

CHAPTER 12 SUBDIVISION ORDINANCE

12.01 GENERAL PROVISIONS & TITLE

This chapter shall officially be known, cited, and referred to as the Land Division Ordinance or Land Division Code of the Town of Lyndon, Sheboygan County, Wisconsin (hereinafter “Ordinance”).

12.02 PURPOSES

The purpose of this chapter is to regulate the subdivision of land to promote public health, safety, and general welfare; to further the orderly layout and use of land; to ensure that land is developed in a manner that supports healthy, livable communities; to foster the development of a range of housing types; to advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, and other public requirements; to encourage development patterns that provide safe and convenient transportation choices for a variety of users; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. The approvals to be obtained by the subdivider as required in this chapter shall be based on requirements designed to accomplish the aforesaid purposes.

12.03 STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to the Town’s Village Powers under §§ 60.10(2)(c), 60.22(3), 61.34(1), and 61.35, Wis. Stats., and the authority in §§ 236.03 and 236.45, Wis. Stats. This Ordinance was enacted by the Town Board after its receipt of a recommendation of approval from the Town Plan and Zoning Commission pursuant to §§ 61.35, 62.23 and 236.45(2), Wis. Stats.

12.04 JURISDICTION

Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Lyndon, Sheboygan County, Wisconsin. The Town is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

This Ordinance does not apply to:

1. Transfers of interest in land by will or pursuant to court order.
2. Cemetery plats under § 157.07, Wis. Stats.
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 Ordinance or other applicable laws or ordinances.
4. Assessors’ plats made under § 70.27, Wis. Stats., but such assessors’ plats shall comply with §§ 236.15(1)(a)—(g) and 236.20(1), (2)(a)—(c)., Wis. Stats.

5. Leases for a term of not more than ten (10) years, mortgages, or easements

12.05 ABROGATION AND GREATER RESTRICTIONS

1. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law, except as provided herein. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.
2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

12.06 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the Town to promote the purposes for which they are adopted.

12.07 FEES

The Town Board may, by resolution, establish reasonable fees for the administration of this Ordinance. No application or request made pursuant to this Ordinance shall be deemed complete unless the proper fees have been paid.

12.08 TOWN COSTS

Reasonable costs incurred by the Town or its agents to review each land division or similar request made pursuant to this Ordinance shall be the responsibility of the land divider who shall timely pay or reimburse the Town for all reasonable actual or projected engineering, inspection, legal, and administrative costs incurred by the Town in reviewing the proposal. The Town Board may require that all or a portion of the known costs be paid in advance.

12.09 DEFINITIONS

The following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular. The word “shall” is mandatory and the word “may” is permissive.

Advisory Agencies:

Those agencies who, for the purpose of this Ordinance, include the Wisconsin Department of Natural Resources, the Town Plan Commission, any Town Storm Water Drainage Districts, Town Sanitary District or Park Commission created by the Town and the [North East] Wisconsin Regional Planning Commission, affected water, electric, gas, telecommunication utilities or any other agencies are able to advise the land divider or the approving and objecting authorities.

Approving Authorities:

1. The Town Board of the Town of Lyndon.
2. The County of Sheboygan, as long as it has a planning department.
3. If within the extraterritorial plat approval jurisdiction of a municipality, the governing body of that municipality.

Certified Survey Map (C.S.M.):

A map showing division of land prepared in accordance with Wis. Stats. § 236.34 and this Ordinance.

Comprehensive plan:

A plan for the future growth and change of the Town of Lyndon adopted under § 66.1001, Wis. Stats.

Condominium:

A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703, Wis. Stats. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Land Division:

A generic term that includes both subdivisions and minor land divisions, as defined herein.

Minor Land Division:

A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, anyone of which is twenty (20) acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

Objecting Authorities:

Those authorities defined in Chapter 236, Wis. Stats., which have limited powers to object to a subdivision plat, including the Department of Administration, the Department of Transportation (for plats that abut or adjoin a state trunk highway or streets that form a connecting link between segments of state trunk highway) and the Department of Commerce (to review plats not served by public sewer according to the rules relating to lot size and elevation necessary for proper sanitary conditions).

Subdivision:

A division of a lot, outlot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of transfer of ownership or of building development, including condominium development, where the act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, any one of which is twenty (20) acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years.

Subdivider:

Any person or entity, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or who creates a condominium under Chapter 703, Wis. Stats

12.10 GENERAL REQUIREMENTS AND PROCEDURES

1. Applicability and Compliance

- a. General. No person shall divide any land located within the Town, and no document evidencing such land division shall be entitled to be recorded, and no street shall be laid out or improvements placed therein, without compliance with all requirements of this Ordinance and the following:
 - i. The provisions of Wis. Stats. Ch. 236 and Wis. Stats. § 82.18.
 - ii. The rules of the Wisconsin Department of Commerce for land divisions not served by public sewer.
 - iii. The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, for land divisions that abut a state trunk highway or connecting street.
 - iv. The rules of the Wisconsin Department of Natural Resources concerning wetlands, shorelands and floodplain management, sewers, septic systems, and pollution abatement.
 - v. The comprehensive plan adopted by the Town.
 - vi. All applicable local, county, and state rules and regulations, including zoning, sanitary, erosion control, building and official mapping ordinances.
 - vii. All other applicable rules contained in the Wisconsin Administrative Code.
- b. Minor Land Divisions. Minor land divisions shall be affected by use of a certified survey map, pursuant to the procedures in this Ordinance.
- c. Subdivisions. Any division of land resulting in a subdivision shall be affected pursuant to the subdivision application and approval procedures in this Ordinance.
- d. Regulation of Condominiums. It is the express intent of this Ordinance to regulate condominiums. The maximum number of units in a condominium shall not exceed the maximum number of lots the same parcel could have conventionally divided. A condominium plat prepared by a registered land surveyor is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply with the requirements of § 703.11, Wis. Stats., shall comply with the design standards, improvements, and other requirements of this Ordinance that would otherwise apply to subdivision plats, and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth herein.

- e. Bisected Lots. For purposes of this Ordinance, a lot, parcel or tract of land which is bisected by an existing public roadway, railroad right-of-way, or navigable stream shall be considered to be effectively divided into separate lots, parcels or tracts.
2. Pre-submission Conceptual review. The Town of Lyndon, that has the authority under Wis Stats §236.10 to approve a subdivision, shall provide the subdivider the opportunity to meet informally with representatives of the municipality, town, or county before the subdivider submits a preliminary plat for approval, or a final plat if the subdivider does not intend to submit a preliminary plat for approval, to obtain the representatives' conceptual review of the subdivider'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 or the subdivider.
3. Modifications
 - a. Authority. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may modify or waive any requirements to the extent deemed just and proper.
 - b. Application. Application for any such modification or waiver shall be made in writing by the land divider at the time when the preliminary plat or certified survey map is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data that may aid the Town Board in its analysis.
 - c. Conditions for granting. The Town Board shall not grant modifications or waivers to the Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - i. The granting of the modification will not be detrimental to the public health, safety, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - ii. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.
 - iii. 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, financial hardship, or self-imposed hardship, if the strict letter of this Ordinance were carried out.
 - iv. Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.
 - d. Granting by the Town Board.
 - i. The Town Board, if it approves of the modification or waiver to this Ordinance, shall do so by motion and the Town Clerk shall notify the applicant in writing.
 - ii. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general

development of the Town consistent with the Town comprehensive plan (or master plan) or this Ordinance.

- iii. Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.
- iv. A majority vote of the entire membership of the town Board shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes.

4. Enforcement

- a. Violations. It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Ordinance or state law, and no person shall be issued a building permit by the Town authorizing the building on or improvement of any lot or parcel within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the requirements herein have been fully met. The Town may Institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable state law.
- b. Penalties. Penalties for violation of this Ordinance shall be as follows:
 - i. For failing to comply with this Ordinance, Town of Lyndon Municipal Code Section 9 shall apply.
 - ii. For recordation improperly made see § 236.30, Wis. Stats.
 - iii. For conveyance of lots in unrecorded plats, see § 236.31, Wis. Stats.
 - iv. For monuments disturbed or not placed, see § 236.32, Wis. Stats.
 - v. Assessor's plat made under § 70.27, Wis. Stats. May be ordered by the Town as a remedy at the expense of the land divider when a subdivision is created by successive divisions.
- c. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat under this Ordinance may appeal therefrom, as provided in §§ 236.13(5) and 62.23(7)(e) 10, 14, and 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 part 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.

12.11 CERTIFIED SURVEY MAPS

- 1. Certified Survey Map Review and Approval Procedures
 - a. Submittal. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file at least 5 copies of the map with the Town Clerk at least 10 days prior to the meeting of the Town Board at which action is desired.
 - b. Town Board Action. The Town Board shall approve, approve conditionally and require resubmission of a corrected map, or reject such map within 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.

- c. Recordation. After the certified survey map has been approved, the Town Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 30 days after the date of the last approval and within 12 months after the first approval.
2. A Certified Survey Map shall, at a minimum, show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., all of the following:
 - a. 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.
 - b. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board.
 - c. The area of parcels, outlots, and lots in acres and square feet.
 - d. The date of the map.
 - e. The graphic scale of the map and north arrow.
 - f. The entire area contiguous to the plat owned or controlled by the owner or land divider.
 - g. Any floodplain limits.
 3. A Certified Survey Map shall include in its certification, in addition to the information required by § 236.34, Wis. Stats., all of the following:
 - a. 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.
 - b. The owner's name, address, and signature.
 - c. Signature lines and dates for approval by the Town Chairperson and Town Clerk.

12.12 SUBDIVISIONS

1. Preliminary Plat Review and Approval Procedures.
 - a. Application. The subdivider shall file with the Town Clerk an application for review and approval of a preliminary plat, which shall include at least fifteen (15) copies of the preliminary plat, cover letter, and any supporting documentation, along with the payment of any administrative fees required by this Ordinance.
 - b. Referral. The Applicant shall, within two (2) working days after filing, submit copies of the preliminary plat, to any Town officials who need to review the preliminary plat, to the appropriate objecting and approving agencies under § 236.12, Wis. Stats., and to the

appropriate utilities for their review and comment. All comments will be forwarded to the Plan Commission and Town Board for consideration during the review process.

- c. Plan Commission recommendation. After review of the preliminary plat and negotiations with the subdivider on changes and the kind and extent of public improvements that will be required, the plan commission shall recommend to the Town Board disapproval, approval, or conditional approval of the preliminary plat within 60 days of the filing date.
- d. Public hearing. The Town Clerk shall schedule a public hearing on the preliminary plat before the Town Board [or Plan Commission], and shall give notice thereof by listing it as an agenda item in the Town Board's meeting notice. The notice shall include the name of the applicant, the address of the property in question, and the requested action. Property owners within 200 feet of the proposed land division shall receive written notice of the public hearing.
- e. Board action. After receipt of the Plan Commission's recommendation, the Town Board shall, within 90 days of the date the plat was filed, unless the time is extended by agreement with the subdivider, approve, approve conditionally, or reject such plat and shall state, in writing, conditions of approval or reasons for rejection. Failure of the Town Board to act within 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 preliminary plat is approved, the Town chairperson shall endorse it for the Town Board.
- f. Effect of approval. Approval of a preliminary plat shall be valid for six months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- g. Conditional approval. Where a plat is approved conditionally, which conditions call for layout changes, the subdivider shall provide the Town with corrected copies of the preliminary for distribution to each approving and objecting authority for their files and possible further comment. If the approving authorities approve a Preliminary Plat subject to certain conditions and such conditions shall not be identical, then the more restrictive conditions shall apply. If the subdivider or anyone of the approving authorities deem it unclear as to which conditions apply, the subdivider or the approving authority may request a joint meeting of the subdivider and the other approving authorities for the purpose of clarifying or, if need be, amending the conditions so as to clarify the applicable conditions.
- h. Amendment. If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which case it shall be refiled.

2. Preliminary Plat Requirements. Wi Stat §236.11 (1)(d) A subdivider that submits a preliminary plat for approval under Wi Stat §236.11 (1)(a) may submit preliminary, rather than final, plans and reports regarding sewer, water, road cross-sections, grading, stormwater, soil testing, landscaping and street lighting. The Town or its agent authorized to approve preliminary plats, may not reject the preliminary plat on the basis that the plans and reports are not final, but the Town or its agent may approve conditionally the preliminary plat on that basis and state in writing the conditions of approval as allowed under Wi Stat §236.11 (1)(a), including conditions that the final plans and reports are submitted. The preliminary plat shall be prepared by a licensed land surveyor or engineer at a convenient scale not less than one (1) inch equals one hundred (100) feet, and shall include the following:
 - a. Name of the Proposed Subdivision. The proposed name of the subdivision shall not duplicate or be alike in pronunciation of the name of any plat previous recorded in the County.
 - b. Project Ownership and Development Information:
 - i. Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
 - ii. Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
 - iii. Date of preparation.
 - c. Existing Site Conditions. Provide this information on a property survey map:
 - i. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
 - ii. Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.
 - iii. Show the type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures to a distance of 100 feet beyond the site, if any.
 - iv. Location, widths, and names of all existing public and private easements to a distance of 100 feet beyond the site.
 - v. Identify by name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
 - vi. Topographic data including contours at vertical intervals of not more than 2 feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NA VD 88) or future adjustments to NA VD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.
 - vii. Significant natural resource features on the site, i.3. wetlands, floodplains, watercourses, existing wooded areas, steep slopes, drainage ways, rare, threatened and endangered species, and other natural resource features, views and other prominent visual features.

- viii. Burial sites categorized under Wis. Stat. § 157.70, Indian mounds, national and state register listed properties, and locally designated historic properties.
 - ix. Existing soil classifications, including hydric soils, as shown on their operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
 - x. Legal description of the property.
 - xi. Existing zoning classifications for land in and abutting the subdivision.
 - xii. Total acreage of the proposed site.
 - xiii. Provide graphic scale, north arrow, and date.
- d. Subdivision Design Features. Provide this information on the Preliminary Plat.
- i. Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, and proposed street names.
 - ii. Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
 - iii. Layout of proposed blocks and lots within the plat.
 - iv. Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
 - v. Minimum front, side and rear yard building setback lines for all lots.
 - vi. Indication of the use of any lot.
 - vii. Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources. Location and results of soil boring or percolation tests shall be submitted on all plats to be served by on-site soil absorption sanitary systems, and test shall be made to a depth of six (6) feet or three (3) feet below the bottom of the proposed soil absorption system, whichever is greater. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and ground water from natural undisturbed surface. The number of such tests shall be as required by COMM 85 Wisconsin Administrative Code. The results shall be submitted on an accompanying document.
 - viii. Location and size of all proposed and existing storm sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
 - ix. Development envelopes showing areas for grading, lawns, pavement and buildings.
 - x. Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
 - xi. Management plan for restoration and long-term management of the open space areas.

- xii. Photographs of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with map indicating the location where the photographs were taken.
 - e. Preliminary Construction Plans.
 - i. Plan and Profile. Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
 - ii. Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage patterns, and stormwater facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres, total impervious surface area of the project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of 24 inches or more measured four- and one-half feet (4.5') above ground level, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees shall be shown on the plan.
 - iii. Provisions for sewage disposal, water supply, stormwater management, and flood control.
- 3. Final Plat Review and Approval Procedures. A final subdivision plat shall be filed in accordance with the following:
 - a. Final Plat. The subdivider shall prepare a final plat and a letter of plat and the application with the Town Clerk at least 40 days prior to the meeting of the Plan Commission at which action is desired. The subdivider shall file the final plat not later than six 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 for good cause granted by the Town. The subdivider or subdivider's agent shall also submit at this time a current certified abstract of title, a policy of title insurance, or such other evidence as the Town the Town may require showing ownership or control in the applicant.
 - b. Objecting Agencies. The subdivider shall submit the original plat to the Plat Review Section, Wisconsin Department of Administration, which shall forward two copies to each of the agencies authorized to object under § 236.12(12), Wis. Stats. The Department shall have the required number of copies made at the subdivider's expense.
 - c. Final Construction Plans. Simultaneously with the filing of the final plat, the owner shall file with the Town Clerk four copies of the final construction plans and specifications of public improvements required by the Town.
 - d. Referral of Final Plat. The applicant shall provide copies of the final plat to Town officials and to the appropriate utilities for their review and comment. The comments will be forwarded to the Plan Commission and Town Board for their consideration during the review process.
 - e. Plan Commission review. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat; any conditions of approval of the preliminary

plat; this Ordinance; and all applicable ordinances, rules, regulations, and comprehensive plan elements that may affect it and shall recommend approval, conditional approval, or rejection of the plat to the Town Board. The Plan commission shall, within 30 days of the date of filing of the final plat with the Town, recommend approval, conditional approval, or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Board. The Plan commission may withhold its recommendation if there is incomplete or inadequate information.

- f. Town Board review and approval. The Town Board shall, within 60 days of the date of filing the original final plat with the Town, 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 in this section, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.
 - i. If the Town Board fails to act within 60 days, without a time extension and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - ii. Recordation. After the final plat has been approved by the Town board and required improvements either installed or a contract and sureties ensuring 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 along with all easements and deed restrictions. The register of deeds cannot record the plat unless it is offered within six months from the date of last approval.
 - iii. Copies. The subdivider shall file eight copies of the final plat with the Town for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
4. Final Plat Requirements. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of Wis. Stats. § 236.20 and this Ordinance.
 - a. Additional information. The final plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, the following:
 - i. Exact length and bearing of the centerline of all streets.
 - ii. Exact street width along the line of any obliquely intersecting street.
 - iii. Exact location and description of utility and drainage easements.
 - iv. Railroad rights-of-way within and abutting the plat.
 - v. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
 - vi. Restrictions relating to access control along public ways.
 - vii. Setback or building lines.

- viii. Restrictive covenants, deed restrictions, and easements for the proposed subdivision shall be filed with the final plat.
- ix. The legal instruments detailing the ownership of any common open space, which shall be filed with the final plat.
- x. All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.
- xi. Sheboygan County Coordinate System. The section and quarter corners of Sheboygan County have been relocated, monumented and coordinates determined by the Sheboygan County Surveyor. Where the plat is located within a quarter section, the plat shall be tied directly to at least two corresponding monumented quarter section corners. The exact bearing and distance of such tie shall be determined by field measurements, and the material and county coordinates of the quarter corners cited shall be indicated on the plat.
- xii. Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.
- xiii. Recording. The subdivider shall have the final plat recorded in the office of the register of deeds of the county in which the subdivision is located within 30 days of its approval by the Town Board. Subject to WI Stats 236.25 (2), a final plat that has the approvals required under s. 236.10, or that is deemed approved under s. 236.11, is entitled to be recorded. The approving authority for the plat shall make a certificate to that effect on the face of the plat no later than 10 days after the subdivider submits the plat with the certificates and affidavits required under WI Stats 236.25, sub. (2) (c) and (d).

12.13 GENERAL REQUIREMENTS FOR DESIGN AND IMPROVEMENTS

1. Land Suitability. No subdivision or building lot shall be created if the resulting lots are determined by the Town Board to be unsuitable for a developed use for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, inadequate drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. A portion of a proposed lot may contain such conditions, provided the overall lot is not deemed unsuitable.
 - a. Lands that are unsuitable for development include, but are not limited to:
 - i. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity. In addition, this category may be lands not presently mapped as floodplain but which may flood in future years if the drainage basin further develops.

- ii. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 75-foot buffer.
 - iii. All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources Water Management Specialists.
 - iv. All areas having slopes greater than 15 percent.
 - v. Areas that are known to provide habitat for rare, threatened or endangered species.
 - vi. Burial sites and Indian mounds.
 - vii. Drainageways that contain running water during spring runoff, during storm events or when it rains. A 25-foot buffer from the edge of the drainageway shall be included.
 - viii. Lands having bedrock within six (6) feet of the natural undisturbed surface.
 - ix. Soil types. Land with soil types determined by the U.S. Department of Agriculture, soil Conservation Service, to be unsuitable for on-site soil absorption sewage disposal, shall not be divided into building sites having an on-site soil absorption sewage disposal system, unless in conformance with the State of Wisconsin Sanitary Regulations.
 - x. Lands having evidence of ground water within 6 feet of the surface.
- b. The Town Board before 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 a proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter, the Town board may affirm, modify or withdraw its determination of unsuitability.
 - c. The subdivider may, prior to submitting a subdivision plat or certified survey map for review, request a determination of land suitability. The subdivider shall provide all necessary maps, data, and information for such a determination to be made.
2. Streets and highways. In any new subdivision, the street layouts shall take into account the arrangement, width and location indicated on the Sheboygan County Jurisdictional Highway System Plan, Town or County comprehensive plan, or Town official map, if any. Street and highway layout shall conform to the functional classification of the various types of streets and shall be developed and located in proper relationship to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to further the public convenience and safety, to the proposed use of the land to be served by such streets, to existing or planned utilities 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, or approved way.
- a. Arrangement of Streets.
 - i. Arterial streets shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.

- ii. Collector streets shall be properly related to special traffic generation facilities, such as schools, churches, and shopping centers, to population densities, and to the arterial streets into which they feed.
 - iii. Local streets shall be laid out to conform as much as possible to existing topography, to permit efficient drainage systems, and to provide convenient, safe access to property.
- b. State and County Trunk Highways. The right-of-way width and building setback requirements of all state highways shall be determined by the county and State Department of Transportation. The right-of-way width for all county trunk highways shall be as specified on any official map or plan adopted under §236.46 or § 66.1 031, Wis. Stats. If no such map or plan exists or if no width is specified on such map or plan, the required right-of-way width shall be 80 feet. Building setback and vision corner requirements shall be established as required under County Ordinances.
- c. Where a subdivision borders on or contains a railroad right-of-way or limited access right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.
- d. At intersections, street jogs shall be avoided. There shall be at least 125 feet between the centerlines of streets at adjacent intersections.
- e. Property lines at street intersections may be rounded with a radius of 12 feet or greater. Cutoffs or chords may be permitted in place of rounded corners. Where a street intersects with a county trunk highway, rounded property lines with a radius not greater than 20 feet may be required
- f. Dead-end streets shall not be permitted.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No streets shall intersect any other street at less than 75 degrees, and more than two streets intersecting at one point shall be prohibited, unless for intersections designed for roundabouts.
- h. The minimum right-of-way width of all streets and alleys shall be as specified by the official map, if any. If no width is specified, the right-of-way shall be equal to or greater than the width specified below:
 - i. Arterial streets – 100 feet.
 - ii. Collector streets – 60 feet for streets constructed with curb and gutter or 70 feet without curb and gutter.
 - iii. Local streets – 50 feet for streets constructed with curb and gutter or 70 feet without curb and gutter.
 - iv. Service drives – 50 feet in addition to the major traffic street it adjoins.
 - v. Alleys – 16 feet.
- i. The minimum radii or curvature on the centerline shall be as specified below:

<u>Street Type</u>	<u>Minimum Radius in Feet</u>
Arterial	300
Collector	200
Local without curb and gutter	100
Local with curb and gutter	65

- j. Cul-de-sacs. Cul-de-sacs shall not exceed 1,000 feet in length and shall contain a turnaround with a minimum right-of-way radius of 60 feet. Length shall be measured along the centerline from the center of the turnaround to the edge of the right-of-way of the intersecting street. Cul-de-sacs longer than 1,000 feet may be accepted if justified by environmental, topographic, or access constraints.
 - k. Connections and Access. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and to provide for connecting street patterns. Except for approved cul-de-sacs, such street connections either shall be provided via platted streets or planned future streets shown on the Town Official Map or Comprehensive Plan.
 - l. Street Names. Any street that is the reasonable continuation of an existing street shall bear the same name. If the topography or other feature of a permanent nature is such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned. The Town may reject the name of any street that has already been used elsewhere in the county or which because of similarity may cause confusion. All street names are subject to Town Board Approval.
3. Bicycle and Pedestrian Ways. Bicycle and pedestrian ways shall meet the following standards:
- a. Right-of-way width of not less than 20 feet may be required where deemed necessary by the town to provide adequate bicycle and pedestrian circulation or access to streams, lakeshores, schools, parks, shopping centers, churches, and other places of public assembly or transportation facilities.
 - b. The bicycle and pedestrian way will be constructed with 10 to 12 feet of paved or limestone surface and a five to four-foot buffer on each side.
 - c. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.
 - d. Any portion of the site that abuts a highway or other high traffic roadway may require a paved sidewalk or bike path.
 - e. Pedestrian ways of not less than twelve (12) feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town board to provide adequate pedestrian circulation.
4. Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and

topography. Blocks in residential areas shall not be more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting design factors.

5. Lots. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated. All lots shall conform to the applicable zoning ordinance, the County Shoreland Zoning ordinance, and appropriate state requirements. The lot size, width, depth, shape and orientation shall be sufficient to provide reasonable developable area that is not restricted by easements, building setbacks, zoning requirements, environmentally sensitive areas, or other constraints. The lots should be designed to provide an aesthetically-pleasing building site and a proper architectural setting for the buildings contemplated, including considerations of solar access. The minimum lot area required under this ordinance or the applicable zoning ordinance shall not include land that is dedicated or reserved for public right-of-way.
 - a. Side Lot. Side lot lines, where practicable shall be substantially at right angles to street right-of way lines or radial to curved street lines on which the lots face.
 - b. Municipal boundaries. Lot lines shall follow municipal boundary lines rather than cross them.
 - c. Access. Every lot shall front or abut on a public street or other officially approved means of access. In addition to abutting on a public street, every lot shall have access to the public street network either through direct access to an abutting street or through a recorded alternative access, such as an easement or shared driveway easement.
 - d. Area and Dimension. Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Wisconsin Department of Commerce where applicable, the Sheboygan County Sanitary Ordinances, and other state and local requirements. Such lots shall be not less than 40,000 square feet in area and not less than 100 feet in width [coordinate this with Town Zoning Code]. Since the shape of individual lots may render portions unusable for installing private onsite wastewater treatment systems or providing adequate separating distances between them and watercourses or water wells, any part of a lot less than 30 feet wide or separated by a water body will not be used in computing the minimum lot area.
 - e. Re-subdivision of Oversized Lots. Whenever a tract is subdivided into parcels more than twice the minimum lot area required for the zoning district in which such parcel is located, the Town Board may require such parcels to be arranged and dimensioned so as to allow future re-subdivision of any such parcels in accordance with the provisions of the ordinance and in conformance with the Zoning Ordinance.
 - f. Commercial and industrial lots. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.
 - g. Meander Line and Water's Edge. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedication in any plat abutting a stream or lake. Consideration shall be given to the location of lot lines to facilitate shoreline protection and maintenance of intended water access.

- h. Corner Lots. In blocks where extra footage above zoning requirements for lot width is available, corner lots shall be enlarged in their width.
 - i. Double frontage lots. Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
 - j. Restricted access. When lots within the proposed land division abut the right-of-way of an existing or proposed limited access highway or street, the access restriction shall be noted on the plat either graphically on the map or within a written access restriction.
 - k. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the stormwater management plan for the area. Drainage shall be designated so as to avoid concentration of storm drainage water from each lot to adjacent lots. The following shall be placed on the face of all subdivision plats: "RESTRICTIVE COVENANT: The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water."
6. Stormwater Management and Erosion and Sediment Control Plans
- a. Stormwater Management and Erosion and Sediment Control plans shall meet or exceed the design criteria, standards, specifications and Best Management practices identified in the following documents of their subsequent revisions:
 - i. NR 151 Subchapters I, III and V.
 - ii. The Wisconsin DNR Stormwater Construction and Post Construction Technical Standards.
 - iii. The Wisconsin Department of Transportation Erosion Control Product Acceptability List.
 - iv. The Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction Manual.
 - v. Wisconsin Department of Agriculture Technical Guide 4.
 - b. Stormwater management and erosion and sediment control plans shall be certified by a registered professional engineer.
 - c. The Development Agreement shall contain a provision which requires the registered professional engineer to do the following:
 - i. Commit to oversee installation of all stormwater management and erosion and sediment control features shown on the approved plans.
 - ii. Submit a set of record drawings upon construction completion.
 - iii. Certify that all required improvements have been installed in substantial conformance with the approved plans.
 - iv. This certification shall not release the subdivider from the responsibility to construct in accordance with approved plans until town and county inspections have been made, and approval of the substantial conformance condition has been given by the public agencies.
 - d. Post development runoff volume must be maintained or reduced compared to pre-development conditions for the 25-year, 24-hour, Type II storm event.

- e. Peak runoff discharge rates must be maintained or reduced compared to pre-development conditions for the 2, 10, 100-year, 24-hour, Type II storm event.
- f. Runoff volumes and peak discharge rates shall be calculated using Technical Release-55 (TR-55) or an equivalent methodology, developed by the U.S. Department of Agriculture. When pre-development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in the table below shall be used.

<i>Maximum Pre-Development Runoff Curve Numbers for Cropland Areas</i>				
<i>Hydrologic Soil Group</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Runoff Curve Number</i>	<i>56</i>	<i>7</i>	<i>7</i>	<i>8</i>
		<i>0</i>	<i>9</i>	<i>3</i>

- g. A maintenance plan shall be submitted for all designed stormwater ponds. The plan shall list all scheduled maintenance activities and the responsible party or parties.
- h. All stormwater management facilities shall be designed to remove 60 percent of the total phosphorus contained in the runoff water. Pollutant loading computer models such as Source Load And Management Model (SLAMM), PS, or equivalent methodology may be used to evaluate the total phosphorus removal efficiency.
- i. Perennial and intermittent streams, springs, and drainageways that contain concentrated flow water during spring runoff or during a 1 a –year, 24-hour, type II storm event shall be required to have a minimum filter strip for sediment trapping as defined in Natural Resource Conservation Service (NRCS) Filter Strip practice standard, Code 393.
- j. Constructed drainage swales shall be designed at a minimum to accommodate a 1 a-year, 24-hour, Type II storm event.

7. Easements

- a. Utility Easements
 - i. Utility easement areas shall be identified on the plat or certified survey map.
 - ii. As a general rule, the width of easements shall be 30 feet, fifteen feet of which shall be on each side of the easement running along a joint lot line.
 - iii. Any utility lines carried overhead on poles shall be placed in utility easements. Lots shall be served by underground electric, gas, and telecommunication lines, if available. The subdivider is responsible for stabilizing any land disturbance for the installation of utilities.
 - iv. To allow for the installation of underground utilities, excavation materials shall not be stored on the easement. Where utility lines are to be installed underground, the easement shall be graded to within six inches of the final grade by the subdivider.
 - v. Utility lines and equipment within an easement, whether overhead or underground, shall not be closer than one foot to a lot line or three feet to any survey monument.

- vi. The subdivider shall coordinate the installation of utilities with the installation of erosion control measures. The subdivider is responsible for stabilizing any land disturbance for the installation of erosion control measures. The deposits for a financial assurance for erosion control work shall be held until all utility work is done.
 - b. Drainage Easements
 - i. Drainage easements may be required may be required to accommodate preexisting and post-development runoff identified in the stormwater management plan for the subdivision.
 - ii. Drainage easements may include designed stormwater ponds, drainage swales, closed depressions and other natural watercourses.
 - iii. All regional stormwater ponds shall be located on outlots.
 - iv. The Town shall approve the terms of a drainage easement and the Town shall be granted the authority to enforce easement rights, covenants, and/or deed restrictions regarding drainage easements.
- 8. Land divisions served by public sewer. Subdivisions to be served by public sewer shall be provided with adequate sewage treatment facilities meeting the standards of the Town Sanitary District Ordinances, and the permit requirements of the Wisconsin Department of Commerce and the Department of Natural Resources.
- 9. Land divisions not served by public sewer.
 - a. Except as provided in sub. 2., for each proposed land division not served by public sewer, a soil test complying with COMM 83 and COMM 85, *Wisconsin Administrative Code*, shall be submitted for each proposed lot. No more than 4 lots that are created from the same parent parcel shall be planned to be developed with holding tanks as the onsite waste disposal system.
 - b. Land divisions for public utilities and certain public facilities involving structures not requiring onsite waste disposal systems (e.g., water towers, pumping stations, power relay stations) and other land divisions where conditions warrant, as determined by the Town, may be approved with the following required notation: "Restrictive Covenant." The construction of structures which rely upon onsite sewerage disposal systems for sanitary waste disposal shall be prohibited on this lot until all state, county, and municipal regulations have been met and a sanitary permit has been issued by the Sheboygan County Planning Department.
- 10. Landscaping. A landscaped buffer is required in the following locations:
 - a. Around the perimeter of parking lots or pavements. A landscaped buffer at least 10 feet in width shall abut the perimeter of parking lots/pavements. If an area is newly planted, the landscaped buffer shall include plants with a minimum height of 18 inches at the time of planting. If plants are preserved, they must be shrubs or trees in order to count toward the requirements. The buffer shall attain 80 percent opacity at maturity.
 - b. Along property lines abutting residential development or incompatible uses. A landscaped buffer at least 10 feet in width and at least 6 feet in height at time of

planting shall abut the neighboring use. The landscaped buffer shall attain 80 percent opacity at maturity.

11. Dedication and Reservation of Land.

- a. Dedication. Wherever a tract to be divided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or other public use or facility as indicated on any adopted official map or comprehensive plan, such space shall be suitably incorporated by the subdivider into the subdivision plat or certified survey map after the proper determination of its necessity by the Plan Commission and/or the appropriate body or public agency involved in the acquisition and/or use of each site. For existing and planned streets within the tract to be divided, the subdivider shall dedicate the applicable right-of-way width specified herein.
- b. Reservation for Future Dedication. Where it is not practical or desirable in the judgment of the Town to require the dedication to the public of a road right-of-way or other site for public use at the time of platting, a reservation may be entered on the plat showing the future location of such a dedication, subject to these conditions:
 - i. The reservation is drawn and described on the plat with the same accuracy as required in this ordinance for a dedication, and the intended purpose of the reserved area after future dedication is shown, for example, "reserved for future dedication to public road purposes."
 - ii. Provision is made for the acceptance of the reservation by the Town Board in the same manner as acceptance of a dedication.
 - iii. Authority to unilaterally require conversion of the reservation to a dedication is vested in the Town Board by the acceptance resolution. With Town Board approval in the acceptance resolution, such authority may also be vested in anyone of the adjacent or underlying owners to the reserved area.
 - iv. Setbacks and other yards for building and uses under the zoning ordinance treat the reservation as if already dedicated, which treatment shall also be recorded with the titles of affected lots and outlots.
 - v. Vacations of reservations shall be made in the same manner for vacating and altering plats as provided in subchapter VIII of Chapter 236, Wis. Stats.
- c. Reservation of Lands for Public Acquisition. Where a plat embraces all or part of a site designated for public ownership, and for which the subdivider is not obligated by this Ordinance or Chapter 236, Wis. Stats., to dedicate said lands to the public without compensation, the subdivider shall nevertheless make said lands a part of the plat design, assuming the lands will be purchased by the public, and reserve such lands for public purchase for a period of up to three (3) years from the date of recording of the plat. To allow for the possibility that after the reservation period the public might not acquire the land, the plat design may be such that the reserved lands may be subdivided or otherwise put to a useful private purpose consistent with the layout of the balance of the plat.
- d. Public access shall be provided to all navigable streams or lake shores as required by Chapter 236, Wis. Stats.

- e. Pursuant to § 236.29, Wis. Stats., when any plat is certified, signed, acknowledged and recorded as prescribed in said chapter of the statutes, every donation of land to the public intended for streets, alleys, ways, commons or other public uses as designated on said plat shall be deemed sufficient conveyance to vest the fee simple title with the public.

12. Required Installations

- a. Any public improvements required herein must be required by the Town in which the subdivision lies under the authority of § 236.13(2)(am), Wis. Stats.
- b. The subdivider shall have survey monuments installed in accordance with the requirements of § 236.15, Wis. Stats.
- c. The subdivider shall install all required stormwater drainage features as required in the stormwater management plan.
- d. The subdivider shall construct or install all erosion and sediment control measures specified in the erosion and sediment control and stormwater management. If the erosion and sediment control features are damaged or altered by any means, the restoration of them shall be the responsibility of the subdivider unless the subdivider has, by written agreement, assigned responsibility for maintenance to the owner of the lot on which the damage or alteration occurred.
- e. Any road intersecting with a public road, and any road serving more than two lots, shall be improved by the subdivider, including necessary bridges, culverts and ditches, to the standards established by the town or standards found within this ordinance.
- f. The installation of the required improvements or removal of existing features and temporary management structures will be identified in the construction plans or a Development Agreement within one year following the effective date of the initial financial assurance.
- g. All required improvements shall be installed and completed in substantial conformance with the approved plans and as specified in the construction plans or a Development Agreement within one year following the effective date of the initial financial assurance.
- h. A Development Agreement may contain provisions to address the failure to install required improvements within one year, such as penalties and the use of financial assurances to pay those penalties.
- i. If the required improvements are not installed within one year, then the Town may subject the subdivider to forfeitures and use the financial assurance to stabilize the site.

13. Financial Assurance. A financial assurance shall be provided to ensure the proper construction, installation and maintenance of required roads, utilities, stormwater management and erosion and sediment control measures, required landscaping and other improvements, removal of existing features, and temporary erosion and sediment control and stormwater management structures.

- a. The subdivider shall be responsible for providing the assurance.
- b. The nature and duration of the assurance shall be structured to achieve installation and maintenance without adding unnecessary costs to the responsible party.

- c. The town may extend the time allowed for installation of an improvement for which the assurance has been provided.
- d. The assurance shall be required before the construction of required improvements and as a condition of the preliminary subdivision approval.
- e. The assurance shall be 110 percent of the estimated costs of installing an improvement, as determined by the Town engineer, including potential Town engineering and legal expenses.
- f. The assurance shall be valid until substantial completion of all required improvements and released by the Town.
- g. The assurance shall be secured. The Town may select from a variety of secure means including, but not limited to, the following:
 - i. A surety bond from a bonding company authorized to do business in Wisconsin.
 - ii. The Town engineer, in consultation with appropriate persons, shall inspect the improvements and shall authorize approval, partial approval, or rejection of such improvements.
 - iii. A statement of reasons for rejection and corrective action shall be provided in writing.
 - iv. The responsible party shall correct the condition specified by the stated corrective action within the time stated.
 - v. If the corrective action is not completed within the specified time, the Town may use the assurance to complete the corrective action.
 - vi. If the Town takes no action to approve, partially approve, or reject the improvements within 60 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the responsible party and/or surety, if any, shall be released from the assurance for such improvements.
 - vii. Where partial approval of the improvement is granted, the responsible party shall be released from liability under the assurance to the extent of the approval.
 - viii. If approval of the improvement is denied, the Town Board may utilize the assurance to see that improvements are properly completed

14. Development Agreements

- a. The Town may require and enter into written Development Agreements concerning the development and use of land within the Town, with the owner and subdivider of such property and with other governmental units with jurisdiction.
- b. A Development Agreement shall be approved by the Town attorney and executed by the parties prior to the start of construction.
- c. A Development Agreement shall include an identification of and a timeline for the installation of required temporary and permanent improvements and for the removal of existing features and temporary erosion and sediment control and stormwater management structures.

- d. A Development Agreement shall not take effect unless and until appropriate financial assurance has been provided to the Town.

12.14 DESIGN STANDARDS FOR COMMERCIAL/INDUSTRIAL SUBDIVISIONS

For land divisions concerning properties intended or likely to serve commercial, industrial, business park, or similar land uses, the following standards shall supplement and be in addition to the standards in Section 12.13, above.

1. Supplemental Design and Improvement Standards
 - a. The widths, lengths and shapes of lots shall be suited to the planned use of the land, zoning requirements, and the need for convenient access to roads, control of traffic, the potential phasing or staged growth of the proposed subdivision and the limitations and opportunities presented by the topography.
 - b. Lot layouts shall facilitate assembly of smaller lots into larger parcels. Generally, the overall topography of lots shall not exceed slopes of 6 percent.
2. Supplemental Utility Standards
 - a. All utilities, including electric, telecommunications, telephone, gas, water and storm and sanitary sewers, except electric power lines exceeding 1200 volts, shall be underground.
 - b. The site layout shall allow for provision of future connection to municipal services for sewer, water and stormwater.
3. Supplemental Road Standards
 - a. Minimum road rights-of-way shall be 80 feet unless the right-of-way preexists adoption of this Ordinance. In this case, the Town may authorize a reduced minimum right-of-way based on the criteria listed in (i) below.
 - b. Minimum pavement width shall be 24 feet.
 - c. Minimum turn radii shall be sufficient to handle the size of vehicles likely to use the site.
 - d. Where the subdivision and/or development of the area will likely involve multiple parcels and/or buildings, the design shall include frontage roads, shared driveway accesses or other means of reducing direct access to arterial roads.
 - e. The subdivision review process shall include specification of the internal road network and internal driveway access arrangements to assure that spacing of access points, queuing distances, turn radii, and the like are appropriate to the volumes of traffic and types of vehicles and vehicular movement likely to be associated with the development.
 - f. The Town shall designate a professional engineer to review road plans and submit comments.
 - g. Roads shall be constructed and paved meeting designs approved by a professional engineer designated by the Town.
 - h. The town may require cross easements where commercial lots are side-by-side to allow linking of parking areas.
 - i. Road standards for commercial or industrial developments may be increased by the Town. An increase of these standards will be based on relevant information such as town comprehensive plan or official map, driveway access widths, seed limit, number

and types of vehicles using the road, parking availability, sound engineering judgment, and any other pertinent information.

4. Supplemental Lot Standards

- a. In the case of a commercial or industrial subdivision, the contiguous buildable area shall be one and one-half acre.
- b. Site plans shall be submitted that identify the contiguous buildable area and landscaping areas.
- c. In design of the subdivision, every effort should be made to protect and retain existing trees, shrubbery and grasses not actually located in right-of-way, drainageways, vision triangles, and the like. Trees should be protected and preserved during construction.

12.15 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations.

Amended: 6.09.2010; 1.12.2022