

CHAPTER 7

LAND DIVISION AND SUBDIVISION REGULATIONS

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CHAPTER 7

LAND DIVISION AND SUBDIVISION REGULATIONS

Chapter 7 is adopted under the authority of and in accordance with the authority granted by Wis. Stats. Section 236.45.

Section 7.1. Introduction and Purposes.

(a) **Introduction.** Chapter 7 shall be held and interpreted to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town. This Chapter 7 shall not repeal, impair, or modify private covenants or public ordinances, except that it may apply wherever it imposes stricter restrictions on land use and division of lands in the Town.

(b) **Purposes.** The purposes of this Chapter 7 are to promote the public health, safety, convenience and general welfare of the community and to preserve agricultural land and farming as a viable activity. Chapter 7 shall at all times be administered to foster and enforce the goals, objectives, and criteria of the Town's Comprehensive Land Use Plan. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of the land; to protect the community's agriculture base and right to farm; to facilitate adequate provision for transportation, schools, parks, playgrounds and other public necessities; and to regulate the division of tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, protecting farming, woodlands, and open spaces, and providing for the most appropriate use of land in the Town.

Section 7.2. Definitions/Interpretation.

(a) For the purpose of Chapter 7, the following definitions shall apply.

(1) **Block.** An area of land within a Subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the Subdivision and streams, lakes or other bodies of water.

(2) **Building Line.** A line parallel to a Lot line and at a distance from the Lot line to comply with Columbia County Zoning Ordinance's yard and setback requirements.

(3) **Certified Survey.** A map of a Minor Subdivision, prepared in accordance with Wis. Stats. § 236.34, the Columbia County Land Division Ordinance, and this Chapter.

(4) **Cluster Development.** A cluster-type development is the grouping of detached dwellings that are concentrated on smaller Lots with a one (1) acre minimum and two (2) acre maximum to reduce impacts to the land and preserve and protect additional lands from development by appropriate restrictions.

(5) **Condominium Development.** A real estate development in which the condominium form of ownership pursuant to Wis. Stats. Chap. 703 is utilized.

(6) **Conservation Development.** A conservation-type development contains Cluster Development on Lots as small as one (1) acre along with other characteristics including common (association) ownership and maintenance of open space, minimizing the disturbance of the rural landscape, preserving natural features and creating land buffers.

(7) **Cul-de-sac.** A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround.

(8) **Easement.** An area of land set aside or over or through which a liberty, use, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

(9) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities.

(10) **Final Plat.** The final map, drawing or chart on which the Subdivider's plan of Subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

(11) **Flag Lot.** A Lot whose building area has no frontage on a public road except a narrow strip of land (flag) specifically provided to meet requirements for minimum Lot frontage on a public road.

(12) **Improvement.** Any storm sewer, open channel, roadway, park, parkway, public access, sidewalk, plantings, or other facility for which the Town may ultimately assume responsibility for maintenance and operation.

(13) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the Lot Width, Lot frontage, Lot Area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance. Among the types of Lots are:

(A) **Corner Lot.** A Lot abutting intersecting streets at their intersection.

(B) **Reversed Corner Lot.** A Corner Lot which is oriented so that its rear Lot line is coincident with or parallel to the side Lot line of the interior Lot immediately to its rear.

(C) **Through Lot.** A Lot having Lot Lines abutting two more or less parallel public streets which is not a Corner Lot. On a Through Lot, both street lines shall be deemed front Lot Lines.

(14) **Lot Area.** The area contained within the exterior boundaries of a Lot excluding streets and land under navigable bodies of water.

(15) **Lot Lines.** The peripheral boundaries of a Lot.

(16) **Lot Width.** The width of a parcel of land measured along the front Building Line.

(17) **Master Plan.** A plan for guiding and shaping the growth and development of the Town which has been adopted by the Town Board. Also known or referred to as the Land Use Plan.

(18) **Minor Subdivision.** The division of land by an Owner or Subdivider resulting in the creation of not more than four Lots or parcels within a five (5) year period (whether by single or successive divisions), or the division of a Block, Lot or Outlot in a recorded plat into not more than four Lots or parcels without changing the exterior boundaries of said Block, Lot or Outlot.

(19) **Outlot.** A parcel of land, other than a Lot or Block, so designated on a plat or Certified Survey, on which building is prohibited.

(20) **Owner.** The person owning land, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

(21) **Plan Commission.** The Commission established by the Town Board to be the initial reviewing body for applications under Chapter 7 and making recommendations to the Town Board.

(22) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.

(23) **Replat.** The process of changing, or a plat which changes, the boundaries of a recorded Subdivision plat or part thereof. The legal dividing of a

Section 7.2(a)(23)

Block, Lot or outlet within a recorded Subdivision plat without changing exterior boundaries of said Block, Lot or outlet is not a Replat.

(24) **Restrictive Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all platted property within a Subdivision for the benefit of the public or property Owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

(25) **Shorelands.** Those lands within the following distances: 1,000 feet from the high-water mark of navigable lakes, ponds and flowages or 300 feet from the high-water mark of navigable streams or to the landward side of the floodplain, whichever is greater.

(26) **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a Subdivision, Minor Subdivision or Replat, including all cluster and conservation type development.

(27) **Subdivision.** The division of a Lot, outlet, parcel or tract of land by the Owner thereof, or a Subdivider for the purpose of transfer of ownership or building development where the act of division creates:

(A) five or more Lots or parcels of forty acres or less in area; or

(B) five or more Lots or parcels of forty acres or less by successive divisions within a period of five years, whether done by the original or successor Owners or Subdividers; or

(C) a new street or alley, or alters any existing street or alley.

The establishment of a Condominium Development pursuant to Wis. Stats. Chap. 703 shall be deemed to be a Subdivision for purposes of this Chapter.

(28) **Town.** The Town of Hampden, Columbia County, Wisconsin.

(29) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(b) 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.

Section 7.3. General Provisions.

(a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a Subdivision, Minor Subdivision or Replat, and no such Subdivision, Minor Subdivision or Replat shall be entitled to be recorded, without compliance with all requirements of Chapter 7 and the following:

- (1) The provisions of Wis. Stats. Ch. 236 and 80.08.
- (2) All other applicable provisions of the Town's Code of Ordinances.
- (3) Applicable provisions of the Columbia County Code of Ordinances.
- (4) Master Plans or components of such plans prepared by state, regional, county or municipal agencies when duly adopted by the Town Board.
- (5) The rules of the Department of Commerce and/or Administration contained in the Wisconsin Administrative Code for Subdivisions, Minor Subdivisions or Replats not served by public sanitary sewer.
- (6) The rules of the Wisconsin Department of Transportation contained in the Wisconsin Administrative Code for Subdivisions, Minor Subdivisions or Replats which abut a state trunk highway.
- (7) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for floodplain, shoreland, and storm water management.
- (8) The Town Master or Land Use Plan, or components thereof.
- (9) All other applicable state statutes and administrative rules not otherwise listed in this subsection.

(b) **Jurisdiction.** These regulations shall apply to all lands within the political boundaries of the Town. These regulations shall not apply to:

- (1) Transfers of interests in land by will, succession or Court Order;
- (2) Leases of less than 99 years, mortgages and Easements;
- (3) The sale or exchange of parcels of land between Owners of adjoining property if additional Lots are not thereby created, or if the effect of the sale or exchange on existing Lots does not reduce their size below minimum sizes required by Chapter 7 or other applicable laws.

Section 7.3(c)

(c) **Building Permits.** The Town or its designee shall not issue any building permit relating to any parcel of land forming all or any part of lands included in the Subdivision, Minor Subdivision or Replat originally submitted to the Town on or after the effective date of the Town's Code of Ordinances until the applicant has complied with all of the provisions and requirements of Chapter 7. The County shall likewise not issue a zoning permit to the applicant.

(d) **Applicability to Condominiums.** Chapter 7 is expressly applicable to Condominium Developments within the Town's jurisdiction, pursuant to Wis. Stats. § 703.27(1). For purposes of Chapter 7, a condominium unit or dwelling unit and any associated limited common elements shall be deemed to be equivalent to a Lot or parcel created by the act of Subdivision.

(e) **Land Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board, upon the recommendation of the Plan Commission, for reasons of non-compliance with the goals, objectives, or criteria of the Master Plan, flooding, inadequate drainage, incompatible surrounding land use, adverse soil or rock formation, unfavorable topography, inadequate or inappropriate driveway access or location or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed Subdivision or of the community. The determination of land suitability shall be evaluated through the Environmental Assessment filed with the preliminary plat or Certified Survey Map. The Town Board, in applying the provisions of this Chapter, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if the Subdivider so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

(f) **Existing Flora.** The Subdivider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses, and other non-noxious plants not actually lying in public roadways, drainageways, building foundation sites, private driveways, waste disposal areas, paths, and trails.

(g) **Maximum Residential Density.**

(1) **Residential Density.** The maximum residential density for all land to be divided by a Subdivision or Minor Subdivision shall be one Lot or dwelling unit per forty (40) acres of land owned by an Owner within the Town. Any acreage less than 40 shall not support an additional Lot and shall not be developable.

(2) **Special Density Considerations.**

(A) **Non-Contiguous Parcel.** A non-contiguous parcel of land of less than forty (40) acres that was in existence prior to the adoption of this Chapter may support a single Lot or dwelling unit provided it

otherwise qualifies as a buildable parcel in compliance with all other state law or the Code of Ordinances of the County and Town.

(B) Existing Farmhouse or Residence. Any farmhouse or residential structure existing on the date this Chapter is first adopted shall count against the density standard of one Lot or dwelling unit per 40 acres.

(h) Lot Size/Requirements.

(1) General Residential. Except as otherwise provided in this subsection, the minimum Lot size for single-family residential development shall be forty (40) acres. The minimum number of acres to be contained within any residential condominium shall be determined by multiplying the number of units in the condominium by 40 acres.

(2) Small Residential Lot Exception. To minimize conversion of Town agricultural lands, woodlands, and other open spaces to residential and accessory uses, Subdividers may propose creating small residential Lots of between 1.8 and 2.5 acres for each Lot or dwelling unit otherwise allowed under subsection A above, with 2 acres being the targeted size. The smaller Lot may be located on the 40-acre parcel that supports the Lot or Lots or may be grouped as part of a Cluster or Conservation Development on one section of land provided that all of the remaining acreage that supports the Lots is deed restricted from further development or Subdivision and the location of the Lot, group of Lots, or Cluster or Conservation Development is located and/or designed in a manner satisfactory to the Town in its sole discretion. Provided the Town accepts the proposed grouping or Cluster or Conservation Development, the Town will rezone the Lots to an existing zoning district under the Columbia County Zoning Code that is most appropriate under the circumstances and which limits use of the Lot to one single-family residence.

(i) Location of Residential Dwelling. Unless a waiver and variance is granted by the Town, all new residential dwellings and non-farm accessory buildings shall be located on any Lot within three hundred (300) feet from the centerline of the existing public road. Lands beyond 300 feet are usually to be preserved for agricultural and open space uses, including non-residential farm accessory buildings. Where applied, the 300-foot restriction shall be established on any Final Plat or Certified Survey for future reference and enforcement purposes. A waiver or variance to the 300 foot limitation may be appropriate where, due to unique or special land conditions, or the nature of the development itself, allowing residential dwellings to be located outside 300 feet actually fosters the goals and objectives of the Town and the Land Use Plan. Considerations and criteria may include:

(1) Lands within 300 feet of the centerline consist of prime Class I or II soils and such soils may be preserved if the Lot or Lots are relocated.

Section 7.3(i)(2)

(2) Cluster Development can be fostered in a manner to enhance the rural character and atmosphere of the Town.

(3) Driveway(s) can be constructed without significant additional loss of agricultural lands yet allow safe emergency vehicle ingress and egress.

(4) Incapability of land uses can be minimized.

(5) Such other consideration and criteria as may from time to time be determined by the Town to be appropriate including the considerations and guidelines at Section 7.3(k).

(j) **Limits of Disturbance.** On Lots larger than two (2) acres, there shall be established a maximum two (2) acre limit of disturbance area for the residence and all accessory uses (e.g., driveways, lawn and outbuildings). The location of the limits of disturbance area shall be established for each Lot on the Final Plat or Certified Survey. Areas outside the established limits of disturbance area shall remain as agricultural, woodland, or natural open space to foster the goals, objectives, and criteria of the Master Plan. Any Owner who violates limits of disturbance restrictions shall be subject to all of the remedies available to the Town under this Chapter 7 and as otherwise provided by law.

(k) **Additional Considerations and Guidelines for Reviewing all Land Divisions.** The following are guidelines and review criteria that the Town Board and Plan Commission shall apply in reviewing all land divisions. Nothing in this subsection shall prevent the Town Board from developing and applying such additional guidelines and review criteria that the Town Board, in its sole discretion, determines appropriate.

(1) All land divisions should be consistent with the goals, objectives, and criteria set forth in the Master or Land Use Plan.

(2) Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties.

(3) Land divisions should be planned and designed to maintain, preserve, and enhance the Town's rural atmosphere characterized by low residential density and a mix of farmland, woodlots, Wetlands, floodplains, and surface waters, and other open spaces.

(4) Land divisions should be planned and designed to discourage all development on Class I and Class II agricultural soils which are considered prime farmland.

(5) Land divisions should be planned and designed to protect environmentally sensitive sites including, but not limited to, areas of

archeological and/or historical interest including, but not limited to, those areas designated by the State Historical Society, areas of geological interest including, but not limited to, those designated by the State Geological and Natural History Survey, and the Town's existing Wetlands, floodplains, surface water shoreland, and other recreational open spaces.

(6) Land divisions should be planned and designed to support the right to farm and farming as a viable business endeavor and to avoid incompatible or disruptive competing land uses.

(7) Land divisions should be planned and designed to minimize disturbance or destruction of prime agricultural land and, where constructed, to minimize the extent of disturbance by creating limitations through the use of building-type envelopes and the like.

Section 7.4. Plat Review and Approval Procedure.

(a) **Pre-Application Consultation.** Before filing a Preliminary Plat, the Subdivider is encouraged to consult with the Plan Commission for advice regarding general Subdivision requirements. The Subdivider may obtain information on meeting dates, agenda deadlines and filing requirements from the Town Clerk. The Subdivider shall also submit a location map showing the relationship of the proposed Subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the Subdivider of the purpose and objectives of these regulations, the other Ordinances and planning rules of the Town and to otherwise assist the Subdivider in planning the development. In so doing, the Subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The Subdivider will gain a better understanding of the subsequent required procedures. The Town shall charge no fee for this preliminary consultation. The Plan Commission or the Town's consultants may thereafter refuse to meet, review or discuss any proposed Subdivision unless the Subdivider enters into a predevelopment agreement pursuant to Section 7.5(e)(8).

(b) Preliminary Plat Review and Approval.

(1) **Submission.** Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat and a letter of application. The Subdivider shall submit 14 copies of the Preliminary Plat, prepared in accordance with this Chapter. The Subdivider shall file copies of the Plat and the application with the Town Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall submit copies of the Preliminary Plat to the Plan Commission, the Town Engineer and Town Attorney for review. The Town Engineer and Town Attorney shall promptly submit to the Plan Commission a written report of their recommendations and reactions regarding the proposed plat.

(2) **Supplementary Data filed With Preliminary Plat.** The Subdivider shall also file the following materials with the Preliminary Plat:

(A) **Preliminary Layout of Public Improvements.** The Subdivider shall file four complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility (size, location and grade), drainage facilities (size and location), traffic patterns, typical street cross sections, erosion control measures, pavement design and other improvements necessary in the Subdivision.

(B) **Preliminary Street Plans and Profiles.** The Subdivider shall provide street layout and profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed Subdivision when requested. All elevations shall meet the approval of the Town Board.

(C) **Soil Testing.** The Subdivider shall provide a preliminary soils report, listing the types of soil in the proposed Subdivision, their effect on the Subdivision and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in Section 7.3(e), the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the proposed Subdivision will not be served by public sanitary sewer, the Subdivider shall comply with Wis. Admit. Code. Chap. COMM. 85, delineating areas with three foot and six foot ground water and bedrock levels.

(D) **Restrictive Covenants.** The Subdivider shall submit a draft of any proposed or required deed restrictions and Restrictive Covenants to the Town Clerk.

(E) **Property Owners Association.** If the Subdivider proposes that common property or common elements within a Subdivision or condominium will be owned or maintained by an organization of property Owners or a subunit of the Town pursuant to Wis. Stats. § 236.293, the Subdivider shall submit a draft of the legal instruments and rules for the proposed association.

(F) **Use Statement.** A statement of the proposed use of Lots stating the type of residential buildings with number of proposed dwelling units; types of business or industry intended to reveal the effect of the development on traffic, fire hazards, congestion of population, and

otherwise allow review for conformity to goals and objectives of Town's Land Use Plan.

(G) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.

(H) **Area Plan.** Where the Subdivider owns property adjacent to that proposed for the Subdivision, the Plan Commission of Town Board may require that the Subdivider submit a Preliminary Plat for the remainder of the property to show the possible relationships between the proposed Subdivision and future Subdivision. In any event, all Subdivisions must be shown to relate with existing or potential adjacent Subdivisions.

(I) **Erosion Control and Storm Runoff.** A Preliminary Erosion Control Plan and Stormwater Runoff Plan which complies with Chapter 5.

(J) **Title Insurance Commitment.** The Subdivider shall provide an Owner's policy of title insurance on a current ALTA form issued by an insurer licensed to write title insurance in Wisconsin. The title insurance commitment shall be referred to the Town Attorney for examination. After review by the Town Attorney, the Town Attorney may require further title evidence as it deems necessary.

(K) **Environmental Assessment.** The Subdivider shall submit an environmental assessment in the format specified in Section 7.9. This assessment provides the basis for an orderly, systematic review of the effects of all new Subdivisions, Minor Subdivisions and condominiums upon the community environment. The Town Board and Plan Commission shall use this assessment to determine land suitability under Section 7.3(e). The purpose of this assessment is to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

(i) **Application.** The Environmental Assessment shall apply to all Subdivisions, Minor Subdivisions and condominiums or any other proposed changes in current land use. The Plan Commission may waive the requirement for the filing of an environmental assessment for Minor Subdivisions.

(ii) **Review.** The Plan Commission shall review the environmental assessment as soon as possible after submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the Subdivider and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions on the effects on the environment and that review by other Town committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions may include items which this Chapter already enables the Plan Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the Subdivider. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is presented.

(iii) **Hearing.** Following the return to the Plan Commission of the data required in the resolution adopted under Section 7.4(b)(2)(K)(ii), the Commission shall make such data available for scrutiny by the Subdivider, by Town departments, commissions and committees and by other interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report which may be held at the same or a different time from the general hearing on the preliminary plat. The hearing shall be preceded by a Class I notice.

(L) **Cluster or Conservation Development.** If the Subdivider is proposing a grouping of Lots or Cluster or Conservation Development, the Subdivider shall include an inventory and site analysis of the lands owned by the Owner which shall identify and describe, at a minimum, all woodlands, stream corridors, Wetlands, floodplains, prairies, steep slopes, prime agricultural lands, ridge tops, critical species habitat, and how such areas are to be preserved and set aside from development.

(3) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and in full compliance with the provisions of this Chapter.

(4) **Referral to Other Agencies.**

(A) **Town Clerk Duty.** The Town Clerk shall, as may be required by Chapter 236 or other Wisconsin Statutes or Administrative Code Regulations, within two days of filing, transmit two copies to any sanitary district, four copies to the County Planning Agency, two copies to the Department of Administration, as well as two additional copies to the Department of Administration for each of the state agencies required to review the plat including, but not limited to, two copies for the Wisconsin Department of Transportation if the Subdivision abuts a state trunk highway or connecting highway, the Department of Commerce if the Subdivision is not served by public sanitary sewer or provision for such service has not been made, and the Department of Natural Resources if the lands included within the Subdivision lie within 500 feet of the ordinary high-watermark of any navigable stream, lake or other body of navigable water or if land in the proposed Subdivision involves lake or stream shore lands referred to in S. 236.16 of the Wisconsin Statutes. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce and, if applicable, the Wisconsin Department of Natural Resources, and any other state agency having jurisdiction over the proposed Subdivision, shall hereafter be treated as objecting agencies under Wis. Stats. §236.12. The Subdivider shall transmit to the Town Treasurer all fees required for state agency reviews at the time of application, and the Town Treasurer shall retransmit the fees to the proper state agency.

(B) **Objecting Agencies.** Within 20 days of the date of receiving the copies of the plat, any state or county agency having authority to object under Section 7.4(b)(4)(A) shall notify the Subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections are satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections are satisfied. If the objecting agency fails to act within the 20-day limit, it shall be deemed to have no objection to the plat.

(C) **Alternative Referral Procedure.** In lieu of the procedure under Section 7.4(b)(4)(A), the Subdivider may, as required, submit the original plat to the Wisconsin Department of Administration which shall forward two copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the Subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the

Subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Wisconsin Department of Administration. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the Department fails to act within 30 days of receipt to the original plat, it shall be deemed that no objections exist to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

(5) **Public Hearing.** The Town Clerk shall schedule a public hearing on the Preliminary Plat before the Plan Commission as part of its review and recommendation process. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Plan Commission's meeting notice published in the official Town newspaper and by separate box notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. All property Owners abutting, opposite, and otherwise within 1000 feet of the proposed land division shall receive written notice of the public hearing. Notwithstanding that a public hearing is conducted by the Plan Commission, the Town Board shall have the right to hold another public hearing pursuant to these procedures as part of its review and approval or disapproval process if deemed necessary and in the best interests of the Town.

(6) **Board Action.** After review of the Preliminary Plat and negotiation with the Subdivider on any changes deemed necessary and advisable and the kind and extent of Improvements which are necessary, the Town Board shall, within 90 days of the date the preliminary plat was completely submitted and filed with the Town Clerk, approve, approve conditionally or reject the plat. The time to act by the Town Board may be extended by agreement with the Subdivider. The Town Clerk shall provide written notice to the Subdivider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within 90 days of filing shall constitute approval of the Preliminary Plat, unless an objecting agency files an objection or unless the review period is extended by agreement with the Subdivider.

(7) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within twenty-four (24) months of Preliminary Plat approval, conforms substantially to the Preliminary Plat layout and meets the conditions of Preliminary Plat approval, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout

submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.

(c) Final Plat Review and Approval.

(1) Final Plat Copies Within 24 Months. The Subdivider shall file 14 copies of the Final Plat within twenty-four (24) months of the approval date of the Preliminary Plat. If the Final Plat is not submitted within twenty-four (24) months, the Preliminary Plat approval is deemed void. The following additional items shall be filed with the Final Plat:

(A) An endorsement of the previously submitted title commitment certified to within one week prior to filing showing title or control in the Owner or the Subdivider. After receiving the endorsement, the Town Attorney may require further title evidence as deemed necessary.

(B) Six copies of the final plans and specifications of public Improvements required by this Chapter.

(2) Town Clerk Submissions to Agencies. The Town Clerk shall, within two days of filing, transmit copies as required for preliminary plats under Section 7.4(b)(4). The Town Clerk shall also refer the Final Plat to the Town Engineer, and a copy each to the telephone and power and other utility companies. The endorsement shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public Improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within 30 days of the filing of the Final Plat. The Town Engineer shall examine the plat and final plans and specifications of public Improvements for technical details and, if found satisfactory, shall so certify in writing to the Plan Commission. If the plat or the plans and specifications are unsatisfactory, the Town Engineer shall return them to the Subdivider and so advise the Plan Commission.

(3) Objecting Agencies—Final Plat. The objecting agencies shall, within 20 days of the date of receiving their copies of the Final Plat, notify the Subdivider and all other approving and objecting agencies of any objections in the same manner noted for Preliminary Plats under Section 7.4(b)(4)(B) of this Chapter.

(4) Final Approval by Town Board. The Town Board shall, within 60 days of the date of filing the 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

Section 7.4(c)(4)

written statement of the reasons sent to the Subdivider by the Town Clerk. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days (30 days for the Department of Commerce) or, if filed, have been met. Failure of the Town Board to act within 60 days of filing, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the plat.

(5) **Certification by Surveyor.** If the original of the Final Plat has been filed with another approving authority, the Subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Town Board will be inscribed on the original of the Final Plat, the surveyor or the Subdivider shall certify the respects in which the original of the Final Plat differs from the true copy, and all modifications must first be approved.

(6) **Execution.** After the Town Board approves the Final Plat and required Improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall execute the certificate inscribed upon the Plat attesting to such approval and return the Plat to the Subdivider for recording with the county register of deeds.

(d) **Replat Procedure.**

(1) **Dedications.** Except when an assessor's plat is ordered pursuant to Wis. Stats. Section 70.27(1), when it is proposed to Replat a recorded Subdivision, or part thereof, so as to alter areas dedicated to the public the Subdivider or person wishing to Replat shall vacate or alter the recorded plat as provided in Wis. Stats. Sections 236.40 through 236.45. The Subdivider, or person wishing to Replat, shall then proceed as specified in Section 7.4(a) through (c).

(2) **Public Hearing.** The Town Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a Replat of lands within the Town is filed, and shall mail notices of the proposed Replat and public hearing to the Owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the Owners of all abutting and opposite properties of the exterior boundaries of the proposed Replat.

(e) **Minor Subdivision - Certified Survey Procedure.**

(1) **When Allowed.** When an Owner or Subdivider proposes to divide land into two (2) or no more than four (4) Lots or parcels, any one of which is less than eighty (80) acres, or when an Owner or Subdivider proposes to divide a Block, Lot or Outlot into not more than four Lots or parcels within a recorded plat without changing the boundaries of said Block, Lot or outlet, the Owner or

Section 7.4(e)(1)

Subdivider may subdivide by use of a Certified Survey Map, prepared in accordance with Wis. Stats. Section 236.34 and this Chapter. For purposes of this Section 7.4(e)(1), any remnant or remaining parcel of land regardless of size not included within the Certified Survey shall be deemed a parcel for determining whether the Minor Subdivision procedures apply.

(2) **Submission and Review.** The Subdivider is encouraged to first consult with the Plan Commission regarding the requirements for a Certified Survey before submission of the final map. The Plan Commission or the Town's consultants may thereafter refuse to meet, review, or discuss any proposed Minor Subdivision or Certified Survey unless the Subdivider enters into a predevelopment agreement pursuant to Section 7.5(e)(8). Following consultation, 14 copies of the final map in the form of a Certified Survey shall be submitted to the Town Clerk. The Certified Survey shall be initially reviewed and recommended for approval or disapproval by the Plan Commission pursuant to the procedures used for Preliminary Plats in Section 7.4(b), including notice and hearing requirements. Final review and approval or disapproval of the Certified Survey shall be by the Town Board. Prior to such final review and approval or disapproval, the Town Board may, in its discretion, conduct an additional public hearing pursuant to the procedures used for Preliminary Plats in Section 7.4(b).

(3) **Driveways.** A Certified Survey shall not be finally approved unless a driveway access permit may be issued to the Subdivider for each Lot or parcel without an existing private access pursuant to Chapter 3 of the Code of Ordinances. The Subdivider shall submit a copy of the permit or permits necessary for each driveway, or a letter from the Town Engineer that permits are issuable for the Lots or parcels at such time as the Certified Survey is submitted for final approval. Unless a shared private access and driveway is permitted, the driveway serving each Lot or parcel, including Flag Lots, must be constructed in such a manner as to begin at the Lot or parcels required public road frontage, shall at all times remain within the mapped boundaries of the Lot or parcel, and must otherwise be developable in conformity with this and all other provisions of the Town's Code of Ordinances and the goals, objectives, and criteria of the Master Plan.

(4) **Board Action.** After review of the Certified Survey and negotiation with the Subdivider on any changes deemed necessary and advisable and the kind and extent of any Improvements which are necessary, the Town Board shall, within ninety (90) days of the date the Certified Survey was completely submitted and filed with the Town Clerk, approve, approve conditionally, or reject the Certified Survey. The time to act by the Town Board may be extended by agreement with the Subdivider. The Town Clerk shall provide written notice to the Subdivider of any conditions of approval or the reasons for rejection. Failure of the Town Board to act within ninety (90) days, or any extension of that period, constitutes an approval of the Certified Survey and, upon demand, a certificate to that effect shall be made on the face of the map by the Town Clerk.

Section 7.5. Technical Requirements for Plat and Certified Surveys.

(a) Preliminary Plats.

(1) **General.** The Preliminary Plat shall be based upon a survey by a registered Land Surveyor and the plat prepared on mylar, tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(A) Title under which the proposed Subdivision is to be recorded, which shall not duplicate the name of any plat recorded in Columbia County.

(B) Location of proposed Subdivision by government Lot, recorded private claim, quarter-quarter section, section, township, range, county and state noted immediately under the name of the proposed Subdivision.

(C) Date, scale and north point referenced to a magnetic, true or other identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the Subdivision is situated.

(D) Names, addresses and phone numbers of the Owner, Subdivider and land surveyor preparing the plat.

(E) Entire area contiguous to the plat owned or controlled by the Owner or Subdivider, even if 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 Chapter and undue hardship would result from strict application thereof.

(2) Plat Data. All Preliminary Plats shall show the following:

(A) Exact location of the proposed Subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the Subdivision is situated and a corner established in U.S. Public Land Survey that establishes one end of this line. A description of the material of which the corner marker is composed. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two permanent benchmarks shall be located in the immediate vicinity of the plat.

Section 7.5(a)(2)(B)

(B) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on U.S.G.S. datum.

(C) High water elevation of all lakes, streams, ponds, flowages and Wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the plat or located within 100 feet therefrom.

(D) Location, right-of-way width and names of all existing streets, alleys or other public ways, Easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(E) Location and names of any adjacent Subdivisions, parks, and cemeteries, and Owners of record of abutting unplattd lands.

(F) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to U.S.G.S. datum.

(G) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

(H) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(I) Location, width and names of all proposed streets and Public Ways.

(J) Approximate dimensions and area in square feet of all Lots together with proposed Lot and Block numbers.

Section 7.5(a)(2)(K)

(K) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

(L) Approximate radii of all curves.

(M) Existing zoning on and adjacent to the proposed Subdivision.

(N) Town and corporate limit lines within the exterior boundaries of the Subdivision or immediately adjacent thereto.

(O) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed Subdivision in relation to the access.

(P) Any proposed lake and stream Improvement or relocation, and notice of application for Department of Natural Resources approval, where applicable.

(Q) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.

(R) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

(S) If a conservation-type development is proposed, the open space common areas proposed to be preserved and protected shall be shown as a non-buildable Outlot to be owned and maintained in common by the Lot Owners pursuant to this Chapter.

(b) **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 Wis. Stats. Section 236.20 and this Chapter.

(2) **Additional Information.** The Final Plat shall also show the following information correctly on its face:

(A) Exact length and bearing of the centerline of all streets.

Section 7.5(b)(2)(B)

- (B) Exact street width along the line of any obliquely intersecting street.
- (C) Railroad rights-of-way within and abutting the plat.
- (D) Setbacks or Building Lines required by the Columbia County Zoning Ordinance or otherwise by the Town.
- (E) All lands reserved for future public acquisition or reserved for the common use of property Owners within the Plat.
- (F) Special restrictions required by the Town Board relating to access control along Public Ways or to the provision of planting strips.
- (G) Exact location and description of street lighting and lighting utility Easements.
- (H) Drainage arrows at all Lot Lines showing the direction of all drainage upon final grading of the land.

(3) **Supporting Documents.** The Subdivider shall submit the following documents when filing the Final Plat:

- (A) **Covenants and Restrictions.** All Restrictive Covenants and deed restrictions for the proposed Subdivision.
- (B) **Property Owners Association.** The legal instrument(s) creating a property Owners association for the ownership and/or maintenance of common lands in the Subdivision.
- (C) **Certification.** All certificates required by Wis. Stats. Section 236.21; in addition, the surveyor shall certify full compliance with all of the provisions of this Chapter.

(4) **Survey Requirements.**

(A) **Examination.** The Town Board shall examine all Final Plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.

(B) **Maximum Error of Closure.** 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 ratio of one part in ten thousand (1:10,000), nor in azimuth, four second of arc per interior angle. If field measurements exceed this maximum, new field

measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(C) **Street, Block and Lot Dimensions.** All street, Block and Lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

(D) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stats. Section 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the 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 error of closure herein specified for the survey of the exterior boundaries of the Subdivision.

(E) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. §236.15.

(c) **Certified Survey Map.**

(1) **General.** When a Subdivider proposes a Minor Subdivision, the Subdivider shall submit a Certified Survey Map prepared by a registered land surveyor in accordance with Wis. Stats. Section 236.34 and this Chapter.

(2) **Additional Information.** The Certified Survey Map shall also show the following information correctly on its face:

- (A) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (B) Setbacks or Building Lines required by the Town.
- (C) All lands reserved for future acquisition.

- (D) Date of the Map.
- (E) Graphic scale.
- (F) Name, address, and phone number of the Owner, Subdivider and surveyor.
- (G) Existing zoning on and adjacent to the proposed land division.
- (H) Square footage for each Lot or parcel.
- (I) If a conservation-type development is proposed, the open space common areas proposed to be preserved and protected shall be shown as a non-buildable Outlot to be owned and maintained in common by the Lot Owners pursuant to this Chapter.

(3) Certificates.

(A) The surveyor shall certify on the face of the Map full compliance with all of the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.

(B) Dedication of streets and other public areas shall require, in addition, the Owner's certificate and the mortgagees' certificate in substantially the same form as required by Wis. Stats. Section 236.21(2)(a).

(4) Recordation. The Subdivider shall record the Map with the Columbia County Register of Deeds within thirty days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the Map by the Town Board.

(d) Subdivision Created by Successive Land Divisions. When it is not practicable to require that a Final Plat of a Subdivision created by successive divisions be filed in accordance with this Chapter, the Town Board may in lieu thereof order an assessor's plat to be made under Wis. Stats. Section 70.27, and may assess the cost thereof as provided in such section, or to the Subdivider. Regardless of the type of plat filed, any such Subdivision shall comply with all provisions of this Chapter to the extent that they may reasonably apply.

(e) Fees For Review of Plats, Replats and Certified Surveys.

(1) General. The Subdivider shall pay the Town all fees required herein and at the times specified. In the event fees are not timely paid, the Town

shall not be required to take any further action with respect to the plat or Certified Survey Map, or the Subdivider shall not be entitled to record same. Moreover, if the Subdivider refuses to pay all fees, the Town shall be empowered, in addition to any and all other remedies, without notice of hearing, to impose the amount due onto the tax rolls of the real estate proposed to be divided or already divided within the Subdivision or Minor Subdivision and collect such bill as a special charge pursuant to Wis. Stats. §66.0627.

(2) Engineering Fee. The Subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or Certified Survey Map, including inspections required by the Town. The Subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required Improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Subdivider shall pay the fee within thirty (30) days of each billing by the Town Clerk.

(3) Administrative Fee. The Subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or Certified Survey. Subdivider shall pay the fee within thirty (30) days of each billing by the Town Clerk.

(4) Escrow For Fees. At such time as the Subdivider submits a preliminary plat or Certified Survey Map for review by the Plan Commission and Town Board, it shall deposit with the Town Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of all of the Town's fees:

(A) Minor Subdivision (Certified Survey Map): \$300.00.

(B) Subdivisions - including Condominiums: \$1,000.00 for each five Lots or units, up to a maximum of \$5,000.00.

In the event the amount deposited with the Town Treasurer falls below 25% of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the Subdivider to replenish the escrow to the original amount required hereunder. The escrow shall be replenished or all final fees paid within thirty (30) days of any written request. In the event Subdivider withdraws his plat or Minor Subdivision, or same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to Subdivider. The escrow account shall not draw interest for the benefit of Subdivider. The Town Treasurer, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the Minor Subdivision or Subdivision on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall

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also be provided to Subdivider periodically. In the event the Subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the Subdivider's request and all timelines hereunder shall be tolled.

(5) Preliminary Plat/Certified Survey Map Review Fee.

(A) The Subdivider shall pay a fee of \$150.00 plus \$10.00 for each Lot or authorized dwelling unit within the preliminary plat or Certified Survey Map to the Town Treasurer at the time of first application for preliminary plat or Certified Survey Map approval to assist in defraying the cost of review.

(B) The Subdivider shall pay a reapplication fee of \$10.00 to the Town Treasurer at the time of reapplication for approval of any Preliminary Plat which has previously been filed.

(6) Final Plat Review Fee.

(A) The Subdivider shall pay a fee of \$150.00 plus \$5.00 for each Lot or authorized dwelling unit with the Final Plat to the Town Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.

(B) The Subdivider shall pay a reapplication fee of \$10.00 to the Town Treasurer at the time of reapplication for approval of any Final Plat which has previously been reviewed.

(7) Condominium Development Review Fee. The Subdivider shall pay a fee of \$150.00 plus \$10.00 for each unit shown on a condominium plat.

(8) Predevelopment Agreement. At any time following the pre-application consultation with the Plan Commission, the Plan Commission or Town Board may require a Subdivider to enter into a predevelopment agreement in a form approved by the Town Engineer and Town Attorney. The purpose of such agreement shall be, among other things, to obligate the Subdivider to pay all of the Town's administrative costs and fees including, but not limited to, those of the Town Engineer and Town Attorney, incurred in the pre-submission review and planning stages of the proposed Subdivision or Minor Subdivision. Guarantee of payment may be required in a form acceptable to the Town Board and Town Attorney, consistent with the provisions of Section 7.6(b)(2).

Section 7.6. Required Improvements.

(a) In General.

(1) Public Improvements Required. The Improvements prescribed in this Chapter are required as a condition of approval of a land division. The required Improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the Subdivider. In the case of required Improvements in a commercial or industrial area, the cost of such Improvements may, at the sole discretion of the Town Board, be financed through special assessments.

(2) Non-Specified Standards. The following required Improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the Improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Town Engineer.

(b) Development Agreement.

(1) Contract. Prior to installation of any required Improvements and prior to approval of the Final Plat or Certified Survey Map, the Subdivider shall enter into a written contract with the Town requiring the Subdivider to furnish and construct said Improvements at the Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the Town Engineer.

(2) Financial Guarantees.

(A) No construction or installation of Improvements shall commence in a Subdivision or Minor Subdivision until the Final Plat or Certified Survey Map has been approved by the Town Board, the Town Engineer has given written authorization, a development agreement has been entered into, if necessary, and any and all other conditions for the approval of the preliminary plat or Certified Survey Map have been met.

(B) Prior to commencing construction, the Subdivider shall supply the Town with cash, or an irrevocable letter of credit approved by the Town Board and the Town Attorney in an amount equal to 125% of the Town Engineer's estimate of the cost of such Improvements and other fees, including the Town's cost of inspection. No security or performance bonds will be accepted as financial security. The Town Engineer may, from time to time, adjust the amount of estimated costs of and reasons for said Improvements and within thirty (30) days of written notice of said change, the Subdivider shall increase the financial security by that amount

or any other amount acceptable to the Town Board. Reduction of the financial security for any purpose shall only be made after the written recommendation of the Town Engineer and approval of the Town Board. As the required Improvements are installed and accepted, upon recommendation of the Town Engineer, the Town Board may authorize reductions of the financial security and the amount deemed appropriate. If the required Improvements are not completed within the specified period, the financial guarantee shall be turned over and delivered to the Town and applied to the cost of the required Improvements. Any balance remaining after completion of such Improvements shall be returned to the Subdivider. The Town Board, at its sole option, may extend the time to complete the required Improvements and the financial guarantee for additional periods not to exceed one year for each period.

(C) In addition to any other requirements that the Town Board or the Town Attorney may require, the letter of credit may not contain language indicating that the letter of credit is subject to the Uniform Customs and Practices for Documentary Credits International Chamber of Commerce Publication No. 500, must provide for reasonable notification to the Town before its expiration, must not require the Town to pay bank charges under any circumstances, and must otherwise conform to the terms and conditions of the developers agreement and this Chapter. In the event that any financial institution fails to pay the letter of credit upon demand subject to its terms and conditions, in whole or in part, the Town shall be empowered, in addition to any and all other remedies, without notice or hearing, to impose the amount due or to become due for completion costs onto the tax rolls of each and every Lot in the Subdivision or Minor Subdivision and collect such as a special charge pursuant to Wis. Stats. §66.0627.

(D) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon the recommendation of the Town Engineer after consultation with the Subdivider. The completion date shall form part of the development agreement.

(c) **Construction Plans; Inspections.**

(1) **Engineering Reports, Construction Plans and Specifications.** As required by Section 7.4(b)(2), preliminary engineering reports and plans shall be submitted with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required Improvements conforming in all respects with the standards of the Town Engineer and the Code of Ordinances of the Town shall be prepared at the Subdivider's expense by a professional engineer registered in the State of Wisconsin under said engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for approval and for estimation of the total cost of the required

Improvements; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the Final Plat with the Town Clerk, or as soon thereafter as practicable, the Subdivider shall furnish copies of the construction plans and specifications for the following public Improvements, with a copy sent to the appropriate sanitary district:

(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, elevations and materials of required facilities.

(C) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections-, elevations and materials of required facilities.

(D) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

(E) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with Chapter 5.

(F) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.

(G) Additional special plans or information as required by Town officials.

(2) **Action by the Town Engineer.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent provisions of the Town's Code of Ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the Subdivider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the Improvements are installed and construction commenced.

(3) **Construction and Inspection.**

(A) Prior to starting any of the work covered by the plans approved above, the Subdivider shall obtain written authorization to start

the work from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. The Town shall issue no building permits until all Improvements required by this Chapter are satisfactorily completed, unless otherwise authorized by the Town Board. The Town Board may request that the Subdivider withhold the final course of asphalt for the street until all or a portion of the construction within the Subdivision or Minor Subdivision has occurred.

(B) Construction of all Improvements required by this Chapter shall be completed within two years from the date of approval of the Final Plat by the Town Board, unless the Subdivider demonstrates good cause for the Town Board to grant an extension.

(C) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The Subdivider shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

(4) **"As Built" Plans.** After completion of all Improvements and prior to final acceptance of said Improvements, the Subdivider shall make or cause to be made three copies of record plans showing the actual location of all Improvements the Town Engineer shall require. If appropriate, the plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The Subdivider's presentation of the as built plans shall be a condition of final acceptance of the Improvements and release of the financial security assuring their completion.

(d) **Street Improvements.** The Subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

(1) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Section 7.7(a) and 7.7(b).

(2) **Grading.**

(A) With the submission of the Final Plat, the Subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.

(B) Proposed grades will be reviewed by the Town Engineer for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations.

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(C) After approval of the street grades, the Subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on Corner Lots.

(D) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the Subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.

(E) The Subdivider shall grade the bed for the roadways in the street rights-of-way to subgrade elevation.

(F) The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.

(G) Where electric and other communications or utilities facilities are to be installed underground, the Subdivider shall grade the utility Easements to within six inches of the final grade prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such Easement areas.

(3) **Street Construction.** After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the Subdivider shall construct and dedicate as part of the Subdivision, streets and curbs and gutters. The Subdivider shall surface roadways to the widths prescribed by Section 7.7(a) and 7.7(b). Construction shall meet Town standard specifications for street improvements.

(4) **Completion of Street Construction.**

(A) Prior to issuance of any building permits by the Town for lands adjacent to streets, all street construction shall be completed by the Subdivider, approved by the Town Engineer and accepted by the Town Board.

(B) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (such as cement or asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.

(C) The Subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town

Board. The waiver shall detail which Improvement requirements are temporarily waived and for what period of time.

(5) **Curb and Gutter.** After the installation of all utility and storm water drainage Improvements, the Subdivider shall construct any concrete curbs and gutters that may be necessarily required by the Town Board in accordance with plans and standard specifications approved by the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

(e) **Sanitary Sewage.** The Subdivider shall make adequate arrangements for a sewage disposal system for each Lot within the Subdivision or Minor Subdivision as specified or allowed in applicable ordinances, statutes, or regulations including, but not limited to, Wis. Adm. Code Comm. Sections 83 and 85, and the Columbia County Sanitation Ordinance. Private sewage disposal on a centralized basis may be required by the Town Board in appropriate circumstances.

(f) **Water Supply.** The Subdivider shall make provisions for adequate private water systems as specified or allowed in applicable ordinances, statutes or regulations. One or more centralized private water systems may be required by the Town Board in appropriate circumstances.

(g) **Storm Water Drainage.** The Subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as are necessary. Storm sewers shall be of adequate size and grade to hydraulically accommodate the ten year frequency storm; culverts shall be designed to accommodate the ten year frequency storm and shall be sized so that the 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized for from 25 to 100 year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall comply with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the Subdivider; however, the cost of oversizing above a 24 inch diameter storm sewer shall be paid by other users connecting to the system by special assessment.

(h) **Other Utilities.**

(1) **Installation.** The Subdivider shall cause gas, electric power, telephone and cable facilities to be installed in such a manner as to make adequate service available to each Lot in the Subdivision or Minor Subdivision. All new electrical distribution, television cables and telephone lines from which

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Lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

- (A) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
- (B) The Lots to be served by said facilities can be served directly from existing overhead facilities.

(2) **Plans and Map.** Plans indicating the proposed location of all gas, electric power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

(i) **Street Signs.** The Subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Town Engineer.

(j) **Erosion Control During Construction.** To minimize erosion during construction, the Subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems and complies with Chapter 5 of the Town's Code of Ordinances.

(k) **Fences Adjacent to Agricultural Lands.** When the land included in a Subdivision or Minor Subdivision abuts upon or is adjacent to land used for farming or grazing purposes, the Subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the Owner and the Subdivider, their grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property Owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

(l) **Easements.**

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

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

(A) The Subdivider shall provide a storm water Easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Chapter; or

(B) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water Easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Chapter.

(C) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the Town Engineer, the Easement will be for a major drainage swale, the Easement shall be of sufficient width to contain a 100-year frequency storm. If the drainage Easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage Easement.

(3) **Easement Locations.** Such Easements shall be at least twelve feet wide, or wider where recommended by the Town Engineer, and may run across Lots or alongside of rear Lot Lines. Such Easements should preferably be located along rear Lot Lines. Evidence shall be furnished to the Town Board that Easements and any Easement provisions incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(m) **Street Lights.** The Subdivider shall, as required by the Town Board, install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lights may be placed at each street intersection and at such interior Block spacing as the Town Board requires upon the recommendation of the Town Engineer.

(n) **Sidewalks.** The Town Board may require sidewalks in high traffic areas such as the vicinity of schools, commercial areas and other areas of public assemblage and in other locations where necessary for safe and adequate pedestrian circulation.

Section 7.7. Design Standards.

(a) Street Design.

(1) Compliance with Statutes. In laying out a Subdivision, the Subdivider shall conform to the provisions of Wis. Stats. Section 236 and all applicable Town regulations. All streets and roads shall comply with Wis. Stats. Section 86.26. In all cases where the requirements of this Chapter are different from the requirements of Section 236 or Section 86.26, the more restrictive provision shall apply.

(2) Dedication. The Subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety. The Subdivision or Minor Subdivision shall be designed to provide each Lot with satisfactory access to a public street or road.

(3) Compliance with Master Plan and Official Map. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Master Plan and Official Map and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new Subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

(4) Areas not Covered by Official Map or Master Plan. In areas not covered by any Town Master Plan or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(5) Proposed Streets. 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 Town Board, such extension is unnecessary or undesirable for the coordination of the layout of the Subdivision or land division or for the advantageous development of the adjacent tracts.

(6) Reserve Strips. Reserve strips are prohibited 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 Town Board.

(7) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is unnecessary for the coordination of the layout of the Subdivision with existing layout or the most advantageous future development of adjacent tracts.

(8) **Private Roads.** Private roads are prohibited, except as part of a Condominium Development, and the Town Board shall not permit installation of improvements in any private road.

(9) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections. Stopping sight distances shall be provided to comply with Chap. 3, "A Policy of Geometric Design of Highways and Streets," latest edition, published by the American Association of State Highway and Transportation Officials (AASHTO).

(10) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the Subdivision, the Subdivider shall dedicate the other half-street. The platting of half-streets should be avoided where possible.

(11) **Intersections.**

(A) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen feet or greater where the Town Engineer considers it necessary.

(B) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(C) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

(12) **Street Names.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Town Board.

(13) **Cul-de-sacs.** Cul-de-sac streets designed to have one end permanently closed shall not generally exceed 500 feet in length. All Cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a

minimum inside curb radius of 45 feet. The use of Cul-de-sacs should be avoided where possible.

(b) **Street Dedication and Construction.**

(1) **General Requirements.**

(A) **Construction Standards.** All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Chapter shall apply to all roads proposed for dedication to the town, regardless of whether such roads are part of a new Subdivision or Minor Subdivision.

(B) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the Subdivider. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction

(C) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Town, the Subdivider shall notify the Town Clerk, who will arrange an on-site meeting attended by the Town Engineer and the Subdivider. Plans must be provided in order for the Town Engineer to check the design and the drainage.

(D) **Material Slips.** Copies of material slips for all materials furnished for road construction projects shall be delivered to the Town Engineer before the Town approves the final construction.

(E) **Required Inspections.** Although the Town Engineer may conduct inspections as necessary at any state of construction, the Subdivider shall contact the Town Engineer for required inspections after the following phases of construction by the Subdivider:

- (i) Subbase grading;
- (ii) Crushed aggregate base course;
- (iii) Bituminous surface course; and
- (iv) Shouldering.

Any deficiencies found by the Town Engineer shall be corrected before proceeding to the next phase of construction.

(F) **Tests of Materials.** The Town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine whether the material meets gradation and soundness requirements.

(G) **Pavement Samples.** The Town may take samples of bituminous asphalt during pavement construction operations for purposes of determining that the material meets specifications.

(H) **Highway Commission Approval.** The finished roadway shall require the approval of the Columbia County Highway Commission, since the Town will include this road work in its annual request for highway aid.

(2) **Construction Standards.** All streets constructed in the Town or to be dedicated to the Town shall fully comply with the following construction standards.

(A) **Width of Right-of-Way.** The street right-of-way shall be a minimum of 66 feet.

(B) **Roadway Alignment Details.** As specified in this Chapter or in Chapter 12 of the Columbia County Code of Ordinances, whichever is more restrictive.

(C) **Roadway Ditches.** Minimum ditch slope of 0.50%.

(D) **Roadway Base Thickness.**

(i) Residential and rural roads and streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower layer.

(ii) On commercial, arterial, or other heavy-use roads, as determined by the Town Board, a base course of ten inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state approved pit with a maximum stone of one and one-half inches and no greater than ten percent by weight passing a No. 2—sieve or No. 3 crushed rock approximately six inches in depth and one or more layers of fine aggregate, either three-fourths inch crushed gravel,

well-graded with no greater than ten percent passing a No. 200 sieve, or three-fourths inch traffic-bound crushed rock.

(iii) In the case of commercial, arterial, or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.

(iv) In any case, the Town Board shall have the sole discretion to determine the use and construction classification to follow.

(v) In all cases, the base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under traffic shall occur and shall conform to line, grades, and shape shown on the approved plans, profiles, and cross sections.

(E) **Roadway Sub-Base.** Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer.

(F) **Pavement Width.** Minimum of 22 feet for rural roads, and wider when required. Upon the recommendation of the Town Engineer based on projected traffic and parking requirements, the more restrictive of which shall apply. Figure 2, attached hereto and incorporated herein, illustrates the standard rural cross section.

(G) **Pavement Thickness.** Residential and rural roads shall have a minimum of three inches thick compacted bituminous pavement, placed in two layers – a binder course of 1 ½ inches thick and a surface course of 1 ½ inches. Commercial, arterial, or other heavy-use roads shall have a minimum of 3 ½ inches of bituminous pavement, placed in two layers – a binder course of two inches thick and a surface course of 1 ½ inches. In the case of commercial, arterial, or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification utilized.

(H) **Shoulder Width.** Minimum of two feet wide on each side and wider when required by the "Town Road Standards" as noted in Wis. Stats. § 86.26.

(I) **Shoulder Thickness.** Minimum of 2 ½ inches of compacted in-place crushed aggregate base course – gradation No. 2 or No. 3 over a minimum of eight inches of compacted in-place crushed aggregate base course.

(J) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the Town Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.

(K) **Driveway Culverts.** The Town Engineer shall size driveway culverts. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and provided with concrete, metal or landscape timber endwalls.

(L) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer, and mulch. Ditches along the roadway with greater than a 2.5% slope shall be protected by erosion control materials such as hay bales, sod, or erosion control mats.

(M) **Drainage Improvements.** In the case of all new roads and streets, the Town Board may require the Subdivider to construct stormwater retention areas and storm sewers to provide for property drainage.

(c) **Block and Lot Design Standards.**

(1) **Block Design.** The lengths, widths and shapes of Blocks shall be appropriate for the topography and the type of development contemplated.

(2) **Lot Design.**

(A) **Size and Shape.** Size, shape and orientation of Lots shall be appropriate for the location of topography of the Subdivision, the type of sewage or septic system to be utilized, and for the type of development contemplated. Each Lot shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(B) **Size.** Lots shall be the minimum required by this Chapter for the type of development contemplated and approved. Excessive depth

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in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions.

(C) **Frontage.** Every Lot shall front or abut for a distance of at least sixty-six (66) feet on a public street, or at least thirty (30) feet on a Cul-de-sac. Where a shared access and shared driveway has been otherwise permitted, the requirement that the narrow strip of land connecting the main area of the Lot or parcel with the public road be suitable for access and driveway purposes in accordance with Town Ordinances and that the flag of each Flag Lot be actually used for access and driveway purposes shall be waived for all Lots except the Lot(s) actually providing access on a shared basis for all other Lots.

(D) **Width.** Width of Lots shall conform to the requirements of the Columbia County Zoning Code, but in no case shall a Lot be less than ninety (90) feet in width at the building setback line. Each Lot shall be located only within one (1) zoning district. A proportion of two to one (2:1) width to depth shall be considered a desirable ratio under normal circumstances.

(E) **Commercial/Industrial.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated and as required by the Columbia County Zoning Code.

(F) **Special Depth Requirements.** Residential Lots fronting on county or state highways shall be platted with extra depth or design to alleviate the effect of major street traffic on residential occupancy of required by the Town Board.

(G) **Corner Lots.** Corner Lots for residential use shall have extra width to permit building setback from both streets, as required by the Columbia County Zoning Code.

(H) **Side Lots.** Side Lot Lines shall be substantially at right angles to or radial to abutting street lines. Lot Lines shall follow Town boundary lines.

(I) **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(J) **Remaining Acres.** All remaining acres must be added to the developed Lot or Lots, or be deed restricted to prevent future

residential development, or be made part of the open space in Conservation Developments.

(d) **Stormwater Management System.**

(1) **Drainage System Required.** The Town Board shall not approve a Final Plat until the Subdivider has submitted plans, profiles and specifications for stormwater management prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.

(2) **Drainage System Plans.**

(A) The Subdivider shall submit to the Town, at the time of filing a Preliminary Plat, a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the Subdivision to handle the additional runoff which would be generated by the development of the land within the Subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without damage to the developed or undeveloped land downstream or below the proposed Subdivision. The report shall also include:

(i) Estimates of the quantity of storm water entering the Subdivision naturally from areas outside the Subdivision.

(ii) Quantities of flow at each inlet or culvert.

(iii) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(B) A grading plan for the streets, Blocks and Lots shall be submitted by the Subdivider for the area within the Subdivision.

(C) The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.

(D) Material and construction specifications for all drainage projects such as pipe, culverts, seed or sod shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.

(3) **Grading.** The Subdivider shall grade each Subdivision in order to establish street, Block and Lot grades in proper relation to each other and to topography as follows:

Section 7.7(d)(3)(A)

(A) The Subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(B) Block grading shall be completed by one or more of the following methods:

(i) A ridge may be constructed along the rear Lot Lines which provides for drainage onto the streets.

(ii) Parts of all Lots may be graded to provide for drainage to the street or to a ditch along the rear Lot line if a drainage Easement is provided.

(iii) Draining across rear or side Lot Lines may be permitted provided that drainage onto adjoining properties is skillfully controlled and a drainage Easement is provided.

(4) **Drainage System Requirements.** The Subdivider shall install all the storm drainage facilities indicated on the plans required by Section 7.7(2)(A).

(A) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage.

(B) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the Subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the Subdivider shall make provisions for dedicating an Easement of the Town to provide for the future maintenance of said system. Easements shall be at least 20 feet wide, but the Town may require larger Easements if more area is needed due to factors such as topography, or size of watercourse. The Town may require the Owners of the Lots served by drainage system to individually or through an association maintain the system on a necessary basis.

(5) **Protection of Drainage Systems.** The Subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. Generally, ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be sodded and those with grades over four percent shall be paved.

Section 7.7(e)

(e) **Sanitary Sewer and Water System.** The Subdivider shall comply with the design standards specified for the development's sanitary sewer and water system by the State Department of Natural Resources.

(f) **Non-Divisions.** The Plan Commission and the Town Board shall review and provide guidance to the appropriate county agency or county board with respect to any proposed use of land within the Town even if no Subdivision or Minor Subdivision is involved, to ensure the goals and objectives of the Master Plan, this Chapter, and any other provisions of the Town's Code of Ordinances are taken into account.

Section 7.8. Dedication Requirements.

(a) General Public Land Dedication Requirements.

(1) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the Subdivision development, each Subdivider shall dedicate or set aside land for park or other uses.

(2) **General Design.** In the design of a Subdivision, Minor Subdivision, planned unit development or condominium project, the developer shall make provision for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites shall be shown on the Preliminary Plat and Final Plat, and shall comply with the Town Master Plan or component of said Plan, if any exists for the site. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and Wetlands, and plant and animal communities.

(b) Land Dedication.

(1) **Dedication Calculation.** All Subdividers shall be required to dedicate or set aside developable land to the Town for park, school or other uses, other than streets or drainageways, at a rate of .05 acres per dwelling unit. "Dwelling unit" shall include a unit of a Condominium Development. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designed in any Master Plan or Master Plan component of the Town is embraced, all or in part, in the tract of land to be subdivided, this land shall be included in the required land dedication. The Town Board shall have sole authority to determine the suitability and adequacy of lands proposed for dedication or set aside. Drainageways, Wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(2) **Shoreland.**

(A) **Lake and Stream Shore Plats.** All Subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Section 7.8(b)(2) does not require the Town to improve land provided for public access.

(B) **Lots Adjacent to Lake or Stream Shore.** The lands lying between the meander line, established in accordance with Wis. Stats. Section 236.20(2)(g), and the water's edge, and any otherwise unplatable lands which lie between a proposed Subdivision and the water's edge shall be included as part of Lots, outlets or public dedications in any plat abutting a lake or stream. Section 7.8(b)(2)(B) applies not only to lands proposed to be subdivided but also to all lands under option to the Subdivider or in which the Subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(3) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access. Land set aside at the discretion of the Board does not necessarily have to front on a public street or have unrestricted public access.

(4) **Utility Extensions.** The Subdivider shall install or provide for installation of water and sanitary lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(c) **Reservation of Additional Land.** When public parks and sites for other public areas as shown on any Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 7.8(b)(1), the Owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after Final Plat approval unless extended by mutual agreement.

(d) Dedicated Parkland Development.

(1) When parklands are dedicated, the Subdivider is required to:

(A) Properly grade and contour for proper drainage;

(B) Provide surface contour suitable for anticipated use of area; and

(C) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Plan Commission, fertilized with 16-6-6 at a rate of seven pounds per one thousand square feet; and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

(2) The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the Subdivider.

(3) Development of parklands shall be completed as soon as 10 percent of the planned Lots in the Subdivision are sold, as determined by the Town Board.

(4) If the Subdivider fails to satisfy the requirements of this Chapter, the Town Board may contract for said completion and bill such costs to the Subdivider, following a public hearing and written notice to the Subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(e) Fees in Lieu of Land Dedication.

(1) Method of Calculation.

(A) The Town Board, upon the recommendation of the Plan Commission, shall determine whether to require dedication of land or payment of money from any Subdivider. If the Town Board elects payment of fees in lieu of dedication of land, the fees for all approved dwelling units shall be paid as a condition of, and prior to, the recording of the plat, Certified Survey, or condominium.

(B) As of the effective date of this Chapter, the fee per dwelling unit is \$500.00. Commencing in 2004, the fee may be adjusted annually as of January 1st of each year by the Town Board, utilizing the Consumer Price Index—All Urban Consumers for Small Metro Areas prepared by the United States Department of Labor, or any replacement index.

(2) **Park Fund.** Funds paid to the Town under the provision or contributed from other sources for park land and recreational development and Improvement shall be placed in a separate nonlapsing fund designated for park land and recreational development and Improvement. The Town Board shall have the right to approve expenditures for approved park land and recreational development projects. Said account shall be a continuing account which does not lapse at the end of a budget period..

(3) **Pre-existing Dwelling.** No payment may be required for a Lot created by the division of land under this Chapter on which a residential structure already exists, or which is a residual parcel in excess of ten acres not intended for conveyance and development. Where a Lot, parcel or dwelling unit for which payment has once been made is further divided, the Subdivider shall pay only for the additional Lots or parcels created.

Section 7.9. Environmental Assessment.

(a) **Format.** The environmental assessment required by Section 7.4(b)(2)(J) of this Chapter shall generally follow the format herein:

ENVIRONMENTAL ASSESSMENT

This assessment shall be prepared for review, if possible, at the pre-application conference. The information sought will assist the Plan Commission and Town Board in determining the suitability of the land for development as required by Section 7.3(e) and to assess the potential threat to existing flora under Section 7.3(f) of this Chapter 7. All "yes" answers must be explained in detail by attaching maps and supporting documents describing the impact of the proposed development.

	<u>Yes</u>	<u>No</u>
1. Land Resources		
Does the project site involve:		
a. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two foot contour intervals).	____	____
b. A landform or topographic feature of local or regional interest	____	____
c. A flood plain (if yes, attach two copies of a typical stream valley cross-section showing the channel of the stream, the 100 year	____	____

Section 7.9(a)

floodplains limits (if officially adopted), of each side of the channel and a cross-section of area to be developed).

- d. An area of soil instability -greater than 18% slope and/or organic soils, peats, or mucks at or near the surface _____
- e. An area of bedrock within 6 feet of the soil surface _____
- f. An area with the groundwater table within 10 feet of the soil surface _____
- g. An area with fractured bedrock within 10 feet of the soil surface _____
- h. A drainageway for 50 or more acres of land _____

2. **Water Resources**

Does the proposed project have:

- a. Location within an area traversed by a navigable stream or dry run _____
- b. Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within one mile _____
- c. The use of septic tank-soil absorption fields for on-site waste disposal _____
- d. Lowering of water table by pumping or drainage _____
- e. Raising of water table by altered drainage patterns _____
- f. Lake frontage _____

3. **Biological Resources**

Does the project site involve:

- a. Critical habitat for plants and animals of community interest _____
- b. Endangered, unusual or rare species of _____

Section 7.9(a)

1) Land animals	_____	_____
2) Birds	_____	_____
3) Plants	_____	_____
c. Existing trees and shrubs of greater than 3" DBH.	_____	_____
d. Removal or potential damage to over 10% of the present trees, shrubs, vines, grasses and other non-noxious plants.	_____	_____

4. **Human and Scientific Interest**

Does the project site involve:

a. An area of archaeological interest	_____	_____
b. An area of geological interest	_____	_____
c. An area of hydrological interest	_____	_____
d. An area of historical interest	_____	_____
1) Historic building or monuments	_____	_____
2) Building or monuments of unique architecture	_____	_____
e. An area of identified community recreational use	_____	_____

5. **Energy, Transportation and Communications**

a. Does the development increase the traffic flow in any collector system by more than 10%	_____	_____
b. Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer, interceptor, communications, storm sewer)	_____	_____

6. **Population**

a. Does the development increase by more than 10% the school population of any school serving the development?	_____	_____
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7. **Comments on any of the above which may have a significant environmental impact.**

8. Appendices and Supporting Material, including in all cases the Columbia County Soil Survey Map for the project site as prepared by the United States Department of Agriculture, Soil Conservation Service.

(b) **Environmental Criteria.** The following criteria shall serve as guidelines to assist the Plan Commission and Town Board in determining suitability of the land for development:

(1) **Soil Suitability.** Recommendations as to soil type and suitability contained in the Soil Conservation Service Soil Survey of Columbia County shall govern.

(2) **Slopes.** Land with slopes between 12% and 20% will require special design for limiting storm water runoff and erosion and for sewage systems.

(3) **Twenty Percent Slope/Exceptions.** Development is prohibited on land with slopes equal to or greater than 20 percent. Under extraordinary circumstances, the Town Board may permit development on land with slopes equal to or greater than 20% only if all of the following minimum criteria are met:

(A) At least 60% of each building Lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.

(B) Plans and design calculations acceptable to the Town Engineer are submitted for retaining walls and other erosion control measures for each Lot and all public Improvements.

(C) The soils as shown on the Columbia County Soil Survey Map for the land have no more than a "slight" erosion hazard potential as determined by the Soil Conservation Service.

(D) The soil limitations for dwellings with basements, streets, and septic tanks (if applicable) shall be no greater than "moderate" as determined by the Soil Conservation Service.

(E) Such special studies of soils, slope stability, storm water runoff, erosion and safety as have been requested by the Plan Commission having been conducted by the Developer and presented to the Town Board prior to official submittal of the preliminary plat.

(4) **Severe Soils.** Soils with severe erosion hazard potential as determined by the Soil Conservation Service will require special design to limit storm water runoff and erosion.

(5) **Basements.** No structure shall be constructed with a basement floor below the normal ground water elevation. Ground water level shall be determined by a minimum of three soil borings.

(6) **Endangered Species.** Lands known to be habitat for endangered species, as determined by the Department of Natural Resources Bureau of Endangered Resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species and/or habitat.

(7) **Historical Interest.** Areas of archaeological and/or historical interest shall be designated by the State Historical Society.

(8) **Geological Interest.** Areas of geological interest shall be designated by the State Geological and Natural History Survey.

(9) **Soil Suitability for Sewage Systems.** Suitability of land for private sewage systems shall be determined in accordance with Chap. COMM. 83 Wisconsin Administrative Code.

(10) **Public Utilities.** Public utilities shall not be extended through or around vacant land to serve new development.

(11) **Shoreland and Wetlands.** Development of Shoreland or Wetlands shall be governed by Chapter 16 of the Columbia County Code.

Section 7.10. Condominium Developments.

(a) Purpose.

(1) **Applicability.** The Town Board hereby finds that certain issues arise in Condominium Developments that require limited applicability of this Chapter to Condominium Developments. The State Legislature has recognized that Subdivision ordinances may apply to condominiums, but that Subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

(2) **Creation of Parcels.** The factor that makes this Chapter applicable to a Condominium Development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a Condominium Development dissimilar, both physically and in ownership, from developments in which the land and Improvements are under unitary ownership, management and control.

(3) **Impacts on Town.** Thus, the Town Board hereby finds that new Condominium Developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into Lots.

These impacts include:

- (A) Additional population density;
- (B) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
- (C) Additional demands upon Town area parks, recreation areas, utility facilities and schools;
- (D) Additional traffic and street use.

(b) **Portions of Chapter Applicable to Condominium Developments.** The following sections of this Chapter shall apply to Condominium Developments:

- (1) Sections 7.3(e), (f), and (g) relating to land suitability, construction practices and density and Lot Area;
- (2) Section 7.4(b), relating to preliminary plat approval. This stage of approval shall be the only approval required for a Condominium Development. The technical requirements for preliminary plats set forth in Section 7.5(a) of this Chapter shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Section 703.
- (3) Section 7.5(e)(1), (2), (3), and (6), relating to fees for review;
- (4) Section 7.6, relating to required Improvements;
- (5) Section 7.7, relating to design standards for Improvements;
- (6) Section 7.8, relating to dedication requirements.
- (7) Section 7.11, relating to cluster and Conservation Development.

(c) **Private Roads Discretionary.** Private roads shall be allowed in Condominium Developments in the sole discretion of the Town Board.

Section 7.11. Cluster and Conservation Developments.

(a) **Purpose.** To assist in the reduction of impacts to the land available in the Town for development and to protect and preserve the remainder of land not used for

development of Lots, the Town may, but is not ever required to, approve of Cluster and Conservation Development within the Town.

(b) **Cluster Development.** A Cluster Development does not require that open space be preserved as part of the development to be owned by the Lot Owners in common. Rather, the lands owned by the Owner used to determine the number of allowable Lots shall be restricted in a manner acceptable to the Town Board and Town attorney to prevent any future division or rezoning of the land for additional residential, commercial or multi-family use, without the written consent of the Town Board.

(c) **Conservation Development.**

(1) **Lot Design.** All Lots shall be clustered in such a manner as to maximize the preservation of the rural landscape including, unique and environmentally sensitive natural areas and features, through the use of protected, commonly-owned open space. Each Lot must be contiguous to each other and must have direct access to the common open space.

(2) **Common Space Determination.** The minimum amount of open space that is be protected by common ownership must be at least equal to the acreage devoted to Lots and all public Improvements within the Conservation Development.

(3) **Common Space Ownership, Restrictions and Maintenance.** The common space shall be owned by an incorporated Lot Owner's association which meets the approval of the Town Board and its attorney. Membership shall be mandatory. The association shall be solely responsible for maintaining the open space in the conditions required by the Town Board and all costs associated with such maintenance may be assessed by the association to the individual Lot Owners. Subject to any restrictions established by the Town Board, the association shall have the power and authority to establish reasonable rules and regulations for the use and enjoyment of the common space by the Lot Owners. Generally, all unique and environmentally sensitive natural areas and features shall be maintained in their natural condition; provided, however, they may be modified or maintained to improve appearance or restore their overall condition in conjunction with good land management practices such as woodland, meadow or Wetlands management, reforestation, or stream bank protection. Clear cutting of any woodlots is prohibited and trees shall not be removed from ridge tops or hilltops unless dead or diseased. The boundaries of the common space shall, whenever possible, be marked by natural features such as hedgerows, edges of woodlands, and streams and, if no such natural features exist, additional planting buffers or landscape features may be required to distinguish where the common open space ends and private Lot Areas begin. Common open space shall be distributed appropriately throughout the clustered Lots to enhance and serve same. It is encouraged that common

open space includes lands located along existing streets to preserve the rural landscape as seen from the street.

(4) **Street.** A Conservation Development shall be served by one or more internal street(s) but may not have more than two entrances on existing public streets.

(5) **Severance.** The common space may never be severed, removed, or sold. It shall at all times, Through Lot Owner membership in the association, remain appurtenant to the Lots in the Conservation Development. The common space may be leased consistent with the restrictions placed upon it by the Town Board or otherwise.

(6) **Default.** The association documents shall provide that in the event the association fails to maintain the common space as required by the common space restrictions, the Town Board shall have the right, in its sole discretion, to enter upon the common space to undertake the necessary maintenance or to cure any other default in obligation and any and all charges incurred by the Town shall be chargeable back to each of the Lot Owners in the Conservation Development as a special charge on the next tax billing.

Section 7.12. Variances.

(a) **Variance Standards.** Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because excessive or undue hardship would result, or the requirement is deemed not to be required to protect the interests of the Town, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the Subdivider at the time when the Preliminary Plat or Certified Survey is filed for consideration, stating fully all facts relied upon by the Subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed project.

(b) **Findings Required.** The Plan Commission shall not recommend nor shall the Town Board grant a variance to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) **Detriment.** The granting of the variance will not be detrimental to the public safety, health or welfare of injurious to other property or improvements in the neighborhood in which the property is located;

(2) **Uniqueness.** The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

Section 7.12(b)(3)

(3) **Hardship.** 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 regulations were carried out.

(4) **Best Interests of Town.** The requirement is not required to protect the interests of the Town.

(c) **Approval.** The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify the Subdivider.

(d) **Voting.** 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 in accordance with any Town Comprehensive or Master Plan or component thereof, this Chapter, or the Zoning Code of Columbia County. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.

(e) **Monumenting.** The Town Board may waive the placing of monuments, required under Wis. Stats. Section 236.15(b), (c) or (d), for a reasonable time on condition that the Subdivider execute a surety bond to insure the placing of such monuments within the time required.

Section 7.13. Enforcement, Penalties and Remedies.

(a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or Improvement of, any Subdivision, Minor Subdivision, Replat or Condominium Development within the jurisdiction of this Chapter until the provisions and requirements of this Chapter have been fully met. Any Owner or land that has been subdivided under this Chapter shall be required to comply with any provisions of this Chapter after construction including maintaining the limits of disturbance area and preservation of lands beyond 300 feet from the centerline of the public road. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

(b) **Penalties.**

(1) Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture shall be imprisoned in the County Jail until the payment thereof, but not exceeding six

months. Each day violation exists or continues shall constitute a separate offense. In the event of a violation of any provision of this Chapter, a cash deposit for inclusion in the citation is established as follows: 1st offense \$100.00; 2nd offense (and each subsequent day of offense) \$200.00.

(2) In appropriate circumstances, the Town Engineer is authorized to issue a cease and desist order to any landowner or land user whose activity on the land is in violation of this Chapter. The order shall specify that the activity must be ceased and brought into compliance with the Chapter within seven (7) days. Any cease and desist order shall remain in effect unless retracted by the Town Board, the Town Engineer, or by a court of competent jurisdiction, or until the activity is brought into compliance with the Chapter. The Town Engineer is authorized to refer any violation of this Chapter or cease and desist order issued pursuant to this Chapter to the Town Attorney for commencement of appropriate legal proceedings, including injunctive relief. The landowner or land user shall be responsible for all of the costs and expenses of the Town Engineer or attorney in connection with proceedings under this Section 7.13.

(3) Where a landowner or land user has violated this Chapter and has failed to rectify the violation to the satisfaction of the Town and its Engineer, the Town or any party designated by the Town may enter upon the land and perform the work necessary to bring the condition of the land into compliance with the requirements of this Chapter including, but not limited to, remediating any violations of the limits of disturbance restrictions. The Town shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses, including the costs and expenses attributable to the time and efforts of the Town Engineer and attorney shall, if not promptly paid by the landowner or land user, be entered on the tax roll as a special charge or tax against the property pursuant to Wis. Stats. § 66.0627.

(4) Improper recordation has penalties provided in Wis. Stats. Section 236.30.

(5) Conveyance of Lots in unrecorded plats has penalties provided in Wis. Stats. Section 235.31.

(6) Monuments disturbed or not placed have penalties provided in Wis. Stats. Section 236.32.

(c) **Appeals.** Any person aggrieved by an objection to a Final Plat or a failure to approve a Final Plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)(10), 14 and 15 of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat.

Section 7.14. Interpretation of Chapter.

(a) **Abrogation and More Restrictive Requirements.** It is not intended by this Chapter 7 to repeal, abrogate, annul, impair, or interfere with any existing Easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

(b) **Interpretation.** In the interpretation and application by the Plan Commission and Town Board, the provisions of this Chapter 7 shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Hampden and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.