs to be reimbursed to the Town by the subdivider in accordance with the provisions of this Chapter.

(i) **Inspection and Certification of Improvements**

- (1) After any of the required improvements have been installed and completed, the subdivider shall notify the Town that the work is complete and ready for final inspection.
- (2) The Town Clerk shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Town Board shall conduct any necessary final inspections of the improvements.

SECTION 14-1-14: EASEMENTS

(a) **Utility Easements.** The Town Board shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

(b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:

- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with the Section; or
- (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
- (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet.

SECTION 14-1-15: ADMINISTRATIVE AND OTHER FEES

- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide and may run across lots or alongside of rear lot lines. Evidence shall be furnished the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SECTION 14-1-15: ADMINISTRATIVE AND OTHER FEES

- (a) **General.** The subdivider shall pay the Town of Amberg all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map. At the time of submission of a plat or certified survey, the Town Board, at its sole discretion, may require the subdivider to make a good faith deposit with the Town Clerk to cover, in all or part, the expenses anticipated to be incurred by the Town because of the land division. Unused portions of such fund may be refunded to the subdivider.
- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such engineering work and inspection as the Town Board and/or Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (c) **Administrative Fee.** The subdivider shall pay a fee to the Town equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town of connection with the plat or certified survey map.
- (d) **Concept Plan.** There shall be no fee for the Town's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat**
- (1) A subdivider who submits a Preliminary Plat to the Town Board shall file said Preliminary Plat with the Town Clerk and shall deposit with the Town Clerk a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be Fifty Dollars (\$50.00) for up to and including six (6) lots plus Five Dollars (\$5.00) per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the Town Clerk at the time of reapplication for approval or amendment of any Preliminary Plat which had previously been reviewed.
- (f) **Final Plat Review**
- (1) The subdivider shall pay a fee of Five Dollars (\$5.00) per lot within the Final Plat to the Town Clerk at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.

SECTION 14-1-16: VARIATIONS AND EXCEPTIONS

- (2) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the Town Clerk at the time of reapplication for approval or amendment of any Final Plat which has previously been reviewed.

(g) Certified Survey

- (1) The subdivider shall pay an application fee of Twenty-five Dollars (\$25.00) for each certified survey.
- (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Twenty Dollars (\$20.00) for each amended or revised Certified Survey.

(h) Objecting Agency Review Fees. The subdivider shall transmit all fees required for state agency review at the time of application. Said review fees shall be retransmitted to the proper state review agency by the developer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.

(i) Assessments. All outstanding assessments due to the Town shall be due prior to the signing of the Final Plat or Certified Survey by the Town.

(j) Cost Determination. The subdivider of land divisions with the Town shall reimburse the Town for its actual cost of design, inspection, testing, construction and associated legal and real estate fees incurred in connection with the preliminary plat, final plat, replat or certified survey. The Town's costs shall be determined as follows:

- (1) The cost of Town employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the Town Clerk to represent the Town's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- (2) The cost of Town equipment employed.
- (3) The cost of mileage reimbursed to Town employees which is attributed to the land division.
- (4) The actual costs of Town materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- (5) All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Town shall bill the subdivider monthly for expenses incurred by the Town. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half (1-1/2 %) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Town until amounts total more than Fifty Dollars (\$50.00) or until the conclusion for project activities.

SECTION 14-1-17: ENFORCEMENT, PENALTIES AND REMEDIES

SECTION 14-1-16: VARIATIONS AND EXCEPTIONS

- (a) Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits or because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.
- (b) The Town Board shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (c) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Town Comprehensive Plan or Zoning Code, if applicable. A two-thirds (2/3) majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.
- (d) The Town Board may waive the placing of monuments, required under Section 236.15(b), (c), and (d), Wis. Stats., for a reasonable time on conditions that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

SECTION 14-1-17: ENFORCEMENT, PENALTIES AND REMEDIES

- (a) Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

SECTION 14-1-17: ENFORCEMENT, PENALTIES AND REMEDIES

- (b)(1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
- (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
- (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
- (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
- (5) Assessor's plat made under Section 70.27, Wis. Stats., may be ordered by the Town at the expense of the subdivider when a subdivision is created by the successive divisions.
- (c) Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15, Wis. Stats., within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.