

**STATE OF WISCONSIN  
COUNTY OF PEPIN  
TOWN OF STOCKHOLM**

**STOCKHOLM CONSERVATION SUBDIVISION ORDINANCE**

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## 1. General Provisions

1.1. **Title.** These regulations shall officially be known, cited, and referred to as the Conservation Subdivision Ordinance of the Town of Stockholm, Wisconsin (hereinafter "ordinance").

1.2. **Purposes.** This ordinance is adopted for the following purposes:

1. To guide the future growth and development of the community consistent with the Town of Stockholm's adopted comprehensive plan.
2. To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
3. To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
4. To preserve scenic views by minimizing views of new development from existing roads.
5. To preserve prime agricultural land by concentrating housing on lands that have low agricultural potential.
6. To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, if and where specified, the larger community.
7. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
8. To provide buffering between residential development and non-residential uses.
9. To protect and restore environmentally sensitive areas and biological diversity, and minimize disturbance to existing vegetation.
10. To preserve any significant archeological sites, historic buildings and their settings.
11. To meet demand for housing in a rural setting.

*SEE FIGURE ON FOLLOWING PAGE*

1.3. **Statutory Authorization.** This ordinance is adopted pursuant to the authority contained in section 236.45 of the Wisconsin Statutes.

1.4. **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the limits of the Town of Stockholm, Wisconsin. The ordinance does not apply to:

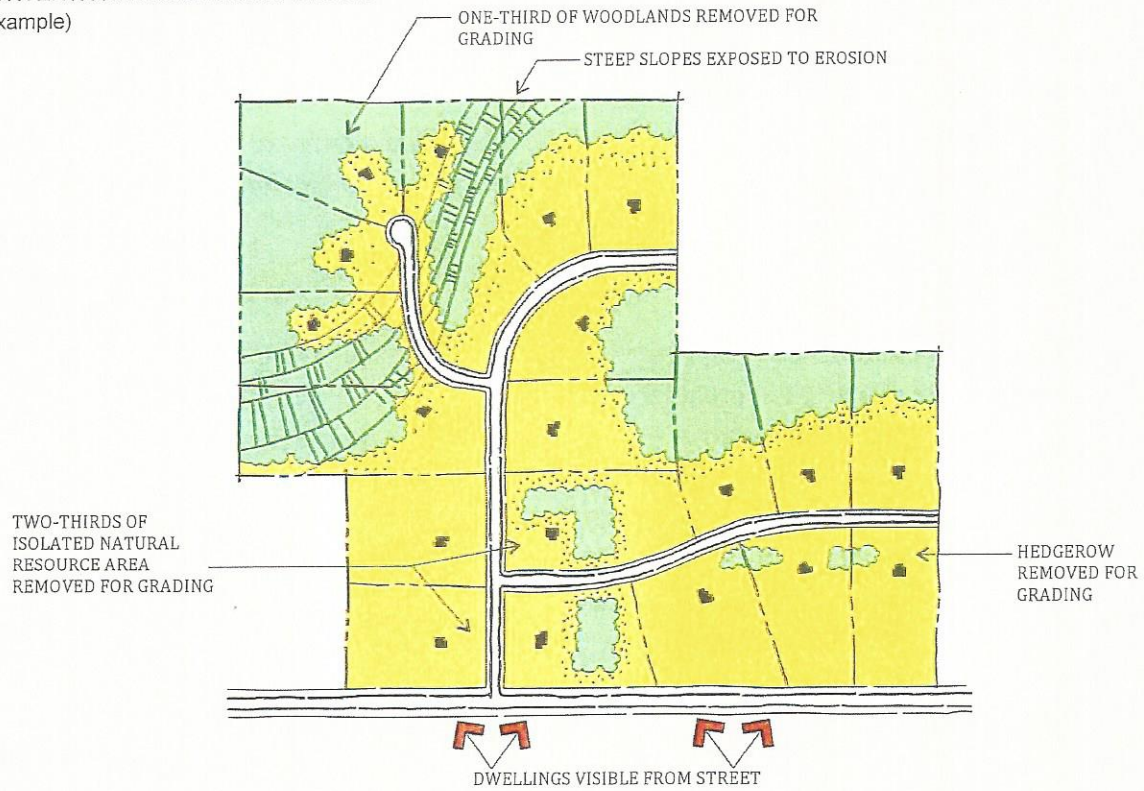
1. Transfers of interests in land by will or pursuant to court order.
2. Cemetery plats under section 157.07 of the Wisconsin Statutes.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.
4. Assessors' plats made under section 70.27 of the Wisconsin Statutes, but such assessors' plats shall comply with sections 236.15(J)(a)—(g) and 236.20(1), (2)(a)—(c), of the Wisconsin Statutes.

# CONVENTIONAL VS. CONSERVATION SUBDIVISION DESIGN

ORDINANCE NO.: 2016-02

## CONVENTIONAL SUBDIVISION DESIGN

(Example)



## CONSERVATION SUBDIVISION DESIGN

(Example)



Source: SEWRPC, modified by the Town of Stockholm

**1.5. Applicability and Compliance.** The conservation subdivision standards apply to all land divisions, including planned unit developments, by a subdivider of a parent parcel of 8 acres or more where the division, or subsequent divisions, creates at least four new parcels within a five year period. The number of new parcels that can be created shall be consistent with the Town's zoning ordinance. The provisions of this ordinance apply to residential development throughout the Town of Stockholm. This ordinance does not apply to land division where the parent parcel is less than 8 acres and the number of new parcels is less than four within a five year period. However, these smaller land divisions must still be documented with a certified survey map.

1. No person shall divide any land under the provisions of this ordinance without compliance with all requirements of this ordinance and the following:
  - a. The provisions of Wis. Stats. ch. 236 and Wis. Stats. § 80.08.
  - b. The rules of the Wisconsin Department of Safety and Professional Services contained in Chapter SPS 383 and related chapters of the Wisconsin Administrative Code for land divisions not served by public sewer.
  - c. The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut state highways.
  - d. The rules of the Wisconsin Department of Natural Resources contained in Chapter 115 of the Wisconsin Administrative Code, for shoreland, shoreland-wetland, and floodplain management.
  - e. The comprehensive plan adopted by the Town of Stockholm.
  - f. All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
  - g. All other applicable rules contained in the Wisconsin Administrative Code.

**1.6. Condominium Plats.** A condominium plat prepared under Chapter 703 of the Wisconsin Statutes which creates four units with a parent parcel size of 8 acres or more shall be reviewed by the Town of Stockholm in the same manner as a conservation subdivision as set forth in this ordinance and shall comply with the applicable design standards and required improvements of this ordinance.

**1.7. Abrogation and Greater Restrictions.**

1. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law except as provided in these regulations. 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 which 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.

**1.8. Interpretation.** In their interpretations and applications, 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 of Stockholm to promote the purposes for which they are adopted.

**1.9. Separability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Board of the Town of Stockholm hereby declares that it would have enacted the remainder of these regulations even without any such part, provisions, or application which is judged to be invalid.

**1.10. Enforcement, Violations, Penalties.**

**1. 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 of Stockholm authorizing the building on or improvement of any subdivision within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirements of this chapter have been fully met. The Town of Stockholm may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable state law.

**2. Penalties.** Penalties for violation of this ordinance shall be as follows:

- a. Any person who fails to comply with this chapter shall, upon conviction, be subject to the penalties as provided by the Town of Stockholm.
- b. Recordation improperly made has penalties provided in section 236.30 of the Wisconsin Statutes.
- c. Conveyance of lots in unrecorded plats has penalties provided for in section 236.31 of the Wisconsin Statutes.
- d. Monuments disturbed or not placed have penalties as provided for in section 236.32 of the Wisconsin Statutes.

- e. Assessor's plat made under section 70.27 of the Wisconsin Statutes may be ordered by the Town of Stockholm as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

- 3. **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 sections 236.13(5) and 62.23(7)(e)10, 14, and 15, of the Wisconsin Statutes, within 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 the action of the approving or objecting agency to be arbitrary, unreasonable, or discriminatory.

### **1.11. Modifications/Waivers.**

#### **1. Authority; application.**

- a. Where, in the judgment of the Board of the Town of Stockholm, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper.
- b. Application for any such modification or waiver 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 that may aid the Town Board in the analysis of the proposed project.

#### **2. Conditions for granting.** The Town Board shall not grant modifications or waivers to this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the modification or waiver 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.
- b. The conditions upon which the request for a modification or waiver is based are unique to the property for which the modification or waiver is sought and are not applicable generally to other property.
- c. 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.
- d. Such modification or waiver is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

#### **3. Granting by the Town Board.**

- a. The Town Board, if it approves of the modification or waiver to this ordinance, shall do so by motion or resolution and shall notify the subdivider.
- b. 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 Town consistent with the Town comprehensive plan or this ordinance.
- c. Any modification or waiver granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

4. **A majority vote** of the entire membership of the Town Board shall be required to grant any modification or waiver of this ordinance, and the reasons shall be entered in the minutes.

**1.12. Fees.** The Town Board may, by resolution, establish reasonable fees for expenses incurred in the administration, investigation, review and evaluation of the application including, but not limited to, the costs of professional consultants, engineers, environmental specialists and attorneys as deemed necessary by the Town Board. The subdivider is also responsible for fees incurred by the county in its review of a subdivision application, including the cost of the county surveyor.

## 2. 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.

- 2.1 Common open space.** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.

For purposes of the development yield analysis, the common open space excludes land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g., wetlands); but for purposes of determining where the open space is located, water bodies, ponds, floodplains, or wetlands may be included in the common open space as long as they are not more than 50% of the required open space.

- 2.2 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 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.
- 2.3 Conservation easement.** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development in accordance with the requirements of the Uniform Conservation Easement Act, section 700.40 of the Wisconsin Statutes.
- 2.4 Conservation subdivision.** A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.
- 2.5 Development envelopes.** Areas within which grading, lawns, pavement and buildings will be located.
- 2.6 Gross acreage.** The total area of a parcel including the area of perimeter road rights-of-way to the center line of the road.

- 2.7 **Homeowners association.** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.
- 2.8 **Nonprofit conservation organization.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
- 2.9 **Parent Parcel.** The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.
- 2.10 **Subdivider.** Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a conservation subdivision.

### 3. Application Procedure and Approval Process

**3.1 Initial Conference.** Before submitting an application for a conservation subdivision, the subdivider shall schedule an appointment and meet with the Town Board's designated representative to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards.

**3.2 Initial Application.** After the initial conference, the subdivider shall submit a series of maps and descriptive information to the Town Board and Plan Commission including the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.

1. **Inventory and mapping of existing resources** including the following mapped at a scale of no less than one inch = 50 feet:
  - a. Topographic contours at 2-foot intervals.
  - b. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury.
  - c. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
  - d. Land cover on the site, according to general cover type (pasture, woodland, etc.), and standalone trees with a caliper of more than [24] inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation.
  - e. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.
  - f. Known critical habitat areas for rare, threatened or endangered species.
  - g. Views of the site, including views onto the site from surrounding roads and elevated areas, including photographs with a map indicating the location where the photographs were taken.
  - h. Unique geological resources, such as rock outcrops and glacial features.
  - i. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites.

2. **Development yield analysis.** The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the Town's zoning ordinance, with 60% of the development being common open space, and consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance, and comparing it to the number of dwelling units proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainageways) shall be excluded from the development yield analysis.
  
3. **Site Analysis and concept plan.** Using the inventory provided in section 3.2(1), the development yield analysis provided in section 3.2(2), and applying the design standards specified in section 4 of this ordinance, the subdivider shall submit a concept plan including at least the following information at a scale of no less than one inch = 50 feet:
  - a. Open space areas indicating which areas are to remain undeveloped and trail locations.
  - b. Boundaries of areas to be developed and proposed general road and lot layout.
  - c. Number and type (i.e., single-family, multi-family) of housing units proposed.
  - d. Proposed methods for and location of water supply, storm water management (e.g., best management practices), and sewage treatment.
  - e. Inventory of preserved and disturbed natural features and prominent views.
  - f. Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.
  - g. Proposed homeowners association for ownership and management of open space.
  
4. **General location map.** The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

**3.3 Review of Initial Application.** Within 30 days following the filing of a complete initial application with the Town Board's designated representative, the Town Board and Plan Commission shall meet with the subdivider to review the initial application. Staff from Pepin County will be requested to review the initial application for consistency with Pepin County's Subdivision Ordinance and other County ordinances. The Town Board and Plan Commission shall make the determination of whether the initial application is complete. The Town Board and Plan Commission may also schedule a visit to the site with the subdivider to review the existing features of the site and the concept plan. The visit shall occur prior to or as part of the meeting. Within 30 days following the meeting, the Town Board and Plan Commission shall provide a written report informing the subdivider of any additions, changes, or corrections to the concept plan submitted as part of the initial application.

**3.4 Preliminary Plat Review and Approval Procedures.** Following the Town Board and Plan Commission's review and comment on the initial application, the subdivider shall file with the

Town Board an application for review and approval by the Town Board and Plan Commission of a preliminary plat.

1. **Referral.** The subdivider shall provide copies of the preliminary plat for their review and comment to any affected village and town, to the county, to the appropriate utilities, and to the appropriate objecting agencies under Wis. Stat. § 236.12, with comments sent to the subdivider, the Town Board, and Plan Commission for consideration during the review process.
2. **Plan Commission recommendations.** After review of the preliminary plat and negotiations with the subdivider on changes and the kind and extent of any public improvements that will be required, the Plan Commission shall, within 60 days of the filing date, recommend to the Town Board, for purposes of public hearing, approval, or conditional approval, or disapproval of the preliminary plat.
3. **Public hearing.** The Town Board shall schedule a public hearing before the Board and Plan Commission on the preliminary plat. The Board shall give notice of their review and public hearing on the preliminary plat by listing it as an agenda item in the Town Board's meeting notice published in the official local government newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action. All owners of property adjoining the proposed land division, the county, and any affected village and town shall receive written notice of the public hearing.
4. **Board action.** After the public hearing, the Town Board shall, within 90 days of the date the plat was filed with the Town, approve, approve conditionally, or reject such plat and shall state, in writing, conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. 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 Board shall communicate to the subdivider the action of the Board.
5. **Effect of approval.** Approval of a preliminary plat shall be valid for thirty-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 Town Board at the time of its submission.
6. **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, 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 refilled.

**3.5 Preliminary Plat Requirements.** 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. More than one (1) sheet may be used to present the information required in this section and shall include the following:

- 1. 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 previously recorded in the County.
- 2. Project Ownership and Development Information.**
  - a. Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
  - b. Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of any public improvements, and for surveys.
  - c. Date of preparation.
- 3. Existing Site Conditions.** Provide this information on a property survey map.
  - a. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
  - b. Location, width, and names of all existing platted roads and rights-of-way to a distance of 100 feet beyond the site.
  - c. Type, width and condition of road improvements; railroad or major utility rights-of-way; 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.
  - d. Location widths and names of all existing public and private easements to a distance of 100 feet beyond the site.
  - e. Name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
  - f. 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 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.
  - g. Significant natural resource features on the site, i.e., wetlands, floodplains, watercourses, existing wooded areas, steep slopes, drainageways, rare, threatened and endangered species, and other natural resource features, views and other prominent visual features.
  - h. Burial sites categorized under Wis. Stat. § 157.70, Indian mounds, national and state register listed properties, and any locally designated historic properties.
  - i. Existing soil classifications, including hydric soils.
  - j. Legal description of the property.
  - k. Total acreage of the proposed site.

l. Provide graphic scale, north arrow, and date.

**4. Subdivision Design Features.** Provide this information on the Preliminary Plat.

- a. Layout of proposed roads, showing right-of-way widths, types of improvements, road surface widths, and proposed road names.
- b. Locations and type of any proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
- c. Layout of proposed blocks and lots within the plat.
- d. Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
- e. Minimum front, side and rear yard building setback lines for all lots.
- f. Indication of the use of any lot.
- g. Location and size of proposed community or individual on-site septic systems and potable water sources.
- h. Location and size of all proposed and existing culverts, retention ponds, swales, infiltration practices and areas, and other storm water facilities within the plat and to a distance of 100 feet beyond the site.
- i. Development envelopes showing areas for grading, lawns, pavement and buildings.
- j. Any 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.
- k. Management plan for restoration and long-term management of any public open space areas.

**5. Preliminary Construction Plans.** Provide information on one or more sheets.

- a. Plan and Profile. Proposed road centerline profile grades, showing the existing and proposed profile grade lines.
- b. Grading and Erosion Control Plan. A Plan showing existing and proposed grades, drainage patterns, and storm water 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 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 twelve (12) inches 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.
- c. Provisions for sewage disposal, water supply, storm water management, and flood control if applicable.

**3.6 Final Plat Review and Approval Procedures.** A final subdivision plat shall be filed with the Town Board in accordance with the following:

1. **Final Plat.** The subdivider shall prepare a final plat and a letter of application in accordance with this ordinance and shall file 12 copies of the plat and the application with the Town clerk 21 days prior to the meeting of the Board at which action is desired. The subdivider shall file the final plat not later than thirty-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 and for good cause granted by the Town. The subdivider shall also submit at this time a current certified abstract of title or such other evidence as the Town may require showing ownership or control in the applicant.
2. **Objecting Agencies.** The subdivider shall submit an electronic copy of the final plat to the Plat Review Section, Wisconsin Department of Administration, which shall forward copies to each of the agencies authorized to object under section 236.12(2) of the Wisconsin Statutes.
3. **Final Construction Plans.** Simultaneously with the filing of the final plat, the subdivider shall file with the Town Board six copies of the final construction plans and specifications of any public improvements required by the Town or county.
4. **Installation, Protection and Maintenance Plans.** The subdivider shall also submit plans for areas to be protected and/or introduced native vegetation.
5. **Referral of Final Plat.** The subdivider shall provide copies of the final plat to any affected village or town and the county, and to the appropriate utilities for their review and comment, with comments forwarded to the Town Board for their consideration during the review process.
6. **Town Board Review and Approval.** The Town Board shall, within 60 days of the date of filing the original final plat with the Town, cause the final plat to be examined as to its substantial conformance with the preliminary plat; any comments or conditions of approval of the preliminary plat; this chapter; and all applicable ordinances, rules, regulations, and comprehensive plan elements that may affect it; and shall 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 subdivider certifies on the face of the plat that copies were forwarded to objecting agencies as required in this section, with the date thereof and an indication that no objections have been filed within 20 days or, if filed, have been met. 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.
  - a. The Town Board shall, when it determines to approve a final plat, give at least ten days' prior written notice of its intention to the municipal clerk of any municipality within 1,000 feet of the final plat.

- b. 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 Board 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 conservation easements and deed restrictions. The register of deeds cannot record the plat unless it is offered within twelve months from the date of last approval and thirty-six months from the first approval.
- c. Copies. The subdivider shall send copies of the final plat to the approving agencies and other affected agencies for their files.

**3.7 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.

1. **Additional Information.** The final plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, the following:
  - a. Exact length and bearing of the centerline of all roads.
  - b. Exact road width along the line of any obliquely intersecting road.
  - c. Exact location and description of utility and drainage easements.
  - d. Railroad rights-of-way within and abutting the plat.
  - e. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
  - f. Restrictions relating to access control along public ways.
  - g. Setback or building lines.
  - h. Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final plat.
  - i. The legal instruments detailing the ownership of the common open space, as required in section 5 shall be filed with the final plat.
  - j. All final plats shall meet all the surveying and monumenting requirements of section 236.15 of the Wisconsin Statutes.
  - k. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the county, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat.
  - l. Certificates. All final plats shall provide all the certificates required by section 236.21 of the Wisconsin Statutes. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.

- m. Recording. The final plat shall be recorded within twelve months after the last approval by the Town Board and within thirty-six months from the first approval.

**3.8 Certified Survey Maps.** Conservation subdivisions shall not be created by certified survey maps under section 236.34 of the Wisconsin Statutes. However, a certified survey map is required for all other land divisions.

#### 4. Requirements for Design and Improvements

4.1. **Land Suitability.** No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

1. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity.
2. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a [75] foot buffer.
3. 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.
4. All areas having slopes greater than [12] percent.
5. Areas that are known to provide habitat for rare, threatened or endangered species.
6. Burial sites and Indian mounds.
7. 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.

Areas determined to be environmentally sensitive may be included as common open space in a conservation subdivision but shall not be included in the development yield analysis in section 3.2(2). These lands shall be identified as an outlot or other designation that indicates the land is not available for development.

4.2. **Development Yield.** The number of residential units for a parcel shall be determined in accordance with the development yield analysis in section 3.2(2).

#### 4.3. **Performance Standards.**

##### 1. **Residential Lot Requirements.**

- a. Minimum Lot Size: No minimum (assuming appropriate septic arrangements)
- b. Principal Building Setbacks (note that other setback requirements may apply if a lot is closely adjacent to a county road):
  - Front lot line: [30] feet
  - Side lot line: [10] feet
  - Rear lot line: [20] feet
- c. Accessory Building Setbacks:
  - Side lot line: [15] feet
  - Rear lot line: [10] feet
- d. Lots shall be configured to minimize the amount of impervious surfaces. Maximum Lot Coverage (includes buildings and other impervious surfaces): [35%]
- e. Maximum Building Height: [35] feet

- f. Most lots shall take access from interior local roads. Existing farmsteads to be preserved will have a driveway as part of the historic landscape that does not access a local road but should be preserved.
- g. Lots shall be configured to minimize the amount of road length required for the subdivision.
- h. Development envelopes shall be configured to minimize loss of woodlands.
- i. If agricultural uses are being maintained as part of common open space, lots shall be configured in a manner that maximizes the usable areas remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- j. All lots shall abut open space on at least one side. A local road may separate lots from the open space.
- k. Lots shall be oriented around one or more of the following:
  - i. A central green space.
  - ii. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- l. Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
- m. Residential structures shall be oriented to maximize solar gain in the winter months.
- n. A 30 foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.
- o. Storm water management:
  - i. Minimize the use of curb and gutter and maximize the use of open swales.
  - ii. Roof downspouts should drain to porous surfaces, e.g. a rain garden.
  - iii. Peak discharges during the 2 and 10 year storm events should be no more than predeveloped conditions.
  - iv. The development should capture 80% of the sediments/pollutants from the 1 year storm event.
  - v. Landscape plantings should be used to increase infiltration and decrease runoff.
  - vi. Natural open drainage systems shall be preserved.

## **2. Residential Cluster Siting Standards.**

- a. All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than [10] dwelling units and no less than [4] units.
- b. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
- c. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
- d. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- e. Residential clusters should be sited to achieve the following goals, to the extent practicable:

- Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
  - Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
  - Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
  - Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
  - Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- f. Landscaping around the cluster may be necessary to reduce off site views of residences.

### 3. Open Space Design.

- a. Common Open Space: The minimum required open space is 60% of the gross acreage. It shall be owned and maintained by a homeowners association. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 5.
- b. Open space shall be designated as part of the development.
- c. Open Space Conservation Ranking (in order of significance): The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
- i. First priority will be given to intact natural communities, rare and endangered species, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
  - ii. Second priority will be given to areas providing some plant and wildlife habitat and open space values.
  - iii. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.
- d. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
- i. Parking areas for access to and use of open space developed at a scale limited to the potential users of the open space.
  - ii. Privately-held buildings or structures provided they are accessory to the use of the open space.
  - iii. Shared septic systems and shared potable water systems.
- e. Road rights of way shall not be counted towards the required minimum open space.
- f. No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
- g. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.

- h. Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archaeological sites.
- i. A pathway system connecting open space areas accessible to subdivision residents and connecting these areas to subdivision roads and to planned or developed trails on adjacent parcels shall be identified in the plan.

#### **4. Road Standards.**

- a. Roads shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.
- b. The applicant must provide certification by a licensed civil engineer that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.
- c. Roads shall have the following design standards:
  - i. Minimum right of way: 40'.
  - ii. Roadways shall have a minimum width of 20'.
  - iii. Design Speed: 25 miles per hour.
  - iv. Maximum Road Grade: 8%.
  - v. Clear Zone: 10' from edge of travel land.
  - vi. Bridges shall be designed as recommended by the Pepin County Highway Commissioner.

#### **5. Sewage and Water Facilities.**

- a. Water for a conservation subdivision shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and the county. The use of shared or community wells may be necessary depending on lot size. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
- b. All conservation subdivisions shall have adequate sewage treatment meeting the standards of the county and the permit requirements of the Wisconsin Department of Safety and Professional Services Chapter SPS 383 and the Department of Natural Resources. A common septic system located on the common open space lands may be required, depending on the size of lots and on the topography. Holding tanks are prohibited except for sites that are too small or have soils that prevent them from having other types of septic systems.

**4.4. Financial Guarantee.** A financial guarantee ensuring the construction and completion of any common facilities shall be submitted to the Town in accordance with section 236.12(2)(a)1 of the Wisconsin Statutes.

## 5. Ownership and Maintenance of Common Open Space and Facilities

- 5.1. Homeowners' Association.** The designated common open space and common facilities shall be owned and managed by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

The homeowners' association bylaws, guaranteeing continuing maintenance of the common open space and any common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

1. The legal description of the common open space land;
2. A description of any common facilities;
3. The restrictions placed upon the use and enjoyment of the common open space land or facilities;
4. Persons or entities entitled to enforce the restrictions;
5. A mechanism to assess and enforce the common expenses for the common open space land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
6. A mechanism for resolving disputes among the owners or association members;
7. The conditions and timing of the transfer of ownership and control of common open space land or facilities to the association; and
8. Any other matter the developer deems appropriate.

- 5.2. Condominium Associations.** If the common open space and facilities are to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" as defined in section 703.01(2) of the Wisconsin Statutes.

- 5.3. Maintenance Plan.** Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Town Board prior to final plat approval.

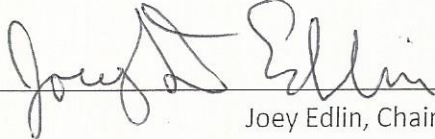
1. The plan shall do the following:
  - a. Designate the ownership of the common open space land and common facilities in accordance with section 5.1.
  - b. Establish necessary regular and periodic operation and maintenance responsibilities.

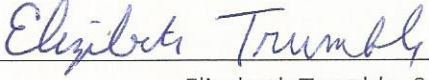
- c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
  - d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in section 3.2, describing:
    - i. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
    - ii. The proposed end state for each common open space area, and the measures proposed for achieving the end state.
    - iii. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring any historic features and habitats or ecosystems.
    - iv. The operations needed for maintaining the stability of the resources, including: mowing schedules, weed control, planting schedules, clearing and cleanup; at the Town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of any common facilities for a maximum of one year.
2. In the event that the organization established to own and maintain the common open space and common facilities, or any successor organization, fails to maintain all or any portion of the common open space and facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the common open space and facilities, setting forth the manner in which the organization has failed to maintain the common open space land and facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action.
- a. The costs of corrective action by the Town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common open space and facilities, and shall become a lien on said properties. The Town, at the time of entering upon such common open space land and facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
3. Management plans can be amended by the owner identified under section 5.1 with the approval of the Town Board.

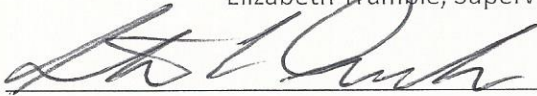
This ordinance is effective on publication or posting.

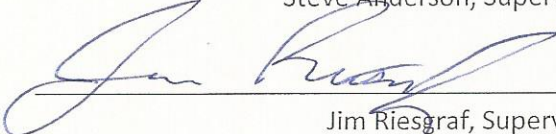
The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

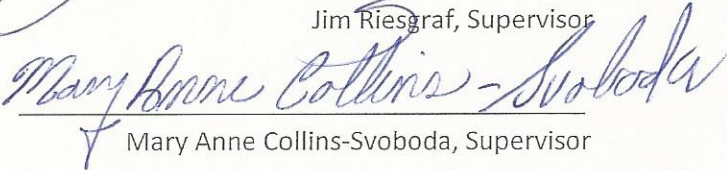
Adopted this 21st day of March, 2016

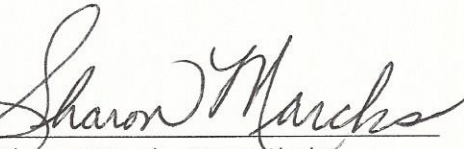
  
Joey Edlin, Chairman

  
Elizabeth Trumble, Supervisor

  
Steve Anderson, Supervisor

  
Jim Riesgraf, Supervisor

  
Mary Anne Collins-Svoboda, Supervisor

Attest:   
Sharon Marcks, Town Clerk