

**CHAPTER 18**  
**LAND DIVISION AND CONDOMINIUM**

**18.01      Introduction**

(1) TITLE. This Chapter shall officially be known, cited, and referenced to as Land Division and Condominium Ordinance.

(2) AUTHORITY. Authority of this Chapter is adopted under the authority granted by Sec. 236.45 and 703.27, Stats.

(3) PURPOSE. The purpose of this Ordinance is adopted for the following purposes:

(a) The purpose of this Chapter is to regulate and control the division of land, condominium development and planned development, within the limits of the Town of Geneva, Wisconsin, in order to promote the public health, safety, morals, prosperity, esthetics, and general welfare of the Town and its environment;

(b) To guide the future growth and development of the community consistent with the Town of Geneva's Comprehensive Plan or other municipal regulations;

(c) To guide the detailed analysis of the developed parcel so as to locate and coordinate appropriate areas for development, conservation and protection of the Town's soil, water, wetlands, woodland, and wildlife resources, and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

(d) Preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;

(e) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;

(f) To preserve significant cultural and historical resources, architecture and their settings;

(g) To facilitate adequate provisions for housing, transportation, water supply, storm water, waste water, schools, parks, playgrounds, and other public facilities and services;

(h) To insure adequate legal description and proper survey monumentation of subdivided land;

(i) To provide for the administration and enforcement of this Chapter; and

(j) To provide penalties for its violation.

(4) JURISDICTION. Jurisdiction of this Ordinance shall include all land within the corporate limits of the Town of Geneva, Wisconsin.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

## **18.02. General Provisions**

(1) COMPLIANCE. No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a condominium, planned development, subdivision, minor land division, or re-plat as defined herein, and no such condominium, planned development, subdivision, minor land division or re-plat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following documents:

(a) Chapters 236 and 703, Wis. Stats.

(b) Rules of the Department of Commerce regulating lot size and lot elevation if the land to be subdivided if not served by public sewer and provisions for such services have not been made.

(c) Rules of the Department of Transportation relating to safety of access and the preservation of public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting highway.

(d) Rules of the Wisconsin Department of Natural Resources, setting water quality standards, preventing and abating

pollution, and regulating development within flood land, wetland, and shoreland areas.

(e) A duly approved comprehensive plan, comprehensive plan component or master plan of the Town of Geneva, Wisconsin, if one exists.

(f) All other applicable local, state and county ordinances and regulations.

(g) The requirements of Chapter 236, Stats., Sec. 236.16(3), shall not apply, which relates to the dedication of public access to lakes and streams with respect to a division of land which results in a minor subdivision or re-plat as defined by this Chapter, but shall be applicable to a division of land which results in a subdivision as defined in Sec. 236.02(12), Stats.

(2) DEDICATION AND REVISION OF LAND. Streets, highways, and drainage ways: Whenever a tract of land to be subdivided within the jurisdiction of this ordinance encompasses all or of any part of any arterial or collector street, drainage way, or other public way which has been designated on a duly adopted Town or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated on said plan or component and as set forth in this Chapter.

Whenever a tract of land to be subdivided, developed by the condominium or planned development embraces all or any part of the proposed public playground, park, school site, open-space site, or other public way or public access to navigable lakes or streams designated in the adopted regional and county and comprehensive plans or adopted plan components of Walworth County, or other adopted Town of Geneva Plan, these proposed public lands shall be made a part of the plat, condominium or planned development. The subdivider or developer shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement, for acquisition by the public agency having jurisdiction.

Whenever a tract of land to be subdivided, developed as a condominium or planned development embraces any part of existing

flood lands, such flood lands shall be made a part of the plat, condominium or planned development. Flood lands included within a subdivision plat shall be included within lots, or reserve for acquisition as provided above, or if approved by the Town Plan Commission, shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided or developed.

(3) IMPROVEMENTS. Before final approval of any plat, condominium or planned development located within the jurisdictional limits of this Chapter, the subdivider shall install street and utility improvement as hereinafter provided. If such improvements are not installed as required at the time that the final plat or plan is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract letter of credit meeting the approval of the Town Attorney or a certified check in the amount equal to the estimated cost of the improvements (said estimate to be made by the Town Plan Commission after review and recommendation by the Town Engineer) as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one (1) year, in a single phase development, from the date of recording of the plat or as agreed to by the Town in all multi-phase development and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. A bond may be used in the place of a letter of credit if the Town Board specifically authorizes it. In addition:

(a) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Town Board.

(b) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(c) SURVEY MONUMENTS. Before final approval of any plat within the Town, the subdivider shall install survey monuments

placed in accordance with the requirements of Sec. 236.15, Stats., and as may be required by the Town Engineer.

(d) The Town Board may waive the placing of monuments, required under Secs. 236.15(1)(b), (1)(c), and (1)(d), Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monument within the required time limits established by the Town.

(4) LAND SUITABILITY. No land shall be subdivided, developed as a condominium or planned development for any use which is determined to be unsuitable for such use by the Town Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, condominium, or planned development or of the Town. The Town Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusions that the land is unsuitable for any use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if they so desire. Thereafter, the Town Plan Commission may affirm, modify, or withdraw its determination of unsuitability. In addition:

(a) Flood lands. Any lot served by public sanitary sewer facilities shall have more than fifty (50%) percent of its required lot area at least two feet above the elevation of the 100-year reoccurrence interval flood. No lot one (1) acre or less an area served by an on-site sanitary sewerage disposal (septic tank) system shall include flood lands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the 100-year reoccurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.

(b) Lands made, altered, or filled with non-earth materials within the preceding twenty years shall not be divided into building sites which are to be served by on-site soil adsorption, sewer disposal systems.

(c) Lands having a slope of twelve (12%) percent or more shall be maintained in a permanent open space use.

(d) Lands having bedrock within six (6) feet of a natural undisturbed surface shall not be divided into building sites to be served by on-site soil adsorption sewer disposal systems.

(e) Lands having ground water within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil adsorption sewer disposal systems.

(f) Lands covered by soil having percolation rates lower than sixty minutes per inch or faster than ten minutes per inch shall not be divided into building sites to be served by on-site soil adsorption sewer disposal systems.

(g) Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil adsorption sewer disposal systems.

(5) APPLICABILITY TO PENDING PRELIMINARY SUBDIVISION PLATS OR CERTIFIED SURVEY MAPS. The provisions of this Chapter shall not apply to preliminary subdivision plats, certified survey maps, condominium plats or planned development plans which have been filed with the Town Plan Commission prior to the effective date of this ordinance.

(6) ABROGATION AND GREATER RESTRICTIONS.

(a) 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 in these regulations. Where any provision of these regulations impose restrictions different from those provisions 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.

(b) 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 easements, covenant,

or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement imposed duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provision shall be operative and supplemental to these regulations and a determination made under the regulations.

(7) 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.

(8) SEVERABILITY. If any part or provision of these regulations or the application of these regulations, or 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 governing body of the Town of Geneva hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application which is adjudged to be invalid.

(9) ENFORCEMENT, VIOLATIONS, PENALTIES.

(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 subdivision within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirement of this Chapter has 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 a violation of this ordinance shall be as follows:

(i) Any person, firm or corporation who violates or fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$500.00 plus the costs of prosecution for each offense and a penalty for default of payment of such forfeiture and costs and shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

(ii) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats., or

(iii) Conveyance of lots and unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats., or

(iv) Monuments disturbed or not replaced have penalties as provided for in Sec. 236.32, Wis. Stats., or

(v) Assessor's plats may under Sec. 70.27, Wis. Stats., may be ordered by the Town as a remedy at the expense of the subdivider 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 Secs. 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 party to the action. The court shall direct that the plat be approved if it finds the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

(10) MODIFICATIONS.

(a) Authority, application.

(i) Wherein 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 waive or modify any requirements to the extent deemed just and proper.

(ii) 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 governing body in the analysis of the proposed project.

(b) 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:

(i) The granting of the modification will not be detrimental to the public safety, health, or welfare or injures 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 the 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.

(c) Granting by Town Board.

(i) The Town Board, if it approves of the modification to this ordinance, shall do so by motion or resolution and shall instruct the Town Clerk to notify the subdivider.

(ii) 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, Master Plan or this Ordinance.

(iii) Any modification granted can only provide the minimum relief needed to elevate the unnecessary hardship or obtain reasonable use of the property.

(d) A majority vote of the entire Board of Supervisors shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

### **18.03. Land Division Procedure**

(1) PRE-APPLICATION. Prior to filing of a conceptual plan, the subdivider shall consult with the Town Plan Commission in order to obtain their advice and assistance. This consultation is not formal, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible adverse affects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(2) CONCEPTUAL PLAN. After the initial conference and prior to the filing of an application for the approval of a preliminary plat, the subdivider shall submit a series of maps and descriptive information to the Plan Commission according to the following. The subdivider shall submit four (4) copies of the conceptual plan of the proposed land division prepared in accordance with this ordinance for review and comment by the Town staff. After meeting with the Town staff the subdivider shall submit eleven (11) copies of the conceptual plan of the proposed land division for review and comment by the Town staff, Town Plan Commission, Town Board, Town Attorney, Town, Engineer, Building Inspector, Planner and other state agencies as necessary. After the Town Plan Commission approves or conditionally approves the conceptual plan, the subdivider shall submit four (4) copies to the Town Clerk for staff to review for compliance with the Plan Commissions determinations. Mapping for the conceptual plan 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.

(a) Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch equaling fifty feet:

(i) Topographic contours at ten foot intervals.

(ii) United States Department of Agriculture, Natural Resource Conservation Service, soil type locations, and identification of soil type characteristics such as agricultural capacity, depth to bedrock and water table, and suitability for waste water disposal system. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for ground water contamination due to fractured bedrock or the presence of arsenic and mercury.

(iii) Hydrologic characteristics, including surface water bodies, flood plains, ground water recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.

(iv) Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliber of more than twenty-four inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation.

(v) Current and past land use, all buildings and structures on the land, cultivated areas, brown fields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.

(vi) Known critical habitat areas for rare, threatened or endangered species.

(vii) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location of where the photographs were taken.

(viii) Unique geographical resources, such as rock outcrops and glacier features.

(ix) 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, archeological sites, and burial sites.

(b) Development Yield Analysis. The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the County's zoning ordinance, consistent with the minimum lot size, lot width, setbacks and other provisions of the zoning ordinance and compare 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., flood plains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis.

(c) Site Analysis and Concept Plan. Using the inventory provided in Section 18.03(2)(a), the development yield analysis provided in Section 18.03(2)(b), and applying the design standards specified in Section 18.09 of this ordinance, the developer shall submit a concept plan including at least the following information at a scale of no less than one inch = fifty feet:

(i) Open space area indicating which areas are to remain undeveloped and trail locations.

(ii) Boundaries of areas to be developed and proposed general street and lot layout

(iii) Number and type of housing units proposed

(iv) Proposed method for and location of water supply, storm water management, and sewerage treatment

(v) Inventory of preserved and disbursed natural features and prominent views

(vi) Preliminary development envelopes showing areas for lawns, pavements, buildings, and grading

(vii) Proposed method for ownership and management of open space and private space

(viii) The subdivider shall provide a proposed residential population for the subject area, if residential in nature, or visitor population if commercial or industrial in nature.

(ix) Transportation for school district in the jurisdiction of the subject property.

(d) 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 ariel photograph at a scale of not less than one inch equaling 400 feet.

(3) REVIEW OF CONCEPTUAL PLAN.

(a) Within **thirty (30) days** of the date the conceptual plan is filed with the Town Clerk the Town Staff shall meet and review the conceptual plan with the subdivider.

(b) Within **sixty (60) days** following the filing of a complete conceptual plan, after meeting with town staff, the Plan Commission shall meet with the subdivider to review the conceptual plan. Staff from appropriate state agencies may also be requested by the Town to review the plan. The Plan Commission shall make the determination of whether the initial application is complete. The 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 **thirty (30) days** following the meeting, the 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 concept plan, unless otherwise an extension is requested by the subdivider.

(c) PUBLIC HEARING. The Town Clerk shall schedule a public hearing on the conceptual plan before the Plan Commission. 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. The property shall be posted with notice as provided by the Town.

(3) All conceptual plans filed with the Town Clerk prior to the second Monday of the month shall be met with the Plan Commission the following Plan Commission. During this meeting the Plan Commission shall set a date for site review, verify posting of the property, notice of public hearing. The Plan Commission shall meet with the subdivider the subsequent month for determination on the conceptual plan.

(4) PRELIMINARY PLAT REVIEW AND APPROVAL PROCESS. Prior to submitting a final plat for approval, the subdivider shall prepare a preliminary plat with supporting data and a letter of application. The preliminary plat and supporting data shall be prepared in accordance with this ordinance, and the subdivider shall file an adequate number of copies of the plat with supporting data and the application with the Town Clerk, together with all necessary fees, at least sixty (**60**) days prior to the meeting of the Town Plan Commission at which first consideration is desired. In addition:

(a) The subdivider shall file an adequate number of copies of the plat, along with the application with the Director of Planning Function of the Wisconsin Department of Administration who shall distribute copies in the following manner:

(i) Two copies - Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.

(ii) Two copies - Department of Commerce if the subdivision is not served by a public sewer and provisions for such service has not been made.

(iii) Two copies - Wisconsin Department of Natural Resources if shoreland or floodlands are contained within the proposed subdivision.

(iv) Any fees paid by the subdivider or the required state agency reviews shall be forwarded by the subdivider to the head of the Planning Function in the Wisconsin Department of Administration who along with the Wisconsin Department of

Transportation and the Department of Commerce shall hereafter be referred to objecting agencies.

(b) The Town Clerk shall, within two **(2)** days after filing, distribute copies of the proposed preliminary plat and supporting data in the following manner:

(i) Eighteen copies - Town Board, Town Plan Commission, all department heads, Town Attorney, Town Engineer, Building Inspector, police and fire liaison officers and to the appropriate utilities for their review and comment. The Town staff and utility comments will be forwarded to the Plan Commission and the Town Board for consideration during the review process.

(c) The recommendations of all state and local agencies along with each department head shall be transmitted to the Town Plan Commission within twenty **(20)** days from the date the plat is filed. The preliminary plat and supporting data shall then be reviewed by the Town Plan Commission and Town Engineer for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plan and comprehensive plan components, and neighborhood plans. The Town Plan Commission shall then recommend approval, conditional approval, or rejection of the preliminary plat to the Town Board, following a public hearing as described hereafter.

(d) 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 a conditional approval of the preliminary plat within sixty **(60)** days of the filing date.

(5) PRELIMINARY PLAT APPROVAL.

(a) At the receipt of the Plan Commission's recommendation, the Town Board shall, within **ninety (90) days** of the date that was filed within the Town Clerk, 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 **ninety (90) days** or extension thereof shall constitute an approval of the preliminary plat, unless other authorized

agencies object to the plat. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the preliminary plat is approved, the Town Clerk shall endorse it for the Town Board.

(b) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within **thirty-six (36) months** of the preliminary plat approval and conform substantially to the preliminary plat layout as indicated in Sec. 236.11(1)(b), Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat and supporting data 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 Plan Commission and Town Board at the time of its commission.

(6) AMENDMENT TO PRELIMINARY PLAT. 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 Plan Commission, of such scope as to constitute a new plat, in which case it shall be re-filed.

(7) FINAL PLAT REVIEW AND APPROVAL PROCEDURE. The subdivider shall prepare a final plat and a letter of application in accordance with this Chapter and shall file an adequate number of copies of the plat and the application with the Town Clerk at least **fifteen (15) days** prior to the meeting of the Town Plan Commission at which action is desired. In addition:

(a) The subdivider shall file an adequate number of copies of the plat along with the application with the Wisconsin Department of Administration who shall distribute copies in the following manner:

(i) Two copies - Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street.

(ii) Two copies - Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.

(iii) Two copies - Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision. Any fees made by the subdivider for the required state agencies review shall be forwarded by the subdivider to the Wisconsin Department of Administration who along with the Wisconsin Department of Transportation and Department of Commerce shall hereafter be referred to objecting agencies.

(b) The Town Clerk shall, within two **(2)** days after filing, distribute copies of the proposed plat in the following manner:

(i) Copies to each - Town Board member, Town Plan Commission member, all department heads, Town Attorney, Town Engineer, Building Inspector and to the appropriate utilities for their review and comments.

(c) The Town Plan Commission and the Town Engineer shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this Chapter and all ordinances that are in effect when the subdivider submits a preliminary plat, rules, regulations, or comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, or rejection of the plat to the Town Board. The Town Engineers review shall be presented in writing and made a part of the record.

(d) PARTIAL (PHASE) PLATTING. If permitted by the Town Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time. However, it is required that each such phase be final platted and be designated as a "phase" or "addition" to the approved preliminary plat. The approval of a "phase" development shall not be unreasonably withheld.

(e) FINAL CONSTRUCTION PLANS. Simultaneously with the filing of the final plat, the subdivider shall file with the Town Clerk four copies of the final site plans, details (i.e. roadway, ditching, storm water, landscape, grading, lighting, ect.) and specifications of public improvements required by the Town.

(8) FINAL PLAT APPROVAL. The objecting shall, within twenty **(20)** days of the date of receiving their copies of a final plat,

notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If any objecting agency fails to act within twenty days, it shall be deemed to have no objection to the plat.

(a) SUBMISSION. If the final plat is not submitted within **thirty-six (36) months** of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.

(b) The Town Plan Commission shall, within **thirty (30) days** of the date of filing of the final plat with the Town Clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.

(c) The Town Board shall, within sixty days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Town Board may not inscribe its approval of the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty days or if filed, have been met.

(d) If the approving authority fails to act within **sixty (60) days** and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the Town Clerk of the authority which has failed to act.

(e) RECORDATION. After the final plat has been approved by the Town Board and improvements required by the Town have either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause this certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the

plat unless it is offered within **twelve (12) months** after the date of the last approval of the plat and within **thirty-six (36)** months after the first approval, and as otherwise specified in Sec. 236.25, Stats.

(f) COPIES. Subdivider shall file a minimum of ten (10) copies of the approved final plat with the Town Clerk for distribution to the Town Attorney, Town Engineer, Building Inspector, Assessor, Treasurer, and other affected departments for their files.

(9) RE-PLAT. When it is proposed to re-plat or record a subdivision or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to re-plat shall vacate or alter the recorded plat as provided in Secs. 236.36 through 236.445, Stats. The subdivider, or person wishing to re-plat, shall then proceed as specified in Section 18.03.

(a) The Town Clerk shall schedule a public hearing before the Town Plan Commission when the preliminary plat of a re-plat of land within the Town's jurisdiction is filed, it shall cause a Class two notice of the public hearing to be published and mailed to the owners of all properties within the limits of the exterior boundaries of the proposed re-plat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed re-plat.

(10) MINOR LAND DIVISION REVIEW (CERTIFIED SURVEY MAP). When it is proposed to divide land into not more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, the subdivider shall subdivide by use of a certified survey map unless a plat is utilized in its place. The subdivider shall prepare the certified survey map in accordance with this Chapter and shall file eleven (11) copies of the map and the letter of application with the Town Clerk at least thirty (30) days prior to the meeting of the Town Plan Commission at which action is desired.

(a) The Town Clerk shall, within two **(2)** days after filing, transmit the copies of the map and letter of application to the Town Plan Commission.

(b) The Town Clerk shall transmit a copy of the map to the Town Engineer, Town Board, and all affected Town Commissions and Committees or department heads for their review and recommendation concerning matters within their jurisdiction. Their recommendation shall be transmitted to the Town Plan Commission with ten (10) days from the date the map is filed.

(11) MINOR LAND DIVISION APPROVAL (CERTIFIED SURVEY MAP). The map shall be reviewed by the Town Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components, and neighborhood plans.

(a) The Town Plan Commission shall, within **forty-five (45) days** from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendation to the Town Board.

(b) The Town Board shall approve, approve conditionally and thereby require re-submission of a corrected certified survey map, or reject such certified survey map within **sixty (60) days** from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reasons shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the subdivider.

(c) RECORDATION. The subdivider shall record the map with the County Register of Deeds within thirty **(30)** days of its approval by the Town Board in conformity with Sec. 236.34(2), Stats.

(d) COPIES. The subdivider shall file a minimum of eleven (11) copies of the certified survey map with the Town Clerk for distribution to the Town Attorney, Town Engineer, building inspector, assessor and other affected departments for their files.

(12) CONDOMINIUM DEVELOPMENT REVIEW. All condominium development plan projects shall be initiated in the same process as that of a subdivision beginning with an initial application, staff review,

conceptual plan, preliminary condominium plan and then final condominium development plan.

(13) CONDOMINIUM DEVELOPMENT APPROVAL. The plan shall be reviewed by the Town Plan Commission for conformance with this ordinance and all ordinances, rules, regulations, adopted regional, Town comprehensive plan or adopted plan components which affect it.

(a) The Plan Commission shall within, **forty-five (45) days** of the date of filing copies of the condominium development plan with the Town Clerk, recommend approval, conditional approval, or rejection of such condominium development plan unless the time is extended by agreement with the developer.

(b) The Town Board shall, within **sixty (60) days** of the date of filing the condominium development plan with the Town Clerk, approve or reject such condominium development plan unless the time is extended by agreement with the developer. If the condominium development plan is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the developer.

(c) Failure of the Town Board to act within **sixty (60) days**, and the time not having been extended, the condominium development plan shall be deemed approved.

(14) PLANNED DEVELOPMENT REVIEW. All Planned development projects shall be initiated in the same process as that of a subdivision beginning with an initial application, staff review, conceptual plan, preliminary planned development and then final planned development.

(15) PLANNED DEVELOPMENT APPROVAL.

(a) The plan shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, adopted Town comprehensive plan or adopted comprehensive plan components which affect it.

(b) The Plan Commission shall, within **forty-five (45) days** of the date of filing of copies of the development plan with the

Town Clerk, recommend approval, conditional approval or rejection of such development plan unless the time is extended by agreement with the developer. The Board shall, within ninety days of the date of filing the development plan with the Clerk, approve or reject such development plan unless the time is extended by agreement with the developer. If the development plan is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the developer.

(c) Failure of the Town Board to act within **sixty (60) days**, the time not having been extended, the development plan shall be deemed approved.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

#### **18.04. Preliminary Plat**

(1) GENERAL. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar in pronunciation of the name of any plat previously approved and recorded, unless it is an addition to a previously recorded plat and is so stated on the plat.

(b) Names and addresses of the owners, subdivider and land surveyor preparing the plat, and if applicable, agent of the property.

(c) The location of the proposed subdivision by government lot, quarter-section, section, township, range, county and state.

(d) General location sketch showing the location of the subdivision within the U.S. Public Land survey section.

(e) Date, graphic scale and north arrow.

(f) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and severe hardship would result from strict application thereof.

(2) PRELIMINARY PLAT DATA. All preliminary plats shall show the following:

(a) EXISTING SITE CONDITIONS.

(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 of vertical intervals of not more than two feet. Elevation value 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.

(vii) Significant natural resource features on the site, i.e., wetlands, floodplains, water courses, existing wooded areas, steep slopes, drainageways, rare, threatened and endangered species, and other natural resource features, views and other prominent visual features.

(viii) Burial sites categorized under Sec. 157.70, Wis. Stats., Indian mounds, national and state register listed properties, and locally designated historic properties.

(ix) Existing soil classifications, including hydric soils.

(x) Legal description of the property.

(xi) Existing zoning classification for the land in and abutting the subdivision.

(xii) Total acreage of the proposed site, and total open space acreage as a percentage of tract.

(xiii) Vegetation analysis, with predominant species identified. A narrative should be included, if necessary.

(ix) Location of soil boring tests, where required by Sec. Comm 85 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soils and the depths of bedrock and ground water from the natural, undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such test shall be submitted along with the preliminary plan. Location of soil percolation tests where required by Sec. Comm 85 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests shall be not less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. Two (2) copies of each test result shall accompany the preliminary plat.

(x) Subsurface Drainage (Drain Tiles): The applicant shall submit a subsurface drainage inventory. The inventory shall include locations of existing farm and storm drainage tiles by means of slit trenching and other appropriate methods performed by a qualified subsurface drainage consultant. All existing drain tile lines damaged during the investigation shall be repaired to its previous working status.

a. The applicant shall provide a topographical map of the development site showing:

1. Location of and depth of each slit trench and identified to correspond with the tile investigation report and surveyed points where the tile was field staked at approximately 50 foot intervals;

2. Location of each drain tile with a flow direction arrow, tile size and any connection to adjoining properties; A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of the tile filled with water, percentage of restrictions caused by silting, depth of ground cover, and working status;

3. Name, address and phone number of person or firm conducting tile location investigation.

b. Information collected during the drainage investigation shall be used to design and construct a stormwater management system that meets the requirements of this Ordinance, including connecting tile lines on adjoining properties. Tiles discovered during construction that were not identified during the investigation shall be incorporated into the development stormwater system design and recorded on the development as-built documents.

(b) SUBDIVISION DESIGN FEATURES. Provide this information on the preliminary plat.

(i) Layout of proposed streets, showing rights-of-way, widths, types of improvements, street surface widths, and proposed street names.

(ii) Location 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 lots.

(vii) Location of on-site waste water systems.

(viii) Development envelops showing areas for grading, lawns, pavement and buildings.

(ix) Open space areas, other than pedestrian ways and utility easements intended to be dedicated or preserved for public use, including the size of such area or areas in acres, provide information on the condition, if any, of the dedication or reservation.

(x) Management plan for restoration and long-term management of the open space areas.

(xi) Provisions for sewerage disposal, water supply, storm water management and flood control.

(c) PRELIMINARY SITE PLANS. Provide information on one or more sheets.

(i) Plan and profile. Propose street centerline profile grades, showing the existing and proposed profile grade lines. The centerline radius of all horizontal curves and lengths of tangents shall be provided.

(ii) 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 the project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practice including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of 24 inches or more, measure 2 feet 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) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.

(iv) 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 system and potable water sources.

(v) Location and size of all proposed and existing storm sewers (lines, drain, inlets, manholes), culverts, retention ponds, swales, infiltration practices in areas, and other storm water facilities within the plat and to a distance of 100 feet beyond the site.

(vi) The developer shall provide a letter from a Professional Engineer or Registered Land Surveyor certifying that the following conditions have been met:

a. Ninety (90) percent of the buildable lot area shall be at least two (2) feet above the approximate high water elevation of any lake or stream affecting the area, and,

b. Eighty (80) percent of the buildable lot area shall be at least three (3) feet above the highest ground water level, as estimated by the developer or their agent from soil boring test data or septic field soil testing, and as verified by the Town Engineer.

c. The buildable lot area excludes special management areas such as wetlands, floodplains and conservation areas.

(vii) Preliminary storm water management calculations.

(3) COVENANTS. The Plan Commission shall require submission of a draft of protective covenants whereby the subdivider intends to regulate land use and management the proposed subdivision, condominium or planned development and otherwise protect the proposed development. The Town Attorney shall review all

covenants for compliance with this Chapter and conditions as established by the Town and shall approve covenants as to form.

(4) LANDSCAPING PLAN. The Plan Commission shall require submission of a draft of the landscaping, restoration and maintenance plan for the proposed development site. These documents shall be submitted to the plan commission prior to the preliminary plat being approved.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

#### **18.05. Final Plat**

(1) GENERAL. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sec. 236.20, Wis. Stats.

(2) ADDITIONAL INFORMATION. The final plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wis. Stats., the following:

- (a) Exact length and bearing of the centerline of all streets;
- (b) Exact street width along the centerline of any publicly intersecting streets;
- (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, and provisions and plans for its use and maintenance;
- (f) Restrictions required by the Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips;
- (g) Setback or building lines;

(h) Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final plat;

(i) Legal instruments detailing the ownership of the common open space, which will be filed with the final plat;

(j) Floodland and shoreland boundaries and the contour lines lying a vertical distance two (2) feet above the elevation of the one hundred (100) year re-occurrence interval flood or where such data is not available, the vertical distance of five (5) feet above the elevation of the maximum flood of record;

(k) Where the Plan Commission finds that it requires additional information relative to the particular problem presented by a proposed development to review the final plat, it shall have the authority to request in writing such information from the subdivider.

(3) SURVEY ACCURACY. A maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ration of one (1) part in ten thousand, nor in azimuth, four (4) seconds of arch per interior angle.

(4) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying monumenting requirements of Sec. 236.15, Wis. Stats.

(5) STATE PLANE COORDINATE SYSTEM. Where the plat is located within the U.S. public land survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any county, city, Town or Town, the plat shall be tied directly to one of the sections or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and material and Wisconsin 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. The grid bearing and distance of the tie shall be determined by a closed survey meeting the air of closure herein specified for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced

directly to the Wisconsin Coordinate System, south zone, and adjusted to the control survey.

(6) TITLE CERTIFICATES. All final plats shall provide all the certificates required by Sec. 236.21, Wis. Stats. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Lands survey corner to which the survey is tied.

(7) RECORDATION. The final plat shall only be recorded with the county register of deeds after the certificates have been signed by the Director of the Planning Function in the Wisconsin Department of Administration, the Town Board, the surveyor, and those certificates required by Sec. 236.21, Wis. Stats., are placed on the face of the plat. The plat shall be recorded within thirty days of its approval by the Town Board.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

#### **18.06. Certified Survey Maps**

(1) GENERAL. Certified Survey Maps prepared by a registered land surveyor shall be required for all minor land divisions. They shall comply in all respects with the requirements of Sec. 236.34, Wis. Stats. Pursuant to Sec. 236.45(2), Wis. Stats., the minor subdivision shall comply with the design standards and improvement requirements set forth in this Chapter.

(2) ADDITIONAL INFORMATION. The map shall show correctly on its face in addition to the information required by Sec. 236.34, Wis. Stats., the following:

(a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.

(b) Setbacks or building lines required by the Plan Commission and/or other ordinances.

(c) Utility and/or drainage easements.

(d) All lands reserved for future acquisition.

(e) Existing contours when required by the Town Engineer at vertical intervals of not more than two (2) feet where the slope

of the ground surface is less than ten percent and of not more than five (5) feet where the slope of the ground surface is ten percent or more. Elevation shall be marked on such contours based on National Geodetic Vertical Datum (mean sea level) as available. This requirement may be waived if the parcel(s) created are fully developed.

(f) Proposed lot drainage as may be required by the Town Plan Commission, Town Public Works Committee, and/or Town Engineer.

(g) Date of the map, graphic scale and north arrow.

(h) Name and address of the owner, subdivider and surveyor.

(i) Location of soil boring tests, where required by Chapter Comm 83 and Comm 85 of the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and ground water from natural, undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.

(j) Location of soil percolation tests, where required by Sec. Comm 85.60 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

(k) Name of the school district in the boundary lines thereof when a proposed certified survey map is situated in more than one school district.

(l) Additional building setback lines required by the Town Plan Commission which are more restrictive than the regulations of the zoning ordinance or which are proposed by the subdivider and are to be included in recorded protective covenants.

(m) Additional yard setback requirements by the Plan Commission which are more restrictive than the regulations of the zoning ordinance.

(n) Floodland and shoreland boundaries and the contour line lying at a vertical distance of two (2) feet above the elevation of the one hundred (100) year re-occurrence interval flood or, where such data is not available, at a vertical distance of five (5) feet above the elevation of the maximum flood of record, or where not recorded at the high water level determined by the Department of Natural Resources.

(o) The existence of any protective covenants shall be noted on the face of the map.

(p) Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing, such information from the subdivider.

(q) The entire area contiguous to the certified survey map owned or controlled by the subdivider shall be included on the certified survey map even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this code and severe hardship would result from strict application thereof.

(3) REIMBURSEMENT. Pursuant to Sec. 236.13(2) (c), Wis. Stats., the Town shall require as a condition of any approval that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the certified survey map falls within the public rights-of-way.

(4) STATE PLANE COORDINATE SYSTEM. Where the map is located within the U.S. Public Land survey quarter section, the corners of which have been relocated, monumented or coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any county, city, Town or Town, the map shall be tied directly to one (1) of that section or quarter corners so relocated, monumented and coordinated. The exact grid bearing in distance of such tie shall be determined by field measurements, and the material and

Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinated System, south zone, and adjusted to the control survey.

(5) CERTIFICATES. The surveyor's certificate shall obtain a description of the survey beginning at the U.S. Public Land Survey Corner to which the survey is tied. The Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

(a) Protective covenants and dedications of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Sec. 236.21(2) (a), Wis. Stats.

(b) The Clerk or Town Treasurer and the County Treasurer shall certify on the face of the certified survey map that there are no unpaid taxes or unpaid special assessments on any of the lands included in the certified survey map.

(6) RECORDATION. The certified survey map shall only be recorded with the County Register of Deeds after the certificates have been signed by the Town Board and the surveyor. The map shall be recorded within **six (6) months** after the date of the last approval of the plat and within **twenty-four (24) months** after the first approval.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

#### **18.07. Condominium Plat.**

(1) GENERAL. A condominium plat prepared by a registered land surveyor shall be required for all condominiums. It shall comply in all respects with the requirements of Sec. 703.11, Wis. Stats. A condominium development plan shall be required for all condominiums and shall comply with the design standards set forth in this Chapter. If the condominium is to be divided into units which have characteristics similar to lots in a subdivision, provisions of Sections 18.03, 18.04, and 18.05, shall also be complied with. If the condominium is not to be subdivided into units which have characteristics similar to lots in a

subdivision, the provisions of Sections 18.09(5) and 18.09(7) shall be inapplicable.

(2) ADDITIONAL INFORMATION. The condominium development plan and preliminary condominium development plan shall show correctly on its face in addition to the information required by Sec. 703.11, Wis. Stats., the following:

(a) Date of plan;

(b) Graphic scale;

(c) Name and address of the owner, condominium developer, and surveyor;

(d) All existing buildings, proposed structures, streets, water courses, drainage ditches and other features pertinent to the development;

(e) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowage, and wetlands;

(f) Additional building setback lines required by the Town Plan Commission which are more restrictive than the regulations of the zoning ordinance or which are proposed by the condominium developer and are to be included in recorded protective covenants;

(g) Additional yard setbacks required by the Plan Commission which are more restrictive than the regulations of the zoning ordinance;

(h) All lands reserved for future public acquisition;

(i) Existing contours in the area of the land to be developed;

(j) Floodland and shoreland boundaries in the contour lines lying at a vertical distance of two (2) feet above the elevation of the one hundred (100) year reoccurrence interval flood or, where such data is not available, that a vertical distance of five (5) feet above the elevation of the maximum flood of record, or where not recorded at the high water level determined by the Department of Natural Resources;

(k) A list of soil types shall be shown on the plan when private onsite sewerage disposal systems are proposed to be used. The soils, if classified as having severe restrictions for sanitary purposes, shall be delineated on the plan;

(l) Where the Town Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the condominium, it shall have the authority to request in writing, such information from the condominium developer;

(m) Name of the school district in the boundary lines thereof when a proposed condominium is situated in more than one.

(3) DENSITY. Open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted under the zoning ordinance.

(4) REVIEW AND APPROVAL. The Plan Commission and Public Works Committee shall review the proposed plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland coverage, natural beauty and wildlife habitat.

The Plan Commission may recommend approval of the condominium development to the Town Board provided that the proposed uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland coverage, or property value in the Town.

Established \_\_\_\_\_, 2008, Ordinance No. \_\_\_\_\_

#### **18.08. Planned Developments.**

(1) GENERAL.

(a) A development plan shall be required for all planned developments based upon the survey prepared by a registered land

surveyor. The planned development shall comply with the design standards set forth in Appendix A and with this Chapter. If the planned development is to be divided into units which have characteristics similar to lots in a subdivision, provisions of Section 18.03, 18.04 and 18.05 shall also be complied with. If the planned development is not to be subdivided into lots, the provisions of Sections 18.09(5) and 18.09(7) shall be inapplicable.

(b) A preliminary plan shall be submitted to the Plan Commission for all tracts of land proposed to be developed as a planned development that contain floodlands or shorelands and shall show all the data required by Section 18.04(2) of this Chapter for preliminary plats.

(2) ADDITIONAL INFORMATION. The development plan and preliminary development plan shall show correctly on its face, the following:

(a) Date of plan.

(b) Graphic scale.

(c) Name and address of the owner, developer, and surveyor.

(d) All existing buildings, proposed structures, streets, water courses, drainage ditches, and other features pertinent to development.

(e) Name of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.

(f) Additional building setback lines required by the Plan Commission which are more restrictive than the regulations of the zoning ordinance or which are proposed by the developer and are to be included in recorded protective covenants.

(g) Additional yard setback required by the Plan Commission which is more restrictive than the regulations of the zoning ordinance.

(h) All lands reserved for future public acquisition.

(i) Existing topographic contours, two foot intervals in the area of the land to be developed.

(j) Floodland and shoreland boundaries in the contour line lying at a vertical distance of two (2) feet above the elevation of the one hundred (100) year reoccurrence interval flood or, where such data is not available, at a vertical distance of five (5) feet above the elevation of the maximum flood of record, or where not recorded at the high water level determined by the Department of Natural Resources.

(k) A list of soil types shall be shown on the plan when private onsite sewerage disposal systems are proposed to be used. These soils, if classified as having severe restrictions for sanitary purposes, shall be delineated on the face of the plan.

(l) Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development, it shall have the authority to request in writing, such information from the developer.

(m) Name of the school district in the boundary lines thereof when a proposed planned development is situated in more than one.

(3) DENSITY. Open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning ordinance.

(4) REVIEW AND APPROVAL. The Plan Commission and Public Works Committee shall review the proposed plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland coverage, natural beauty and wildlife habitat.

The Plan Commission may recommend approval of the development plan to the Town Board provided that the proposed uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

### **18.09. Design Standards.**

(1) STREET ARRANGEMENT. In any new subdivision the street or alley layout shall conform to the arrangement, character, extent, grade, width, and location indicated on the official map, county jurisdictional highway system plan, comprehensive plan or plan component of the Town of Geneva, Walworth County, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to 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. A subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

(a) Arterial streets, as hereinafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, committee shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to be connected.

(b) Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall properly relate to the mass transportation system, to special traffic generators such as schools, churches, and shopping centers, and other concentrations of population and to the arterial streets to which they connect.

(c) Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by thru traffic, where applicable to permit the design of efficient storm drainage, water supply, and sanitary sewer systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.

(e) Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of thru and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line. Frontage streets should be avoided.

(f) Street to lake shores shall have a minimum of sixty feet of public access platted to the low water mark at intervals of not more than one-half (0.5) mile or required by Sec. 236.16(3), Wis. Stats.

(g) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

(h) Alleys shall be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street or highway.

(i) No street name may be used which would duplicate, or be confused with the names of the existing streets. Existing street names must be projected across unplatte lands whenever possible. Each street name shall be approved by the Town Board.

(j) Streets are the preferred routing of the overland emergency floodway.

(k) An approval letter from the jurisdiction controlling driveway access shall be provided by the subdivider.

(1) Single purpose streets shall not be allowed.

(2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(a) When lots within the proposed subdivision back upon the rights-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lot but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is strictly prohibited."

(b) Commercial and industrial property shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than two hundred feet.

(c) Streets parallel to a limited access highway or railroad right-of-way, when intersecting in an arterial street or highway, or a collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

(3) STREET AND OTHER PUBLIC WAY DESIGN STANDARDS.

(a) The minimum right-of-way and roadway width of all proposed streets and alleys are set forth in Appendix A, and referenced to in figures 1 through 5.

(b) Temporary termination of streets at the boundary of a subdivision intended to be extended at a later date shall be accomplished with a temporary cul de sac in accordance with the design standards set forth in Appendix A.

(c) Roadway elevations. Elevations of roadways passing through floodplain areas shall be designated in the following manner:

(i) Arterial highways shall be designed so they will not be overtapped by the fifty year reoccurrence interval flood.

(ii) Collectors and local streets shall be designed so that they will not be overtapped by the ten year reoccurrence interval flood.

(d) New and replacement bridges and culverts. All new and replacement bridges and culverts over perineal waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements shall be designed so as to accommodate the one hundred reoccurrence interval flood event without raising the peak stage, either upstream or downstream, more than .01 foot above the peak stage for the one hundred year reoccurrence interval flood, as established in the adopted Federal Flood Insurance Study. Larger permissible flood stage increases may be acceptable for regions having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure provided that flooding easements have been acquired from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris, and conform to Wisconsin's Administrative Code NR 116.

(e) All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and shall be submitted to the Department of Natural Resources and the U.S. Army Corps of Engineers, to insure compliance therewith.

(f) Street grades shall be established whenever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the

topography. All changes in street grades shall be connected by Vertical Curves. The minimum design length of a vertical curve is based on the formula  $L=KA$  where A is the algebraic difference in percent of the 2 grades.

(i) For crest vertical curves, the rate of vertical curvature (K) shall be a minimum of 20 based on a 25 MPH design speed.

(ii) For sag vertical curves, the rate of vertical curvature (K) shall be a minimum of 30 based on a 25 MPH design speed.

(g) Half streets. Where an existing dedicated and platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half streets shall not be permitted.

(h) Private streets. The Town may require or permit, at the Town Board's discretion, that minor land access streets be privately owned and reserved for possible future Town street purposes. Any such private street shall be designed and built to Town street standards pursuant to design standards in Appendix A. In addition, any such private street shall be subject to a private street agreement that contains the following provision:

(i) Irrevocable reservation of the street for future Town street purposes, which may be acceptable by the Town, at its option, at any time.

(ii) None lapsing ownership of the street by owners of the lot served thereby.

(iii) Mechanism for repairs and maintenance by benefiting owner.

(iv) Reservation of special charges and special assessment rights to the Town.

(v) Indemnification of the Town by the owners of the private street, for any claims arising from injury or loss occurring on or related to the private street.

(vi) As a condition of the final approval of a private street intended to provide access to more than one (1) parcel,

there shall be provided to the Town Board a private street agreement, which:

- (a) Identifies the owners of the private street.
- (b) Demonstrates that the owner of each parcel having access to the private street access the responsibility for the maintenance of the private street.
- (c) Acknowledges that the Town has no responsibility for the construction and maintenance of the street.
- (d) Creates a requirement that the street be paved by developer of the private street with three (3) inches of asphaltic concrete upon or before the sale of eighty percent of the lots.
- (e) Prohibits the sale or transfer of the last twenty percent of the lots until the paving is complete.
- (vii) An irrevocable letter of credit or bond from the developer is also required.
- (viii) The private street agreement shall be in recordable form and be subject to review and approval by the Town as part of the subdivision platting review procedure.
- (ix) For cluster development, street standards specified in figure 6 of the Appendix A shall be met, but shall not be exceeded.
  - (i) Looped streets and traffic lanes around center islands of cul de sac turnarounds may be one-way travel lanes as approved by the Town Board, provided the inside diameter or length of loops does not exceed two hundred feet. The pavement width of a one-way traffic lane shall be at least fifteen feet. Approximate traffic signs, such as one-way only with directional arrows and do not enter signs, shall be provided in the proper locations.
  - (j) Cul de sac streets, designed to have one end permanently closed, shall not exceed seven hundred and fifty feet in length measured from the point of intersection of the cul de sac centerline with the centerline of the intersecting street to the

furthest point on the outside radius of the bulb of the cul de sac street right-of-way. This limitation may be waived by the Town Board, with a recommendation from the Plan Commission, up to a maximum of one thousand feet, providing such street shall not serve more than fifteen dwelling units. For any length proposed beyond one thousand feet, the subdivider shall be required to show extraordinary circumstances forcing the use of such length due to exceptional environmental constraints, irregular tract shape, or other limiting factors. Cul de sac streets shall typically terminate in circular turnarounds with a right-of-way radius of at least sixty-six feet and an outside pavement radius of forty-six feet, as shown in Figure 3. If a center landscaped island is provided, the island shall be tear-drop shaped and the radius of the island shall be no greater than 10-feet. The outside pavement radius of cul de sac turnarounds without center islands shall not exceed the dimensions set forth herein. The Town Board may approve a one-way traffic lane around islands in accordance with the provisions set forth herein for looped streets. In no case shall the minimum dimensions for the outside pavement radius of cul de sac turnarounds, as set forth herein, be reduced.

(k) Pedestrian path for proposed cluster developments may, in order to maintain a rural character, be meandering and constructed of asphalt or other equivalent material in place of linear concrete sidewalks upon approval of the Town Board. The Town Board may require the pass in rural clustered developments and their demarcation to be constructed by the subdivider prior to the sale of dwelling units, so that all buyers are aware of their location.

(4) STREET INTERSECTIONS. Streets shall intersect with each other as nearly right angles as topography and other limiting factors of good design permit. In addition:

(a) The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).

(b) The number of intersections along arterial streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than twelve hundred feet.

(c) Property lines at street intersections shall be founded with a minimum radius of fifteen feet or of a greater radius when required by the Town Plan Commission, or shall be cut off by a straight line through the points of tangency of an arch having a radius of fifteen feet.

(d) Land access and collector streets shall not necessarily continue across arterial streets. If the distance between the centerline intersections of any street with any other intersecting street is less than two hundred fifty feet, measured along the centerline of the intersecting street, then the location shall be so adjudged that the distance is increased for the adjoinment across the intersecting street is continuous and a jog is avoided.

(e) On all streets where sidewalks are required, ramps or openings to accommodate disabled individuals or vehicles shall be provided in accordance with Sec. 66.0909, Wis. Stats.

(f) There shall be a minimum of six hundred feet (600') of sight distance at the intersection of roads unless otherwise approved by the Town Board. The Town may require the owner or developer to dedicate land or grant an easement for vision corners at the intersection by roads with connecting highways to provide for the unobstructed view of the intersection by approaching vehicles. If the Town requires such a dedication or easement the owner shall include the following notation on the plat: "No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30-inches in height".

(5) BUFFERS.

(a) When a proposed rural cluster development includes a required buffer with landscape screening, the screening shall contain sufficient landscape treatments, consisting of trees, shrubs, and berms, or any combination thereof, to adequately restrict the view of dwelling units from existing streets and from each other. A landscape plan showing the provision of such screening shall be submitted for review and approval by the Town in accordance with 18.11(1) of this Chapter. In addition:

(i) Plantings. For required screening buffers shall be provided at a rate of one deciduous canopy tree at least two

inches in diameter at chest height, two ornamental trees at least one and one half inches in diameter at chest height, two evergreen trees at least six feet in height, and six shrubs at least three feet in height for each one hundred feet in length of required screening. One deciduous canopy tree may be substituted for two evergreen trees or ornamental trees. The Plan Commission may permit alternative landscape treatments, which shall have a buffering or screening capacity equal to, or greater than, the requirements set forth herein.

(ii) Existing healthy trees and shrubs should be used whenever possible to meet the requirements of this section upon approval by the Plan Commission. Said existing vegetation shall be clearly denoted "to remain" on the landscape plan and shall be properly protected from construction activities in accordance with sound conservation practices.

(iii) Requirements for a buffer with landscape screening may be waived or modified by the Plan Commission when the existence of unusually wide open areas, significant grade separations, or other unusual situations make the additional landscaping treatment unnecessary to achieve the objective of rural landscape preservation.

(iv) Berms may be permitted to supplement or replace some of the planting requirements specified herein provided the width of the buffer area is adequate to accommodate the size of the berm, based on the berm's slope, crown, height, and form. The berm shall contain side slopes not exceeding four feet of horizontal distance to one foot of vertical distance (4:1) and shall be undulating, whenever possible. The subdivider shall demonstrate that any reduction in required new plantings shall not reduce the effectiveness of the screen.

(v) Fences and walls may be used for buffering or screening purposes and shall comply with the fencing requirements of the County zoning ordinance. Fencing or walls shall not replace required planting and buffers unless the Town Board determines a reduction in planting does not reduce the visual effectiveness of the screen.

(vi) Openings, where appropriate, shall be provided for pedestrian or recreation trail access.

(vii) Vision clearance triangles at street intersections, as required in accordance with the County zoning ordinance, shall not be obstructed by plant material, berms, fences or walls.

(6) 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 the limitation and opportunities of topography.

(7) IN ADDITION:

(a) The length of blocks in residential areas shall not as a general rule be less than six hundred feet nor more than fifteen hundred feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(b) Pedestrian ways of not less than ten feet in width may be required near the center and entirely across any block over nine hundred feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.

(c) No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public access.

(d) The width of blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from thru traffic. Width of lots or parcels reserved or designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and area zoning restrictions for such use.

(e) All telephone and electric power lines shall, where practical, be placed on mid-block easements of not less than twenty feet centered on the property line, and where possible, along rear lot lines for underground construction.

(8) LOTS. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type

of development and use contemplated. The lots should be designed to provide an esthetically pleasing building site in a proper architectural setting for the building contemplated. In addition:

(a) Side lot lines shall be at right angles to straight street lines for radial to curve street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(b) Double frontage lots are discouraged except where lots back upon an arterial or collector street and in such instances, vehicular access between the lots and the thoroughfare shall be prohibited by plat restrictions. Such lots shall have an additional rear yard depth of at least twenty (20) feet in order to allow for a protective screen planting.

(c) Access. It is the Town's desire that all roads be dedicated and public, therefore, every lot should front upon a public street. Installation of a private road shall require a modification pursuant to section 18.02(10) herein.

(d) Area and dimensions of all lots shall conform to the requirement of zoning for all land divisions within the Town. Those building sites not served by public sanitary sewerage system or other approved system shall be sufficient to permit the use of a private on-site waste treatment system designed in accordance with Chapter Comm 83 of the Wisconsin Administrative Code. In no instance shall the building lines be less than twenty-five (25) feet from the street line.

(e) Excessive depth of lot in relation to width shall be avoided and a proportion of two to one (2-1) shall be considered a desirable depth to width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

(f) The minimum lot dimensions for residential development shall be pursuant to the zoning ordinance at the established building line. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building setback lines on both streets.

(g) Corner lots shall have an additional width of fifteen feet to permit adequate building setbacks from side streets.

(h) Shape of lots shall generally be rectangular. Lots platted on cul de sacs will generally be narrower at the street than at the rear lot line, however, the creation of "flag" or "panhandled" lots shall be avoided.

(i) Lands lying between the meander line and the water's edge and any otherwise unplatable lands which lie between a proposed subdivision and the water's edge, shall be dedicated to the public in any plat abutting a lake or stream.

(j) Widths of lots. In no case shall a lot have a minimum lot width at the building setback line of less than that which is required by the applicable zoning ordinance.

(9) BUILDING AND SETBACK LINES. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning ordinance, may be required by the Town Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul de sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

(10) EASEMENTS.

(a) Easements when required for Town owned or maintained utilities shall be at least twenty (20) feet wide and shall include a provision prohibiting the installation of trees, shrubs, bushes, playground equipment, fences, sheds and other buildings and other types of structures or buildings other than those owned by the Town.

(b) The Town Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, side and rear yard drainage and other utility lines.

(c) Where a subdivision is transversed by a water course, drainageway, stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width needed to straighten, or maintain access, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.

(d) Easements shall be added when storm water from public or other private areas drain to a publically or privately owned and maintained detention and retention areas such that a perpetual right to drain is established and the Town retains the right to enter the easement and perform any necessary maintenance if the private property owner fails to adequately maintain the privately owned area.

(e) The Plan Commission may require conservation easements to be provided to insure protection of environmentally sensitive areas and common open space in rural clustered developments. Such conservation easements may be held by the Town itself, a conservation organization, or other entity as approved by the Town, in accordance with the County zoning ordinance.

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#### **18.10. Required Improvements.**

(1) GENERAL. No subdivision of land or development shall be approved, construction or installation of improvements began, without a certification of approval by the Town Clerk. The Town Clerk shall, after receiving approvals from the Town Engineer, Plan Commission, Public Works Committee, and all other affected departments and agencies, certify to the Town Board that the improvements described in the plans and the specifications for the development, together with agreements, meet the minimum requirements of all ordinances and design standards of the Town.

#### **(2) STREET IMPROVEMENTS.**

(a) Street improvements are required to be constructed in conformity with the design standards as set forth in Appendix A and figures 1 through 6.

(b) Final surface for public streets should be delayed to avoid premature damage of final surface course. Final surface course shall be installed after approximately seventy-five percent of the lots have received an occupancy permit, as determined in the "contract for subdivision or development improvements", but not more than three years from substantial completion, unless developed in phases at which time the final surface shall be placed at the time specified by the Town Board.

(c) All minimum standards established are intended to be construed solely as minimums. Additional standards may be required depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the design standards established by the Town. The Town Engineer may recommend and the Plan Commission may require standards beyond the minimums set forth when geological conditions dictate the necessity for additional standards.

(d) All right-of-way widths shall conform to the dimensions shown in design standards as set forth in Appendix A.

(3) SURVEY MONUMENTS. The subdivider shall install survey monuments placed in accordance with the requirements of Sec. 236.15, Wis. Stats., and as may be required by the Town Engineer.

(4) GRADING.

(a) After the installation of temporary block corner monuments by the subdivider and establishment of street grade by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standards specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

(b) Cut and filled lands outside of street right-of-way shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is lesser. All graded lands with the exception of the roadbeds of streets shall be treated and stabilized for sediment and erosion control purposes.

(5) SURFACING.

(a) After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the width prescribed by these regulations and the comprehensive plan or comprehensive plan components of the Town.

(b) The subdivider shall be responsible for any defects due to faulty materials or workmanship which appear within a period of one year from the date of acceptance by the Town and shall pay any damages resulting therefrom to Town property.

(6) CURBS AND GUTTER.

(a) In all subdivisions as defined herein, the Town Board may require the subdivider to construct concrete curb and gutters in accordance with the State of Wisconsin, Department of Transportation's standard specifications for highway and structure construction. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts.

(b) Where curbs are needed or requested, they shall be constructed as 30-inch Type D (vertical face) curb and gutter. Mountable or Roll curb may be permitted upon request and approval by the Town Board (see figure 4).

(7) PUBLIC SANITARY SEWERAGE AND PRIVATE ONSITE WASTE TREATMENT SYSTEMS. When public sanitary sewerage facilities are available to those subdivisions, such facilities shall be designed and constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision.

In addition:

(a) The Town Board may require the installation of sewer laterals to the street lot line.

(b) The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Engineer.

(c) The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances with the proposed subdivision, except for the added cost of installing

sewers greater than eight inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ration which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

(d) Any newly created lot/unit shall connect to the public sanitary sewer system if it falls within the distance of existing service.

(i) 1 unit within 200 feet from existing service.

(ii) 2-4 units within 400 feet from existing service.

(iii) 5-15 units within 800 feet from existing service.

(iv) 16-50 units within 1,500 feet from existing service.

(v) More than 50 units within 2,500 feet from existing service.

(vi) The Board may require service connection when other circumstances require it.

(8) PUBLIC WATER OR PRIVATE WATER SERVICE.

(a) When public water services are available to those developments, such facilities shall be designed and constructed in such a manner as to make adequate water service available to each lot within the subdivision.

(b) Any newly created lot/unit shall connect to the public water system if it falls within the distance of existing service.

(i) 1 unit within 200 feet from existing service.

(ii) 2-4 units within 400 feet from existing service.

(iii) 5-15 units within 800 feet from existing service.

(iv) 16-50 units within 1,500 feet from existing service.

(v) More than 50 units within 2,500 feet from existing service.

(vi) The Board may require service connection when other circumstances require it.

(9) STORM WATER DRAINAGE FACILITIES.

(a) The subdivider shall construct storm water drainage facilities adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention structures and settling basin. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flood through and from within the subdivision and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. In addition, all drains shall be in conformity with all state, county, and local storm water and erosion control laws and Appendix A of this Ordinance.

(b) The storm water drainage facilities and its appurtenances shall be maintained by the owners' association with ownership interest in the storm water drainage facilities being vested equally, or some proportional percentage based upon land size or value, with the land owners in the development. The subdivider shall prepare a storm water drainage maintenance plan which shall be placed in a recordable form binding the owners of the land to manage and maintain the storm water drainage facilities for the life of the development. It is the policy of the Town that the Town shall not be responsible for the management or maintenance of the storm water drainage facilities under any circumstance.

(10) OTHER FACILITIES. The subdivider shall cause electrical power, natural gas and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No electrical or telephone service shall be located on overhead poles unless otherwise allowed by the Plan Commission due to exceptional topography or other physical barrier. Plans indicating the proposed location of all

electrical power, natural gas, and telephone distribution and transmission lines required to service the plat shall be approved by the Town Engineer.

(11) STREET LAMPS. The subdivider shall install street lamps of a design compatible with the neighborhood and type of development proposed along all streets proposed to be dedicated. Such lamps shall be placed at each street intersection and at such interior blocks base as may be required by the Town Engineer.

(12) STREET SIGNS. Street signs shall, at the option of the Town Board, be obtained by the Town and placed where necessary by the Town and the cost of the same shall be paid for by the subdivider. The design of all street signs shall be compatible with the neighborhood and type of development proposed and as approved by the Town Engineer at the intersections of all streets.

(13) STREET TREES. In all subdivisions with lots one acre and smaller in size, the Town Board shall, and in other subdivisions may, require the developer to plant at least one tree of an approved species and at least two inches in diameter at chest height approximately five feet above ground for each fifty feet of lot frontage in both conventional and rural cluster developments. The trees shall be distributed along the entire frontage of the lot with the curb lawns or, if there are no curb lawns, within the street right-of-way but outside roadside swales. In rural cluster development, street trees need not be evenly spaced but may be planted in common open spaces and on private lots abutting streets, upon approval by the Town Board, provided said streets are protected by deed restrictions or appropriate easements. This requirement may be waived by the Town if the street in a rural cluster development weaves between or passes through common open space that is primarily field, meadow, pasture or prairie.

(14) LANDSCAPED BUFFERS. When required by this Ordinance, the County zoning ordinance, or the Town Plan Commission, landscape screening within buffer areas in rural cluster developments shall be installed in accordance with approved landscape plans and specifications as required in Section 18.11(1) of this Ordinance. The landscape plan and specifications shall be approved by the Town Board, upon recommendation of the Town Plan Commission. If plantings are not installed prior to approval of a final plat, a

landscaping scheduled shall be specified in the subdivider's agreement and appropriate sureties shall be provided.

(15) OPTIONAL PROVISION OF PUBLIC UTILITIES AND FACILITIES. If for any reason the subdivider fails to install public utilities or facilities as prescribed herein or as ordered by the Town Board pursuant to this Ordinance, the Town Board may install such improvements and assess the full cost of such installation against the subdivider or subdivider may agree to have the public improvements installed by the Town pursuant to Sec. 66.0703, Wis. Stats.

(16) PUBLIC SITES AND OPEN SPACE.

(a) Purpose. The Town of Geneva specifically desires conservation or cluster development so as to preserve the natural flow and character of the area and create passive recreational land. This style of development best incorporates the Town of Geneva's already existing rural nature and allows for the preservation of the same. The abundance of naturally scenic locations in the corporate boundaries creates a homogenous relationship between the many developments in the Town.

(b) Required Dedications. The Plan Commission shall require every developer to provide for adequate open space, in compliance with the purpose stated herein. Some land dedication shall be necessary in every division of land. The dedication shall be at the discretion of the Plan Commission and supported by findings that shall be placed in the minutes of the meeting.

(c) When determining the level of dedication of land required in a land division the Plan Commission shall consider the following:

- (i.) The density (number of units) and intensity (proximity of units to each other) of the development;
- (ii.) Preservation of scenic and historic sites;
- (iii.) Natural contour of the land;

- (iv.) Woodlands, marshes, lakes, ponds or wetlands preservations;
- (v.) Style of landscaping;
- (vi.) Possible passive recreation created or existing;
- (vii.) Access to the public vs. private;
- (viii.) Accessibility to open space;
- (ix.) Public or private dedication;
- (x.) Any other factor the Plan Commission deems appropriate for the creation of passive recreational land.

(d) Modification. The Plan Commission may deviate from the required land dedication for passive recreational uses if the developer provides a secured agreement to future dedication of adequately sited and sized parcels elsewhere in the Township, or can otherwise show an undue hardship that would be created by the required dedication.

(e) Appeal. The developer shall be entitled to appeal the Plan Commission's decision to the Town Board, upon written request. The request must be made within 30 days of the decision of the Plan Commission.

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#### **18.11. Construction.**

(1) COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved and the Town Board has given written authorization for such commencement. Commencement shall occur no later than one (1) year from the date of the recording of the final plat. Substantial completion shall be established no later than one (1) year from the date of commencement, unless the development is prepared in phases in which case the Town Board must approve an alternative schedule.

(2) BUILDING PERMITS. No building, zoning, or sanitary permits shall be issued for erection of a structure until substantial completion.

(3) PLANS. The following plans and accompanying construction specifications may be required by the Town Engineer before authorization of construction or installation of improvement:

(a) Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.

(b) Sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities.

(c) Storm water plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

(d) Water main plans and profiles showing the location, size, elevations, and materials of required facilities.

(e) Erosion and sedimentation control plan showing those structures required to retard the rate of runoff water, those grading and excavating practices that will prevent erosion and sedimentation, the time span that soil will be exposed, and plans to protect existing vegetation, such as fences or tree wells, shall be prepared. Such plans shall follow the guidelines and standards set forth in Walworth County land disturbance, erosion control, and storm water management ordinance.

(f) Planting plans showing the locations, size, quantities, species names, and common names of any required grasses, vines, shrubs, and trees.

(g) Additional special plans or information as required.

(4) INSPECTION. The subdivider, prior to any work within the subdivision, shall make arrangements with the Town Engineer or other authorized agency to provide for adequate inspection, pursuant to Appendix A.

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## **18.12. Fees.**

(1) FLAT FEE. The subdivider or developer shall pay a flat fee to assist in the offset of cost for the review process completed by the Town. These fees shall be based upon actual cost incurred by the Town during that process. The fees shall be approved by the Town by resolution and will be available at the Town Clerks office. All fees shall be paid at the time of filing all plans, plats or applications for review. The failure to pay the appropriate fee in a timely manner shall result in the Town's refusal to place the subdivider or developer's matter on the agenda for the appropriate board or committee action. The flat fee shall include the actual costs of the Town plus five percent (5%) overhead factor to assist in defraying costs for the Town supervision and administration. However the actual cost of outside contractors or consultants that bill the Town are specifically not included in the flat fee.

(2) ESCROW FEE. The subdivider/developer shall be responsible to reimburse the Town for all necessary cost of investigation, review, preparation, etc. that the Town reasonably believes will assist it in the approval process or that arises out of the subdivider/developers application. These costs may include but are not limited to legal, engineering, planning, or other like expenses. The subdivider or developer shall make a cash deposit with the Town Clerk equal to the appropriate level as established in the fee schedule provide by the Town Board. That cash deposit shall be held in escrow and shall be used by the Town to offset the professional expenses that the Town incurs during the review/approval process. The Clerk shall copy the subdivider/developer with each draw on the account. The subdivider/developer shall within 30 days of notice reimburse the escrow account held by the Town to its original level always maintaining the required escrow balance. Upon final approval and verification that all expenses have been paid in full the Town Clerk shall refund the remaining escrow funds to the subdivider/developer.

(3) AFFECT OF NONPAYMENT OF FEES. Notwithstanding any other provision of this Chapter, there shall be no final approval of any final plat, condominium or planned development, or certified survey granted by the Town Board until such time as all fees

imposed under this Chapter have been paid in full, with the exception of construction related fees. In the case of construction related fees, the Town reserves the right to withhold building permits until all fees imposed under this ordinance have been paid in full.

(4) The subdivider shall assume the cost of installing all storm sewers greater than twenty-four inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, subdivider shall pay to the Town wherein the subdivision is located a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ration which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

#### **18.13. ACCEPTANCE PROCEDURE.**

(1) Substantial completion. Upon written request of the subdivider, and after all the required improvements have been substantially completed, the Town Engineer shall make an inspection of the work.

(a) The engineer shall then prepare a substantial completion certificate and punch list for correction of items which do not comply with the approved drawings and specifications or design standards of the Town, which need immediate attention. Upon completion of all items listed in the punch list, the subdivider shall sign and return the substantial completion certificate. If all punch list items are found to be completed, the Town Engineer shall notify the Town Clerk, in writing, that the project has been substantially completed. If items required for substantial completion are not taken care of in a timely manner, the Town Board reserves the right to make a claim on the developer's posted security to complete the necessary work, to withhold building and occupancy permits, or both.

(b) Improvements shall be maintained by the developer until such time as they are accepted by the Town. The developer shall maintain a necessary warranty on the materials and workmanship of the public improvements, even after acceptance of the dedication.

(2) Final acceptance. Upon written request of the subdivider, after all of the required improvements have been completed and record drawings have been submitted, the Town Engineer shall make a final inspection of the completed work. Upon acceptance of final work, the record drawings shall be submitted to the Town.

(a) The engineer shall then prepare a final completion certification and final punch list for correction of items which do not comply with the approved drawings and specifications or design standards of the Town. Upon completion of all items listed in the final punch list, the subdivider shall request, in writing, a reinspection. If all punch list items are found to be completed, the Town Engineer shall notify the Town Clerk in writing, of his recommendation for approval and acceptance of the work. The Town Clerk shall schedule the acceptance for the next regular Town Board Meeting.

(b) Prior to final acceptance of the public improvements, the subdivider shall pay any outstanding invoices and submit five percent (5%) guarantee bond, letter of credit, or cash deposit for the full value of the public improvements as estimated by the subdivider's engineer and verified by the Town Engineer. Said bond, letter of credit, or cash deposit shall be the developer's guarantee against defects of the public improvement and shall terminate twelve (12) months after acceptance of the public improvements by the Town Board.

(c) Upon acceptance by the Town Board, the balance of the public improvements, construction, guarantee, cash or letter of credit and any deposited fees remaining shall be released to the subdivider.

(3) Guarantee. Before the end of the twelve (12) month guarantee period, the Town Engineer shall make an inspection of the completed work.

(a) The engineer shall prepare a punch list for correction of items not meeting the Town standards.

(b) If the deficient items are not corrected by the developer prior to the end of the guarantee period, the Town Board reserves the right to make a claim on the maintenance bond to complete the necessary work, to withhold building and occupancy permits, or both.

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#### **18.14. Agreements.**

(1) GENERAL. Prior to making public improvements to any property, a final plat, certified survey map, condominium declaration and plat, or plan for a planned development must be filed for record and be accompanied by the following:

(a) An opinion of probable costs of all public improvements prepared by professional engineers licensed in the State of Wisconsin.

(b) Construction plans and specifications for such improvements previously approved by the Town Engineer.

(c) Agreements executed by the Town and the subdivider wherein they agree to make and install the improvements, in accordance with the plans and specifications of accompanying the final plat.

(d) Letter of credit in the form approved by the Town in the amount of one hundred twenty-five percent (125%) of the Town Engineer's opinion of probable costs of the installation of such improvements and issued by a reasonable financial institution, to be approved by the Town Board, conditioned upon the installation of the required improvements within two years of the approval of the final plat, or as otherwise agreed to in the Developer's Agreement. The letter of credit shall only be for improvements in the proposed "phase" being currently constructed or as otherwise necessary to improvements before the commencement of the installation of the improvement.

(e) Maintenance bond, letter of credit or cash deposit in the amount not less than five percent (5%) of all public improvements, approved by the Town Engineer, providing guarantee of workmanship and materials. The maintenance bond shall be delivered to the Town and shall guarantee for a period of eighteen months from the project's final acceptance the public improvement items and improvements of a public nature that are constructed in a private development, including but not limited to streets, ditches, sewer mains, water mains, and street lights.

(f) The work scheduled for each major phase of work to be performed under this agreement, with estimated starting and completion dates.

(2) REDUCTION OF LETTER OF CREDIT. The letter of credit can be periodically reduced by the Town Board upon recommendation of the Town Engineer.

(a) The subdivider shall submit to the Town Engineer a list of completed items and their costs along with copies of waivers of lien for the completed items. Upon review of these submittals, the Town Engineer shall recommend to the Town Board the reduction in the value of the letter of credit to be approved. The amount of the reduced letter of credit shall not be less than the estimated cost of completing the improvement. Each reduction requested shall not be more than the value of items estimated in the approved letter of credit guaranteed amount.

(b) The twenty-five percent (25%) contingency shall be held as retainage and not released until acceptance of the project and receipt of the five percent (5%) maintenance bond, letter of credit or cash deposit as specified in Section 18.13.

(3) INSURANCE. The subdivider's contractor shall provide and maintain comprehensive general liability insurance which will protect the Town of Geneva and each of its officers, employees, agents, and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable.

(a) Comprehensive general liability insurance shall provide coverage in the amounts as shown in the Developer's Agreement.

(b) The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Town Clerk and Town Engineer.

(c) The policies of insurance so required by this paragraph to be purchased and maintained shall:

(i) With respect to comprehensive general liability insurance, the policy shall include as an additional insured the Town and the Town Engineer, all of whom shall be listed by name as an additional insured, and include coverage for the respective officers, employees, agents and representatives of all such additional insured;

(ii) Remain in effect at least until final payment and at all times thereafter when the subdivider may be correcting, removing or replacing defective work in accordance with this ordinance, and

(iii) With respect to completed operations, insurance shall remain in effect for at least eighteen months after final payment and the subdivider shall furnish the Town and any other additional insured to whom an insurance policy has been furnished, evidence as satisfactory to the Town and any such additional insured of continuation of such insurance at final payment and one year thereafter.

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### **18.15. Definitions.**

(1) GENERAL DEFINITIONS. For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

(2) SPECIFIC WORDS AND PHRASES.

(a) ALLEY shall mean a special public way affording only secondary access to abutting properties.

(b) ARTERIAL STREET shall mean a street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

(c) BLOCK shall mean a tract of land bounded by streets or a

combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters, and municipal boundaries.

(d) BUFFER shall mean an area separating land uses that may consist of open areas, existing natural vegetation, or new landscaping such as trees, shrubs, and berms.

(e) BUILDING LINE shall mean a line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance.

(f) CLUSTER DEVELOPMENT shall mean a form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. A cluster development will consist of one or more cluster groups surrounded by common open space.

(g) CLUSTER GROUP shall mean a group of single family detached dwellings within a cluster development, surrounded by common open space that comprises at least sixty percent of the gross tract area. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

(h) COLLECTOR STREET shall mean a street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

(i) COMMENCEMENT shall mean the disturbance of substantial land.

(j) COMMUNITY shall mean a Town, municipality, or a group of adjacent Towns and/or municipalities having common social, economic or physical interests.

(k) COMPREHENSIVE PLAN shall mean the extensively developed plan, also called a master plan adopted by the Town Plan Commission and certified to the Town Board pursuant to Section 66.1001 of the Wisconsin Statutes, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities.

Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

(l) CONDOMINIUM shall mean any property subject to a condominium declaration established under Chapter 703 of Wisconsin Statutes.

(m) CONDUIT shall mean a buried pipe for the installation of wires or cables or the conveyance of gas, water, storm water or sewage.

(n) CONTRACTOR shall mean an individual, company, firm or other party or organization who contracts to physically construct all or a portion of a project for either a Subdivider or the Town.

(o) CUL-DE-SAC shall mean a local street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

(p) DESIGN ENGINEER shall mean the individual or firm retained by the Subdivider who is responsible for the design and preparation of construction documents for a project.

(q) DEVELOP shall mean the conversion of raw land into an area suitable for residential, recreational or business purposes or to alter the characteristics of an area so as to make the same suitable for new or different residential, recreational or business purposes.

(r) DEVELOPER shall mean one who develops land.

(s) EASEMENT shall mean a grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

(t) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION shall mean the

unincorporated area within one and one-half (1½) miles of a fourth-class city or a Town and within three (3) miles of all other cities.

(u) FIELD INSPECTOR shall mean an individual, company or firm

appointed by the Town to observe construction for compliance with approved drawings and specifications.

(v) FLOOD PROTECTION ELEVATION shall mean an elevation two (2) feet above the elevation of the 100-year recurrence interval flood.

(w) FLOODLANDS shall mean those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by a flood with a given recurrence frequency.

(x) FRONTAGE shall mean the smallest dimension of a lot abutting a public street measured along the street line.

(y) FRONTAGE STREET shall mean a minor street auxiliary to and

located on the side of any arterial street for control of access and for service to the abutting development.

(z) HIGH-WATER-MARK shall mean the average annual high water level of a pond, stream, lake, flowage, or wetland ordinary high-water-mark shall have that meaning specified in the Wisconsin Administrative Code NR 115.03(6) or as otherwise provided by the DNR, referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

(aa) LOT shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in this and County Ordinances.

(ab) LOT, CORNER shall mean a lot abutting two (2) or more

streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

(ac) LOT, DOUBLE FRONTAGE shall mean a lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards, two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

(ad) MINOR LAND DIVISION shall mean any division of land not defined as a "subdivision". Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

(ae) MINOR STREET shall mean a street used, or intended to be used, primarily for access to abutting properties.

(af) MUNICIPALITY shall mean an incorporated Town, city, or Town.

(ag) NATIONAL MAP ACCURACY STANDARDS shall mean standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

(ah) NAVIGABLE WATERS shall have that meaning provided by Wisconsin's Administrative Code NR 115.03(5) or as otherwise provided by the DNR.

(ai) OPEN SPACE, COMMON shall mean undeveloped land 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.

(aj) OUTLOT shall mean a parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be dedicated to the public.

(ak) PARKWAY shall mean that area of a street right-of-way between the back of curb or pavement edge and the right-of-way line intended for use primarily by pedestrian traffic or roadside ditches and developed in a park-like character.

(al) PLANNED DEVELOPMENT shall mean any proposed residential or commercial-recreation business use involving the development of land pursuant to a plan approved by the zoning agency, other than by subdividing.

(am) PUBLIC WAY shall mean any public road, street, highway, walkway, drainageway, or part thereof.

(an) RECORD DRAWINGS shall mean design drawings checked in the field and which are revised to show as-constructed location, elevation, grading and specification of material for improvements and utilities, certified by a licensed professional.

(ao) RELEASE RATE shall mean the controlled rate at which storm water is released from a holding reservoir.

(ap) REPLAT shall mean the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

(aq) SHORELANDS shall have that meaning provided by Wisconsin's Administrative Code NR 115.03(8) or as otherwise provided by the Department of Natural Resources.

(ar) SINGLE PURPOSE ROAD shall mean any road or driveway which primarily serves a single parcel of property and is determined by the State of Wisconsin Department of Transportation, to be ineligible for highway aids to the Town.

(as) SOIL MAPPING UNIT shall mean soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the Natural Resource Conservation Service (formerly U.S. Soil Conservation Service).

(at) STANDARD SPECIFICATIONS shall mean the most current edition of the State of Wisconsin, Department of Transportation Standard Specifications for Highway and Structure Construction, which shall be used in conjunction with the specifications of the Town.

(au) STORM WATER DETENTION BASIN shall mean a reservoir for the temporary storage of storm water.

(av) STORM WATER RETENTION BASIN shall mean a reservoir for the permanent storage of storm water.

(aw) SUBDIVIDER shall mean any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat, responsible for preparing and recording the plats of the subdivision and for complying with these requirements. The term Subdivider encompasses the work "Developer" and the two words may be used interchangeably for the purpose of the standards set forth in this ordinance.

(ax) SUBDIVISION shall mean the division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of fifteen (15) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of fifteen (15) acres each or less in area by successive division within a period of five (5) years.

(ay) SUBSTANTIAL COMPLETION shall be established once the improvements specified in Section 18.10 herein, except for 18.10(2)(b), 18.10(13) and 18.10(14), are finished and have been inspected and approved by the Town Engineer or other authorized inspector.

(az) SURETY BOND shall mean a bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

(ba) SWALE shall mean a ditch or surface drainage channel meeting certain specific criteria as established herein for the surface movement of storm water.

(bb) Town ENGINEER shall mean the individual or firm appointed or contracted by the Town who is licensed to practice professional engineering in the State of Wisconsin and is responsible for reviewing subdivision plans on behalf of the Town, recommends changes from time to time to these Design Standards and performs other duties as directed by Town Ordinance.

(bc) WETLANDS shall have that meaning provided by Wisconsin's Administrative Code NR 115.03(13) or as otherwise provided by the Department of Natural Resources.

(bd) WISCONSIN ADMINISTRATIVE CODE shall mean the rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of Wisconsin Statutes, including subsequent amendments to those rules.

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