

## **Section 10.01 Land Division and Subdivision Regulations**

### **10.01(A) Title/Purpose/Authority**

(1) Introduction. The provisions of this Chapter 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 Section shall not repeal, impair, or modify private covenants or public ordinances, except that it may apply wherever it imposes stricter restrictions on land use.

(2) Title. This Chapter 10 shall be officially known, cited and referred to as the “Town of Leeds Land Division Ordinance.”

(3) Purpose. The purposes of this Chapter 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. This Chapter shall at all times be administered to foster and enforce the goals, objectives, and criteria of the Town Comprehensive Plan. The regulations are designed to lessen congestion in the highways and roads; 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 Town’s extensive and predominate agriculture base and right to farm; to facilitate adequate provision for transportation, schools, parks, playgrounds and other public necessities; and to regulate and facilitate the further division of larger 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, agriculture, woodlands, and open spaces, and providing for the most appropriate use of land in the Town.

(4) Authority. This Section is adopted and enacted pursuant to the authority of Chapter 236, Wis. Stats., and the Town of Leeds’ exercise of village powers as provided in Wis. Stats. 60.22(3).

(5) Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of gthis Chapter shall govern.

### **10.01(B) Definitions**

The following definitions shall be applicable to this Chapter:

(1) Area Development Plan. A concept plan prepared by the land divider of the contiguous ownership parcel at a preliminary stage in the development process regardless of how much of that contiguous ownership parcel is currently proposed for land division. Illustrated on the Area Development Plan shall be the proposed division of land (new Lots proposed for creation at that time) with relation to the entire land in contiguous ownership, along with future conceptual lotting and street patterns as may be allowed on the remainder of the lands in contiguous ownership based on zoning and the Town's Comprehensive Plan. Also illustrated on the Area Development Plan shall be existing and proposed zoning, conceptual locations of all improvements, including public and private streets, easements, utilities, and building envelopes, natural features, open space, and farmland in production.

(2) Block. An area of land within a division of land 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.

(3) Building Envelope. The area within which structures are permitted to be built on a Lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and the Town's Comprehensive Plan and Code of Ordinances.

(4) Certified Survey Map (CSM). A map or plan of record of a division of land which must be used to create four or fewer Lots, any one of which is eighty (80) acres or less, meeting all of the requirements of Wis. Stats. § 236.34, the Columbia County Land Division Ordinance and this Chapter.

(5) Cluster Development. A residential land division consisting of at least three new Lots that are allowed to be smaller than otherwise required, but in which the overall (gross) density cannot exceed the maximum density limits under the existing or proposed zoning district and the Town's Comprehensive Plan and this Chapter. An allowance for smaller Lot sizes within a Cluster Development requires a commitment to provide for permanently protected land on the contiguous parcel or elsewhere as determined by the Town Board. The intent of cluster development is to provide for a more compact residential development pattern that encourages sensitivity towards natural landscape features, preserves open space, farmland, and/or woodland and offers economies in the provision of public service.

(6) Comprehensive Plan. A plan for guiding and shaping the growth and development of the Town which has been adopted by the Town Board under Wisconsin Statutes and is often known as or referred to as the "Land Use Plan."

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

(8) Contiguous Ownership. All lands held in single ownership that share a common boundary. A public road, railroad right-of-way, navigable waterway, or connection at only one point shall not be considered to break up contiguity for the purposes of this Chapter. Such lands may include one or more tax parcels, “fortys,” or Lots including those designated in a recorded plat, CSM, or described in any other conveyance recorded in the Columbia County Register of Deeds office.

(9) Cul-de-sac. A local street having one (1) end open to traffic and the other end permanently terminated in a vehicular turnaround.

(10) Developer’s Agreement. A legal contract between a land divider/subdivider and the Town authorized under Wis. Stats. § 236.13(2), that defines responsibilities for public and private improvements associated with a land division in order to meet the provisions of the Comprehensive Plan and this Chapter.

(11) Development Right. The ability to construct a residential dwelling unit on a piece of property under existing zoning rules, the Comprehensive Plan policies and this Chapter.

(12) Division of Land/Land Division. An action which creates or results in a subdivision, plat, or Certified Survey Map.

(13) 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.

(14) Erosion Control and Storm Water Management Plan. A plan to control land erosion and management storm water that consists of written descriptions accompanied by an engineering report and drawings approved by the Town Engineer. The Erosion Control and Storm Water Management Plan identifies and analyzes existing conditions in a variety of storm scenarios and compares various storm water runoff quality and quantity parameters and proposed best management practices to minimize erosion and storm water runoff and maximize surface water quality in accordance with this Chapter, the requirements of the Town Engineer, and other provisions of the Town’s Code of Ordinances.

(15) 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.

(16) Improvement, Public. 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.

(17) Land Divider/Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, Certified Survey Map, or replat.

(18) Lot. A single piece of land that is occupied or intended to be occupied by one building and its accessory buildings and uses. A Lot may be created through a subdivision plat or certified survey map. A Lot must have frontage on a public or approved private street or other officially approved means of access, and be 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 Columbia County Ordinances.

(19) Lot Area. The area contained within the exterior boundaries of a Lot. No land included in any public street, road, highway, railroad right-of-way, or land under navigable bodies of water shall be included when computing lot area for the purposes of this Chapter.

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

(21) Lot Lines. The peripheral boundaries of a Lot as defined herein.

(22) Lot, Reversed Corner. 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.

(23) Lot, Through. 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.

(24) Lot Width. The width of a parcel of land measured along the front building line. Lots fronting on a curvilinear end of a cul-de-sac shall measure lot width at the front yard setback line.

(25) Outlot. A parcel created by subdivision Plat or Certified Survey Map that, because of non-compliance with one or more of the standards of this Chapter, zoning requirements, or other purposes, is not buildable.

(26) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

(27) Parcel. A tract of land in single ownership which may or may not also be a Lot as defined in this Chapter. A parcel, as defined herein, may contain more than one tax parcel. Except where the parcel is also a Lot, when measuring parcel size, lands to the centerline of undedicated streets are included.

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

(29) Plat. The map, drawing or chart on which the land divider's subdivision is presented to the Town for approval.

(30) Plat, Final. The final map, drawing or chart on which the land divider's subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recordation.

(31) Plat, Preliminary. The preliminary map, drawing or chart indicating the proposed layout of a Subdivision as defined in this Chapter to be submitted to the Town for its consideration as to compliance with the regulations contained in this Chapter along with the required supporting data.

(32) Private Road/Roadway. A road not in public ownership or not proposed to be dedicated to the public; designed and constructed to standards specified in this Chapter or as required by the Town, and subject to Plan Commission recommendation and Town Board approval. Private roads are only allowed in a condominium or in limited circumstances in a cluster development.

(33) Protective 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.

(34) 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 block, Lot or outlet within a recorded subdivision plat without changing exterior boundaries of said block, Lot or outlet is not a replat.

(35) 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.

(36) Slope. The degree of diviation of a surface from the horizontal, usually expressed in percent or degrees.

(37) Subdivision. A land division of a Lot, parcel or tract of land by the owner or the owner's agent, for the purpose of sale or building development where:

(a) the act of division creates five or more Lots, outlots, parcels, or building sites, of eighty (80) acres each or less in area; or

(b) five or more Lots, outlots, parcels, or building sites, of eighty (80) acres each or less in area, are created by successive divisions of a contiguous parcel within a period of five years.

(38) Town. The Town of Leeds, Columbia County, Wisconsin.

(39) 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.

### **10.01(C) General Provisions**

(1) Compliance. No person shall divide any land located within the jurisdictional limits of this Chapter which results in a land division or replat as defined herein; no such division of land or replat shall be entitled to be recorded; and no street laid out or improvements made to land without compliance with all requirements of this Chapter and the following:

(a) Statutes. The provisions of Wis. Stats. Ch. 236 and 82.18.

(b) Administrative Rules/Commerce. The rules of the Department of Commerce contained in the Wisconsin Administrative Code for land divisions not served by public sanitary sewer.

(c) Administrative Rules/Transportation. The rules of the Wisconsin Department of Transportation contained in the Wisconsin Administrative Code for land divisions which abut a state trunk highway or connecting street.

(d) Administrative Rules/Natural Resources. The rules of the Wisconsin Department of Natural Resources and Wisconsin Department of Commerce contained in the Wisconsin Administrative Code for floodplain, shoreland, wetlands, storm water management, sewers and septic systems.

(e) Master Plans. Comprehensive or master plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town.

(f) Comprehensive Plan. The Town Comprehensive Plan, or components thereof.

(g) Ordinances. All applicable local and county regulations including zoning, sanitary, building and official mapping ordinances.

(h) Miscellaneous. All other applicable state statutes and rules contained in the Wisconsin Administrative Code not otherwise listed in this subsection.

(i) Restated Provisions. Any recorded, restated covenant, easement or other recorded documents running with the land limiting, among other things, access, zoning or land division rights.

(2) Jurisdiction. This Chapter shall apply to all lands within the jurisdictional boundaries of the Town. The provisions of this Chapter shall not apply to:

(a) Other Transfers. Transfers of interests in land by will, succession, or pursuant to court order;

(b) Lease Interests. Leases for a term not to exceed fifty (50) years, mortgages, or easements;

(c) Adjoining Property Transfer. 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 this Chapter or other applicable laws.

(3) Building Permits. The Town or its designee shall not issue any building permit, or recommend County issuance of a zoning permit, relating to any parcel of land forming all or any part of lands included in a land division or replat originally submitted to the Town on or after the effective date of this Chapter until the land divider has complied with all of the provisions and requirements of this Chapter.

(4) Applicability to Condominiums. This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Wis. Stats. § 703.27(1). For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a Lot by the act of subdivision or land division.

(5) Land Suitability. No land division shall be allowed 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 Comprehensive Plan or the components thereof, 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 current or future residents of the community. The determination of land suitability shall be evaluated through the Area Development Plan and/or Environmental Assessment filed in connection with a land division. In addition, the land divider shall furnish such other maps, aerial photograph, data and information as may be requested by the Town or necessary to make a determination of land suitability. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability. In the event that land suitability is a significant issue, it shall be determined at the initial or preliminary stage of the review process following recommendation by the Plan Commission to the Town Board.

(6) Additional Considerations. The land divider shall preserve and protect:

(a) Special Interest Land/Archeological or Historical. Areas of archeological and/or historical interest including, but not limited to, those areas designated by the State Historical Society.

(b) Special Interest Land/Geological. Areas of geological interest including, but not limited to, those areas designated by the State Geological and Natural History Survey.



(c) Vegetation. Areas of existing trees, shrubbery, vines, and grasses not actually lying in public roads, drainageways, building footprints, private driveways, sanitary waste disposal areas, paths, and any trails.

(7) Maximum Residential Density

(a) Residential Density. The maximum residential density for all land division of lands zoned Agricultural shall be one Lot per forty (40) acres of land owned by an owner within the Town. Any remnant acreage less than 40 shall not support an additional Lot and shall not be developable. Under no circumstances shall the allowable number of Lots be “rounded up.”

(b) Special Density Considerations

(i) Non-Contiguous Pre-existing Parcel. A non-contiguous parcel of land of less than forty (40) acres that was in existence prior to the first day of January, 2002 (adoption date of 2002 Comprehensive Plan) may support a single family residence provided the parcel had the right to construct a single-family residence prior to such date. In addition, the parcel must otherwise qualify as a buildable parcel in compliance with all other laws, ordinances or administrative regulations and must meet the requirements set forth in the Comprehensive Plan, Element 8.

(ii) Existing Farmhouse or Residence. Any farmhouse or residential structure existing as of January 1, 2002, shall count against the density standard of one Lot per 40 acres, notwithstanding any county zoning ordinance to the contrary.

(8) Minimum Lot Size in Agriculturally-Zoned Lands

(a) Forty (40) Acres. Except as otherwise provided in this Subsection, the minimum lot size for single-family residential development on land zoned agricultural shall be forty (40) acres. The minimum number of acres to be contained within any residential condominium development shall be determined by multiplying the number of units in the condominium by 40 acres.

(b) Small Lot Exception. To minimize conversion of Town agricultural lands, woodlands, and other open spaces to residential and accessory uses, an owner of 40 acres or more or land under contiguous ownership zoned agricultural may be able to construct single-family residence(s) on small Lots of between 1.8 and 2.5 acres for each Lot authorized under the density standard. Any small residential lot to be created must meet all of the requirements set forth in Element

8: Land Use Development Option #2 of the Town Comprehensive Plan. All of the remaining acreage that supports the Lot shall be restricted from further development or land division in a manner and form acceptable to the Town and may, in the sole discretion of the Town Board, be required to be rezoned to the Agricultural Overlay District under the Columbia County Zoning Code. The owner shall execute and record an affidavit acknowledging that the affected land will remain subject to any previous deed restrictions or conditions.

(9) Location of Residential Dwelling. All new residential dwellings and non-farm accessory buildings shall be, absent unusual circumstances, located on any Lot within one hundred fifty (150) feet from the applicable building setback line from the public road. Lands beyond 150 feet are intended for exclusive agricultural and open space uses, including non-residential accessory buildings. The 150-foot restriction shall be established on any Final Plat or CSM for future reference and enforcement purposes as part of the Building Envelope. Unusual circumstances may include where the landowner acquired, prior to the adoption of this Chapter, the right to construct more than 150 feet from the building setback line or where, due to unusual land conditions or the nature of the proposed development, allowing construction more than 150 feet from the applicable road setback actually fosters the overall goals and objectives of the Town embodied in its Comprehensive Plan or this Chapter.

(10) Establishing Limits of Disturbance. On all small single family Lots, there shall be established a Building Envelope for the residence and all accessory uses (e.g., lawn, solid waste disposal, well and outbuildings). The location of the Building Envelope shall be established for each such Lot on the Final Plat or Certified Survey. The Building Envelope shall be established by the Town taking into consideration all of the factors contemplated by this Chapter but in no event shall the Building Envelope exceed two (2) acres. Areas outside the established Building Envelope area shall remain as agricultural, woodland, or natural open space to foster the goals, objectives, and criteria of the Comprehensive Plan and this Chapter. Any owner who violates the limits of the established Building Envelope shall be subject to all of the remedies available to the Town under this Chapter and as otherwise provided by law.

(11) 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 Chapter 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.

(a) Consistency. Land divisions should be consistent with the goals, objectives, and criteria set forth in the Comprehensive Plan and the Town's Code of Ordinances.

(b) Compatability. Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties and appropriate setbacks and buffers from competing uses shall be established as provided in the Comprehensive Plan, this Chapter or as otherwise deemed necessary by the Town Board in its sole discretion.

(c) Rural Character. Land divisions should be planned and designed to maintain the rural character of the Town, including the use of Cluster Development techniques.

(d) Environmental Considerations. 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, woodlands, and other recreational open spaces.

(e) Right to Farm. 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.

(f) Residential Siting. Residential development proposed for the agricultural and other open space areas as defined and mapped in the Town's Comprehensive Plan shall also be evaluated and subject to the Siting Standards For Residential Development set forth in Element 8: Land Use of the Town's Comprehensive Plan.

#### **10.01(D) Plat Review and Approval Procedure**

(1) Preliminary Consultation/Area Development Plan. Before filing a Preliminary Plat and request to rezone the land to be divided, if required, the land divider is encouraged to consult with the Plan Commission and Town Engineer for advice regarding general land division requirements. The land divider shall inform the Plan Commission clerk in writing of the impending land division and shall request information on meeting dates, agenda deadlines and filing requirements from the Town Clerk. The preliminary consultation and Area Development Plan review stage is required in order to inform the land divider of the purpose and objectives of this Chapter, the Town's Comprehensive Plan, and duly adopted plan implementation devices of the Town, and to otherwise assist the land divider in planning the proposed development before significant expense is incurred on platting, engineering, and rezoning procedures. The preliminary

consultation and Area Development Plan review stage is also designed to provide the Plan Commission with information regarding the potential impact of the contemplated land division. During this stage the Plan Commission and land divider may reach mutual conclusions regarding the general program and objectives of the proposed development and its potential impact and effect on the neighborhood and community. The land divider shall, at the time of the preliminary consultation, submit to the Town Clerk thirteen (13) copies of a general location map showing the relationship of the proposed Subdivision, the local roads or other traffic arteries, and to existing community facilities. At such time, the land divider shall also submit thirteen (13) copies of an Area Development Plan as defined. Upon receipt, the Town Clerk shall transmit one copy to the Town Engineer, one copy to the Town Attorney, and a copy to each Plan Commission member and Town Board member. Upon receipt of the location map and Area Development Plan, the Plan Commission chair shall schedule a preliminary consultation at the next regular meeting of the Plan Commission. Following the preliminary consultation, the Plan Commission may take informal action on the Area Development Plan. Such action shall be non-binding on the Town but may provide direction to the land divider. Subsequent to the preliminary consultation, the land divider may submit a Preliminary Plat and an application for rezoning the affected land, if necessary.

(2) Preliminary Plat Review and Approval

(a) Submission. If the land divider decides to proceed with the subdivision, the land divider shall prepare a Preliminary Plat and a letter of application. The land divider shall submit 13 copies of the Preliminary Plat, prepared in accordance with this Chapter. The land divider shall file copies of the Plat and the required supplementary data 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 and if the submission appears to be complete in covering the requirements of this Chapter determine the timeframes for Plan Commission and Town Board action under this Chapter and Chapter 236.

(b) Public Improvements, Plans and Specifications. Simultaneous with the filing of the Preliminary Plat, the land divider shall file with the Town Clerk thirteen (13) complete sets of engineering reports, preliminary plans for the construction of any Public Improvements required by this Chapter, specifically addressing drainage facilities, traffic patterns, typical street cross sections, erosion control and storm water management, pavement design, and other improvements necessary in the land division. The Town Clerk shall provide one copy to the

Town Engineer, one copy to the Town Attorney, and one copy to each Plan Commission member and to each member of the Town Board. At least one copy shall be retained by the clerk for public inspection.

(c) Supplementary Data Filed With Preliminary Plat. The land divider shall also file at least the following materials with the Preliminary Plat:

(i) Use Statement. A statement of the proposed use of Lots stating the type of residential buildings with the number of proposed dwelling units, type of business or industry so as to reveal the effect of the development on traffic, fire hazard, police services, and congestion of population.

(ii) Soil Testing. The land divider shall provide a preliminary soils report, listing the types of soil in the proposed land division, their effect on the land division and a proposed soil testing and investigation program. A natural resources conservation services map meets the requirements of this subsection. Pursuant to the land suitability concerns described in this Chapter, 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.

(iii) Draft Covenants and Agreements. A draft of all protective covenants, property owner agreements (including, but not limited to, shared driveway or well agreements), and deed restrictions which the land divider intends to regulate land use.

(iv) Property Owners Association. All legal instruments and rules for any proposed property owners association of common property, including privately maintained storm water management facilities, and common elements in any condominium.

(v) Zoning Changes. A statement of any zoning changes contemplated by the proposed land division and any changes that might be required to the Town's Comprehensive Plan..

(vi) Area Development Plan. A final Area Development Plan for the land divider's contiguous ownership including, but not limited to, area covered by the proposed Plat. The actual future development of the contiguous ownership property may vary from the representation in the final Area Development Plan upon approval of the Town Board.

(vii) Title Insurance Commitment. 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.

(viii) Environmental Assessment. The environmental assessment in the format specified in this Chapter. This assessment provides the basis for an orderly, systematic review of the effects of all new land divisions and condominiums upon the community environment. The Town Board and Plan Commission shall use this assessment to determine land suitability under this Chapter and the Comprehensive Plan. 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.

(aa) Application. The Environmental Assessment shall apply to all land divisions; provided, however, the Plan Commission may waive the requirement for the filing of an environmental assessment for minor subdivisions.

(bb) 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 land divider 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 land divider. 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.

(cc) Hearing. Following the return to the Plan Commission of the data required in the above resolution, the Commission shall make such data available for scrutiny by the land divider, 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.

(d) 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.

(e) Referral to Other Agencies

(i) Land Divider Requirements. Pursuant to Wis. Stats. § 236.12(6), the Town elects that the land divider shall be responsible for referring copies of the preliminary plat to each of the state agencies authorized to object to the land division, as well as other bodies with approval jurisdiction over the land division. Within five (5) days after filing the preliminary plat and letter of application, the land divider shall transmit copies of the preliminary plat to any sanitary district in which the property is located and other state and local agencies as required by state statutes, Wisconsin Administrative Code, Columbia County Ordinances, or Town of Leeds Code of Ordinances, and such other copies as may be required to be transmitted by the Town. Copies of all notices sent to state and local agencies by the land divider shall be provided to the Town by the land divider to prove compliance with these referral requirements. The Town may not approve the preliminary plat unless all required documents have been submitted by the land divider and reviewed by objecting agencies or other bodies.

(ii) Objecting Agencies. Within 20 days of the date of receiving the copies of the preliminary plat, any state or county agency having authority to object shall notify the land divider 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.

(f) 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 land divider, 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.

(g) Town Plan Commission Review. After review of the preliminary plat and negotiations with the land divider on changes to the plat and possibly the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval, or conditional approval of the plat within sixty (60) days of the filing date of the complete preliminary plat submittal, unless extended by written agreement of the land divider.

(h) Board Action. After receipt of the Plan Commission recommendations, the Town Board shall, within 90 days of the filing date of a complete preliminary plat submittal, approve, approve conditionally or reject the plat. The time to act by the Town Board may be extended by agreement with the land divider. The Town Clerk shall provide written notice to the land divider 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 land divider. The Plan Commission or Town Board may request an extension of time for review of the preliminary plat and all documents. If the land divider refuses to agree to an extension of time for review, the Town Board may reject the land division.

(i) 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.

(j) Preliminary Plat Amendment. Should the land divider desire to amend the preliminary plat after its approval, the land divider may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which case it shall be refiled with the fee. If the land divider elects to revise and resubmit a preliminary plat after its initial submission, the timeframes for Town Plan Commission, Board, and attorney and engineer action under this Chapter shall be measured from the date of complete resubmittal.

(3) Final Plat Review and Approval

(a) Final Plat Copies Within 24 Months. If the land divider decides to proceed with the land division, the land divider shall file 13 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 and Final Plat are deemed void. The following additional items shall be filed with the Final Plat:

(i) Title Commitment. 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 land divider. After receiving the endorsement, the Town Attorney may require further title evidence as deemed necessary.

(ii) Copies. Six copies of the final plans and specifications of public improvements required by this Chapter and all erosion control and storm water management plans.

(iii) Legal Documents. Final legal instruments and rules for the proposed property owners association, if any, proposed deed restrictions, conservation easements, and/or restrictive covenants.

(b) Land Divider Submissions to Agencies. The land divider shall, within five (5) days after filing of the complete Final Plat and letter of application,

transmit copies of the Final Plat to other state and local agencies as required by state statutes, Wisconsin Administrative Code, Columbia County Ordinances, or Town Code of Ordinances, and such other copies as may be required to be transmitted by the Town. The land divider shall file proof of filing with the required agencies to the Town Clerk.

(c) Submission to Town Engineer. The Town Clerk shall refer the Final Plat and all supplementary data in connection therewith to the Town Engineer and Town Attorney. The Town Engineer shall examine the Final Plat and final plans and specifications for public improvements and erosion control and storm water management for technical details and, if the Town Engineer finds them satisfactory, it shall so certify in writing to the Town Plan Commission and Town Board within twenty-one (21) days of receipt. If the Final Plat or plans and specifications are not satisfactory, the Town Engineer shall return them to the land divider and advise the Town Board and Town Plan Commission, in writing, as to the items which are not satisfactory. Likewise, the Town Attorney shall review the documents submitted to the Town Attorney for review including, but not limited to, the commitment of title, and any proposed deed restrictions, conservation easements, restrictive covenants, and property owners associations and if the Town Attorney finds said documents to be satisfactory, shall so certify in writing to the Town Plan Commission and Town Board within twenty-one (21) days of receipt. If such documents are not satisfactory, the Town Attorney shall return them to the land divider and advise the Town Board and Town Plan Commission, in writing, as to the items which are not satisfactory.

(d) Plan Commission Review. The Plan Commission shall make its recommendations with respect to the Final Plat within thirty (30) days of filing of a complete submission under this Chapter in connection with the preliminary plat approval unless the time is extended by written agreement with the land divider.

(e) Final Approval by Town Board. The Town Board shall, following recommendation of the Plan Commission, within 60 days of the date of filing the Final Plat with the Town Clerk, approve, approve with conditions, or reject such plat unless the time is extended by agreement with the land divider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the land divider 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. The Plan Commission or Town Board may request an extension of time for review of the Final Plat and all supplemental data.

(f) Execution. After the Town Board approves the Final Plat and the required improvements are either installed or a contract and sureties insuring their installation is filed, and all required restrictions and conditions have been satisfied, the Town Clerk shall execute the certificate inscribed upon the plat attesting to such approval and return the plat to the land divider for recording with the county register of deeds.

(g) Partial Platting. The Final Plat may, if permitted by the Town Board in its sole discretion, constitute only a portion of the approved preliminary plat which the land divider proposes to record at that time.

(4) Replat Procedure

(a) 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 land divider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40 through 236.45.

(b) Review Proceeding. The land divider, or person wishing to replat, shall proceed using the procedures for preliminary and Final Plats under this Chapter.

(5) Minor Subdivision - Certified Survey Procedure

(a) Certified Survey Requirement. When a land divider proposes to divide land into no more than four (4) Lots or outlots within a period of five (5) years, where any one or more is eighty (80) acres or less, or when a land divider 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 land divider 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 subsection, any remnant or remaining parcel of land regardless of size not included within the certified survey shall be deemed a Lot for determining whether the procedures of this subsection apply. Before filing a certified survey map and a request to rezone any affected land, if required, the land divider shall consult with the Plan Commission and Town Engineer, if necessary, for advice regarding requirements for certified surveys. This consultation is intended to inform the land divider of the purpose and objectives of this Chapter, the Town Comprehensive

Plan, and duly adopted plan implementation devices of the Town and to otherwise assist the land divider in planning the development. In doing so, both the land divider and the Town may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the land divider may gain a better understanding of the subsequent required procedures. As part of the initial consultation, the land divider shall submit to the Town Clerk thirteen (13) copies of the proposed certified survey map and an Area Development Plan. Following the preliminary consultation, the Plan Commission may take informal action on the proposed certified survey map and Area Development Plan. Such action shall be non-binding on the Town, but may provide direction to the land divider.

(b) Agricultural CSM Exception. A certified survey map shall not, however, be required if the land division is for sale or other transfer and the existing and new owners certify in writing by affidavit or other form acceptable to the Town that the land is going to be used solely for agricultural purposes and no residence other principal structure is going to be constructed on the land. In such circumstances, the Town Board, upon recommendation of the Plan Commission, may waive the certified survey map requirement. This exception shall only apply to divisions of land in excess of forty (40) acres. If a residence or other principal structure is ever going to be constructed on the land, a certified survey map shall first be required to be submitted for approval before a building permit shall be issued by the Town. The affidavit or other authority may, at the option of the Town, be recorded with the Register of Deeds office

(c) Submission and Review. If the land divider decides to proceed with the certified survey map, the land divider shall submit 13 copies of the final certified survey map to the Town Clerk along with all of the applicable supplemental data required in connection with the submission of a preliminary plat under this Chapter. Upon receipt of the submission from the land divider, the Town Clerk shall immediately distribute copies to the Town Engineer, Town Attorney, Plan Commission, Town Board, and County Planning and Zoning Department. The Town Engineer and Town Attorney shall complete their review and provide comments to the Plan Commission within twenty-one (21) days. The certified survey map shall be reviewed by the Plan Commission pursuant to the procedures used for review of preliminary plats under this Chapter, including notice and hearing requirements. The certified survey map shall be approved, conditionally approved, or denied by the Plan Commission within sixty (60) days of complete submittal with the Town Clerk, unless such deadline is extended by written approval of the land divider.

(d) Driveways. A certified survey map shall not be finally acted upon unless a Driveway Access Permit is issued to the land divider for each Lot without an existing private access pursuant to existing Town Code of Ordinances. The land divider 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 each Lot at such time as the certified survey map is submitted for final approval. Unless a shared private access and driveway is permitted, the driveway serving each Lot, including Flag Lots, must be constructed in such a manner as to begin at the Lot's required public road frontage, shall at all times remain within the mapped boundaries of the Lot, and must otherwise be developable in conformity with this and the Town's Code of Ordinances and the goals, objectives, and criteria of this Chapter and the Comprehensive Plan.

(e) Board Action. After review of the certified survey map utilizing the preliminary plat review procedures under this Chapter and negotiation with the land divider 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 map was completely submitted and filed with the Town Clerk, approve, approve conditionally, or reject the certified survey map. The time to act by the Town Board may be extended by agreement with the land divider. The Town Clerk shall provide written notice to the land divider 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 map and, upon demand, a certificate to that effect shall be made on the face of the map by the Town Clerk.

(f) Extension. The Plan Commission or Town Board may request an extension of time to review the certified survey map and if an extension of time is not granted by the land divider, may deny the certified survey map.

#### **10.01(E) Technical Requirements for Plat and Certified Surveys**

##### (1) Preliminary Plats

(a) General. When a land divider proposes to create a subdivision, the land divider shall provide a preliminary plat prior to submitting a Final Plat. It shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the Final Plat will meet the layout and other requirements of this Chapter. 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 comply in all respects with the requirements of Chapter 230, Wis. Stats., and this Chapter.

(b) Plat Data. All preliminary plats shall show correctly on its face the following information:

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

(ii) Location of proposed subdivision by government lot, recorded private claim, quarter-quarter section, section, township, range, county and state.

(iii) Date, scale and north point.

(iv) Names, addresses and phone numbers of the owner, land divider and land surveyor preparing the plat.

(v) Entire area controlled by the land divider or in contiguous ownership adjacent to the plat, even though only a portion of said area is proposed for immediate development.

(vi) 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.

(vii) Contours at vertical intervals of not more than two feet. Elevations shall be marked on such contours based on U.S.G.S. datum.

(viii) 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.

(ix) Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.

(x) 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.

(xi) 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.

(xii) 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.

(xiii) Location, width and names of all proposed streets and public right-of-ways, such as alleys and all public easements.

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

(xv) Location of building envelopes within each Lot established in accordance with this Chapter.

(xvi) 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.

(xvii) Approximate radii of all curves.

(xviii) Existing and proposed zoning on and adjacent to the proposed subdivision.

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

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

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

(xxii) Wetland, floodland, hydric soil, and shoreland boundaries (including setback areas) 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.

(xxiii) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Natural Resources Conservation Service.

(xxiv) Identification of land that has slopes of between twelve and twenty percent (12 – 20%) and twenty percent (20%) or more.

(xxv) Identification of land area that is to be deed restricted, dedicated, or otherwise protected from future development in order to meet the requirements for a cluster development in this Chapter.

(xxvi) When the Plan Commission or Town Engineer finds that it requires additional information relative to a particular problem presented by the proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the land divider and the timelines within which the Plan Commission shall act on the preliminary plat shall be extended until such additional information is provided.

(xxvii) Any other information required by the Town to determine whether the preliminary plat will meet the design standards in 11.01(G) of this Chapter.



(2) Final Plat

(a) 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.

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

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

(ii) Exact street width along the line of any obliquely intersecting street.

(iii) Railroad rights-of-way within and abutting the plat.

(iv) Setbacks, building envelopes, or building lines required by this Chapter, the Town Board, or Columbia County Zoning Ordinance.

(v) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(vi) Identification of land that is to be deed restricted, dedicated, or otherwise protected from future development.

(vii) Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.

(viii) Exact location and description of street lighting and lighting utility easements.

(ix) Drainage arrows at all Lot lines showing the direction of all drainage upon final grading of the Plat.

(c) Supporting Documents. The land divider shall submit the following documents when filing the Final Plat:

(i) Erosion Control and Storm Water Management. All final plans for erosion control and storm water management as required by this Chapter and the Town's Code of Ordinances.

(ii) Covenants and Restrictions. All restrictive covenants and deed restrictions for the proposed subdivision required to be provided under this Chapter including to permanently preserve lands for agricultural and open space.

(iii) Property Owners Association. The legal instrument(s) creating a property owners association for the ownership and/or maintenance of common lands in the subdivision.

(iv) Title Commitment. An updated title commitment issued by a licensed title company.

(d) Survey Requirements

(i) Certification. All Final Plats shall provide all certificates required by Wis. Stats. Section 236.21 and, in addition, the surveyor shall certify full compliance with all of the provisions of this Chapter.

(ii) Examination. The Plan Commission and 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.

(iii) 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.

(iv) 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.

(v) 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.

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

(3) Certified Survey Map

(a) General. When a land divider proposes a land division by certified survey map, the land divider shall submit a certified survey map prepared by a registered land surveyor in accordance with Wis. Stats. Section 236.34 and this Chapter.

(b) Additional Information. The certified survey map shall also show, in addition to the information required by Wis. Stats. § 236.34, the following:

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

(ii) Setbacks, building lines and building envelopes required by this Chapter by the Town Board or Columbia County Zoning Ordinance.

(iii) All lands reserved for future acquisition.

(iv) Date of the Map.

(v) Graphic scale.

(vi) Name, address, and phone number of the land divider and surveyor.

(vii) Existing and proposed zoning on and adjacent to the proposed land division.

(viii) Square footage for each Lot and remainder parcel.

(ix) Separate identification of lands with slopes between twelve percent (12%) and twenty percent (20%) and lands that have a slope of twenty percent (20%) or more.

(x) Information from the list of preliminary or Final Plat data otherwise provided for in this Chapter that may be pertinent to the site as recommended by the Plan Commission and approved by the Town Board.

(c) Certificates

(i) The surveyor shall certify on the face of the certified survey map full compliance with all of the provisions of this Chapter. The Town, after a recommendation by any reviewing agencies, shall certify its approval on the face of the certified survey map.

(ii) 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).

(d) Recordation. The land divider shall record the certified survey map with the Columbia County Register of Deeds promptly after its approval by the Town Board and any other approving agencies. Failure to do so may necessitate a new review and reapproval of the certified survey map by the Town pursuant to the provisions of this Chapter, in the discretion of the Town Board.

(4) Subdivision Created by Successive Land Divisions. When it is not practicable to require that a Final Plat of a subdivision created by successive divisions within five (5) years be filed in accordance with this Section, 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 land divider. 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.

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

(a) Payment of Administrative and Inspection Costs. The land divider shall pay the Town for all costs incurred by the Town for review, approval and

inspection of any land division. Such costs shall include, but not be limited to, the review and preparation at the Town Board's sole discretion of plans and specifications by the Town Engineer, the review and preparation at the Town Board's sole discretion of legal documents, plans and specifications by the Town Attorney or Town planner, as well as all other costs of a similar nature which are related to the review, approval and inspection of the land division. All fees shall be paid to the Town within thirty (30) days of billing by the Town. In the event fees are not timely paid, the Town shall not be required to take any further action with respect to a land division review. All fees shall be paid current at the time the Town is requested to certify and approve the plat, certified survey map or other division of land regulated by this Chapter. If a land divider refuses to pay all fees, the Town shall be empowered, in addition to any and all other remedies, without notice or hearing, to impose the amounts due onto the tax rolls of the real estate proposed to be divided or already divided and collect all outstanding amounts as a special charge pursuant to Wis. Stats. § 66.0627.

(b) Escrow For Fees. At such time as the land divider submits a request for land division 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:

(i) Minor Subdivision (Certified Survey Map): A fee as provided in the Town's Fee Schedule.

(ii) Subdivisions - including Condominiums: A fee as provided in the Town's Fee Schedule.

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 land divider 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 land divider withdraws his land division submittal, or same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to land divider. The escrow account shall not draw interest for the benefit of land divider. 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 land division on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to land divider periodically. In the event the land divider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the land divider's request and all timelines hereunder shall be tolled.

(c) Plat/Certified Survey Map Review Fees

(i) Preliminary Plat/Certified Survey. The land divider shall pay a fixed fee plus a lot fee for each Lot within the proposed land division as provided in the Town's Fee Schedule to the Town Treasurer at the time of the initial submittal application for approval to the Town Clerk to assist in defraying the cost of review.

(ii) Final Plat Review Fee. The land divider shall pay a fixed fee plus a lot fee for each Lot with the Final Plat as provided in the Town's Fee Schedule to the Town Treasurer at the time of the initial submittal for Final Plat approval to assist in defraying the cost of review.

(iii) Reapplication. The land divider shall pay a reapplication fee as provided in the Town's Fee Schedule to the Town Treasurer at the time of reapplication for approval of any Final Plat which has previously been reviewed.

(d) Condominium Development Review Fee. The land divider shall pay a fixed fee plus a unit fee for each unit shown on a condominium plat as provided in the Town's Fee Schedule.

(e) Predevelopment Agreement. At any time following the pre-application consultation with the Plan Commission, the Plan Commission or Town Board may require a land divider 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 land divider 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 land division. Guarantee of payment may be required in a form acceptable to the Town Board and Town Attorney, consistent with the provisions of this Chapter.

**10.01(F) Required Conditions of Approval/Development**

(1) Public Improvements

(a) Public Improvements Required. The improvements prescribed in this Chapter and any other improvements prescribed by the Town Board 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 land divider. 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.

(b) Non-Specified Standards. The 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.

(2) Development Agreement

(a) Contract. Prior to installation of any required improvements and as a condition of approval of the Final Plat or certified survey map, the land divider shall enter into a written contract with the Town requiring the land divider to furnish and construct said improvements at the land divider'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 and the provision of a final guarantee.

(b) Financial Security

(c) Commencement of Construction. No construction or installation of required improvements shall commence in connection with a land division until the Final Plat or certified survey map has been approved by the Town Board, recorded, the Town Engineer has given written authorization, a development agreement has been entered into, if necessary, and any and all other conditions of approval have been met.

(i) Letter of Credit. Prior to commencing construction, the land divider shall supply the Town with cash, or an irrevocable letter of credit in a form approved by and acceptable to 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 land divider 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 land divider. 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. 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 land division and collect such as a special charge pursuant to Wis. Stats. §66.0627.

(d) Completion of Work. 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 land divider. The completion date shall form part of the development agreement.

(3) Construction Plans; Inspections

(a) Engineering Reports, Constructions Plans and Specifications. As required by this Chapter, preliminary engineering reports and plans shall be submitted with the filing of the proposed land division. Prior to final approval of any land division, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the Town's Code shall be prepared at the land divider'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 plat or certified survey map with the Town Clerk, or as soon thereafter as practicable, the land divider shall furnish copies of the construction plans and specifications for the following public improvements, with a copy sent to the appropriate sanitary district, if any:

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

(ii) Sanitary Sewer. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

(iii) Storm Sewer. Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections-, elevations and materials of required facilities.

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

(v) Erosion Control. Erosion and sedimentation control and storm water management 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 the Town's Code of Ordinances.

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

(vii) Miscellaneous. Additional special plans or information as required by Town.

(b) 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 provisions of this Code 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 land divider, 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.

(c) Construction and Inspection

(i) Authorization of Engineer. Prior to starting any of the work covered by the plans approved above, the land divider 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 land divider 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.

(ii) Inspections. 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 land divider shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

(d) "As Built" Plans. After completion of all improvements and prior to final acceptance of said improvements, the land divider 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 land divider'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.

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

(a) 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 this Chapter.

(b) Grading

(i) With the submission of the Final Plat or certified survey map, the land divider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.

(ii) 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.

(iii) After approval of the street grades, the land divider 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.

(iv) In cases where an existing street right-of-way is made a part of the land division, the land divider shall grade that portion of the right-of-way between the existing pavement and the property line.

(v) The land divider shall grade the bed for the roadways in the street rights-of-way to subgrade elevation.

(vi) 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.

(vii) Where electric and other communications or utilities facilities are to be installed underground, the land divider 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.

(c) Street Construction. After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, if required, the land divider shall construct and dedicate as part of the land division, streets and curbs and gutters. The land divider shall surface roadways to the widths prescribed in this Chapter. Construction shall meet Town standard specifications for street improvements.

(d) Completion of Street Construction

(i) Unless agreement is otherwise reached with the Town Board, prior to issuance of any building permits by the Town for lands adjacent to streets, all street construction shall be completed by the land divider, approved by the Town Engineer and accepted by the Town Board.

(ii) 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.

(iii) The land divider 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.

(e) Curb and Gutter. After the installation of all utility and storm water drainage improvements, the land divider 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.

(5) Sewage. The land divider shall make adequate arrangements for a sewage disposal system for each Lot within the land division as specified or allowed in applicable ordinances, statutes, or regulations including, but not limited to, Wis. Adm. Code Comm. Chapters 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, particularly with respect to a subdivision.

(6) Water Supply. The land divider 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.

(7) Storm Water Drainage. The land divider 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 twenty-five year frequency storm; culverts shall be designed to accommodate the ten year frequency storm and shall be sized so that the 50 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 50 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 land divider.

(8) Other Utilities

(a) Installation. The land divider 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 land division. All new electrical distribution, television cables and telephone lines from which Lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

(i) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or

(ii) The Lots to be served by said facilities can be served directly from existing overhead facilities.

(b) 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.

(9) Street Signs. The land divider 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.

(10) Erosion Control During Construction. To minimize erosion during construction, the land divider 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 land divider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems and complies with Chapter 11 of this Code.

(11) Fences Adjacent to Agricultural Lands. When the land included in a land division abuts upon or is adjacent to land used for farming or grazing purposes, the land divider 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 land divider, 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 and, if required by the Town Board, in a separate restrictive covenant to be recorded with the Register of Deeds.

(12) Easements

(a) 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.

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

(i) Easement Required. The land divider 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 Section; or

(ii) Relocation. 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 Section.

(iii) Open Channel Desires. 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.

(c) 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.

(13) Street Lights. The land divider 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.

(14) 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.

### **10.01(G) Design Standards**

#### (1) Street Design

(a) Compliance with Statutes. In laying out a subdivision, the land divider shall conform to the provisions of Wis. Stats. Chap. 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 Chapter 236 or Section 86.26, the more restrictive provision shall apply.

(b) Dedication. The land divider 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 land division shall be designed to provide each Lot with satisfactory access to a public street or road.

(c) Compliance with Town Comprehensive Plan and Official Map. The arrangement, character, extent, width, grade and location of all streets shall conform to the Town Comprehensive Plan and Official Map, if any, 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 any approved land division shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

(d) Areas not Covered by Official Map or Comprehensive Plan. In areas not covered by any Town Comprehensive Plan or Official Map, if any, 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.

(e) Proposed Streets. Proposed streets shall extend to the boundary lines of the land division tract 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.

(f) 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.

(g) 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.

(h) Private Roads. Private roads are prohibited, except as possibly part of a condominium development or approved cluster development. Where authorized, the land divider shall not, absent the consent of the Town Board, be permitted to install public improvements in any private road.

(i) 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).

(j) Half Streets. Where an existing dedicated or platted half-street is adjacent to the approved land division, the land divider shall dedicate the other half-street. The platting of half-streets should be avoided where possible.



(k) Intersections

(i) 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.

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

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

(l) 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.

(m) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not generally exceed 900 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-sac should be avoided where possible.

(2) Street Dedication and Construction

(a) General Requirements

(i) 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.

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

(iii) 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.

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

- (a) Subbase grading;
- (b) Crushed aggregate base course;
- (c) Bituminous surface course; and
- (d) Shouldering.

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

(v) 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.

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

(vii) 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.

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

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

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

(iii) Roadway Ditches. Minimum ditch slope of 0.50%.

(iv) Roadway Base Thickness.

(a) 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.

(b) 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.

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

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

(e) 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.

(v) Roadway Sub-Base. Stable and non-organic 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.

(vi) Pavement Width. Minimum of 22 feet for rural roads, and wider when recommended by 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.

(vii) 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.

(viii) 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.

(ix) 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.

(x) 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.

(xi) 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.

(xii) 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.

(xiii) Drainage Improvements. In the case of all new roads and streets, the Town Board may require the land divider to construct storm water retention areas and storm sewers to provide for property drainage.

(3) Block and Lot Design Standards

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

(b) Lot Design

(i) Size and Shape. Size, shape and orientation of Lots shall be appropriate for the location of topography of the land division, 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 and shall, whenever required, designate the Building Envelope.

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

(iii) Frontage. Every Lot shall front or abut a public road for the distance required by the zoning district in which the Lot is located but in no event less than sixty-six (66) feet on a public road or 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 the Town's Code of 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.

(iv) Width. Width of Lots shall conform to the requirements of the Columbia County Zoning Code. 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) 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.

(ix) Natural Features. With regard to any land division, 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.

(x) Remaining Acres. All remaining acres must be added to the developed Lot or Lots, or be subjected to a protective covenant for future residential development and preserving the land for agricultural and open space.

(4) Storm Water Management System

(a) Drainage System Required. The Town Board shall not approve a land division until the land divider has submitted plans, profiles and specifications for storm water management prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer. This request may, in the sole discretion of the Town Board, be waived with respect to small land divisions by certified survey map.

(b) Drainage System Plans

(i) The land divider shall submit to the Town, at the time of filing the initial submission in connection with a land division, 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 proposed development of the land. 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 land division. The report shall also include:

(a.) Estimates of the quantity of storm water entering the subdivision naturally from areas outside the land division.

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

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

(ii) A grading plan for the streets, blocks and Lots shall be submitted by the land divider for the area within the land division.

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

(iv) 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.

(c) Grading. The land divider shall grade each subdivision in order to establish street, block and Lot grades in proper relation to each other and to topography as follows:

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

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

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

(b.) 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.

(c.) 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.

(d) Drainage System Requirements. The land divider shall install all the storm drainage facilities indicated on the plans required by this Chapter and as approved by the Town Board.

(i) 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.

(ii) 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 land divider 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, in its sole discretion, require the owners of the Lots served by drainage system to individually or through an association maintain the system on a necessary basis, with back-up inspection and maintenance by the Town with the costs thereof charged back to the Lot owners.

(e) Protection of Drainage Systems. The land divider 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.



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

(7) 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 land division is involved, to ensure the goals and objectives of the Town Comprehensive Plan, this Chapter, and any other provisions of the Town's Code of Ordinances are taken into account. This would include, but not be limited to, requests for variances and conditional use permits.

### **10.01(H) Dedication Requirements**

#### (1) General Public Land Dedication Requirements

(a) 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 a land division, each land divider shall dedicate or set aside land for park or other uses.

(b) General Design. In the design of a land division, the land divider 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 as required on the Preliminary Plat, Final Plat, and/or CSM and shall comply with the Comprehensive Plan. Consideration shall be given to the improvement of the Town's parks, 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.

#### (2) Land Dedication

(a) Dedication Calculation. All land dividers 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 the Comprehensive Plan is embraced, all or in part in the land division, 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.

(b) Shoreland.

(i) Lake and Stream Shore Plats. All land divisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so 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 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 Subsection does not require the Town to improve land provided for public access.

(ii) 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 unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlets or public dedications in any plat or CSM abutting a lake or stream. This Subsection applies not only to lands proposed to be divided but also to all lands under option to the land divider or in which the land divider holds any interest and which are contiguous to the lands proposed to be divided and which abut a lake or stream.

(c) Unknown Number of Dwelling Units. Where the plat, CSM, survey or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Columbia County Zoning Code and this Section.

(d) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(e) Utility Extensions. The land divider 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.

(3) Reservation of Additional Land. When public parks and sites for other public areas as shown in the Comprehensive Plan lie within the proposed area for development and are greater in area than required by Section 10.01(H)(2)(a), 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 or CSM approval unless extended by mutual agreement.

(4) Dedicated Parkland Development

(a) Land Division Requirements. When parklands are dedicated, the land divider is required to:

(i) Grading. Properly grade and contour for proper drainage;

(ii) Contouring. Provide surface contour suitable for anticipated use of area; and

(iii) Groundcover. Cover areas to be seeded with a minimum of four inches of quality topsoil and seed, fertilize, and mulch as specified by the Town Board. 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.

(b) Certificate of Compliance. The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the land divider.

(c) Timing. Development of parklands shall be completed as soon as 10 percent of the planned lots in the land division are sold, as determined by the Town Board.

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

(5) Fees in Lieu of Land Dedication

(a) Method of Calculation

(i) Determination to Accept Fee. The Town Board, after considering the recommendation of the Plan Commission, shall determine whether to require dedication of land or payment of money from any land

divider. 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 Final Plat or CSM of such land division in the amount per dwelling unit within the Plat or CSM as set forth below.

(ii) Fee. Effective the first day of the first month after the enactment of this Section, the fee per dwelling unit shall be specified in the Town's Fee Schedule and the fee shall be adjusted annually as of January 1 of each year utilizing the Consumer Price Index – All Urban Consumers for Small Metro Areas prepared by the United States Department of Labor, or any replacement index.

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

(7) Exemption for Existing Residence. 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 land divider shall pay only for the additional lots or parcels created.

## **10.01(I) Condominium Developments**

### (1) Purpose

(a) 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 land division 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.

(b) 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. Each separate distinct condominium parcel ("unit") shall be and hereby is determined to be the

equivalent of a Lot for all purposes under this Chapter, including density determination and requirement for restriction of acreage. 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.

(c) 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:

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

(2) Portions of This Chapter Applicable to Condominium Developments. The following sections of this Chapter shall apply to condominium developments:

- (a) Sections relating to preliminary consultation, area development plan, land suitability, construction practices and density and Lot area;
- (b) Sections 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 this Chapter shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Chap. 703.
- (c) Sections relating to fees for review;
- (d) Sections relating to required improvements, guarantees and inspections;
- (e) Sections relating to design standards for improvements;
- (f) Sections relating to dedication requirements.

(3) Private Roads Discretionary. Private roads shall be allowed in condominium developments in the sole discretion of the Town Board.

#### **10.01(J) Cluster Development**

(1) Purpose. To assist in the reduction of impacts to lands identified as Agricultural and Other Open Space in the Town Comprehensive Plan and to protect and preserve the remainder of land not used for land division in such areas consistent with the Town Comprehensive Plan, a land divider with three or more single-family development rights [may/shall] develop a “cluster” of single-family residences.

(2) Cluster Development Exceptions. The Cluster Development shall comply with all of the applicable requirements of this Chapter with respect to single-family residential development, including density determination with the exception that:

(a) The requirement that the Lot abut a public roadway can be waived. Access to Lots can be in the discretion of the Town Board by shared driveway access or private road.

(b) The residential lands do not necessarily have to be contiguous with the developed Lots but rather shall be determined by the Town Board as part of the review process.

(c) Cluster Lots must be zoned to prevent large animal units or subject to a protective covenant restricting same.

(3) Comprehensive Plan Impact. If the cluster consists of four Lots or less, the approval of the land division and any required rezoning will not require amendment to Town Comprehensive Plan and Future Land Use Map. If the cluster constitutes a subdivision (5 or more Lots) such that a Plat is required, such development is prohibited unless and until the Town’s Comprehensive Plan and Future Land Use Map is amended designating the area subject to land division for single-family residential use.

(4) Siting Standards. Any proposed Cluster Development shall be subject to the Siting Standards for Residential Development within the Agricultural and Other Open Space Areas as set forth in Element 8, Land Use of the Town’s Comprehensive Plan.

**10.01(K) [RESERVED FOR FUTURE USE]**

**10.01(L) [RESERVED FOR FUTURE USE]**

**10.01(M) Environmental Assessment**

(1) Format. The environmental assessment required by 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 this Chapter and to assess the potential threats to existing flora. 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>
<b>1. Land Resources</b>		
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 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
  - 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? \_\_\_\_\_

7. **Comments on any of the above which may have a significant environmental impact.**

8. **Appendices and Supporting Material, including in all cases the soils survey required to be submitted by this Chapter for the proposed land division.**

(2) 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:

(a) **Soil Suitability.** Recommendations as to soil type and suitability contained in the soils survey shall govern.

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

(c) **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:

(i) 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.

(ii) 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.

(iii) The soils as shown on the soils survey for the land have no more than a "slight" erosion hazard potential as determined by the survey.

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

(v) 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 land divider and presented to the Town Board prior to official submittal of the proposed land division.

(d) **Severe Soils.** Soils with severe erosion hazard potential as determined by the soils survey will require special design to limit storm water runoff and erosion.

(e) **Basements.** No structure shall be constructed with a basement floor below the normal ground water elevation. If there is any doubt about the groundwater level, it shall be determined by a minimum of three soil borings.

(f) **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.

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

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

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

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

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

## **10.01(N) Variances**

(1) 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 land divider at the time the initial submittal of a proposed land division is filed for consideration, stating fully all facts relied upon by the land divider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed project.

(2) 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:

(a) 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.

(b) 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.

(c) 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.

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

(3) 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 land divider.

(4) Voting. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Section or the desirable general development of the Town in accordance with any Town Comprehensive 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.

(5) 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 land divider include in the approval bond or irrevocable letter of credit an amount sufficient as determined by the Town Board to insure the placing of such monuments within the time required.

### **10.01(O) Enforcement, Penalties and Remedies**

(1) 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, land divisions within the jurisdiction of this Chapter until the provisions and requirements of this Chapter have been fully met. The owner of any land division Lot that has been approved under this Chapter shall be required to comply with any provisions of this Chapter including maintaining any Building Envelope limits. The Town may

institute appropriate action or proceedings to enjoin violations of this Chapter or applicable Wisconsin Statutes.

(2) Penalties

(a) Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than 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.

(b) In appropriate circumstances, the Town Engineer is authorized to issue a cease and desist order to any land divider or owner 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 this 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 this 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 divider shall be responsible for all of the costs and expenses of the Town Engineer or attorney in connection with proceedings under this subsection.

(c) Where a landowner or land divider 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 divider, be entered on the tax rolls as a special charge or tax against the appropriate Lot or Lots pursuant to Wis. Stats. § 66.0627.

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

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

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

(3) Appeals. Any person aggrieved by a denial of a land division may appeal therefrom, as allowed by law, within 30 days of notification of the rejection of the land division.

### **10.01(P) Interpretation**

(1) Abrogation and More Restrictive Requirements. It is not intended by this Chapter 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.

(2) Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Leeds and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. 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.

(3) Severability. If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

(4) Repeal of Conflicting Chapters. All other Chapters or parts of Chapters of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

(5) Effective Date. This Chapter shall take effect upon passage and publication as provided by law.