

18.01 INTRODUCTION

(1) **Title**

This Ordinance is entitled the "Land Division Control Ordinance."

(2) **Statutory Authorization**

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes and by its adoption of Village powers under Section 60.10 of the Wisconsin Statutes.

(3) **Purpose**

The purpose of this Ordinance is to regulate and control all land divisions within the corporate limits of the Town of Randall in order to promote and protect the public health, safety, aesthetics, and general welfare of the community. More particularly, and without limitation, it is the purpose of this Ordinance to:

(a) Implement the Town's comprehensive plan and components thereof and facilitate enforcement of community development standards as set forth in the zoning code, building code, and official map.

(b) Promote the wise use, development, conservation, and protection of the soil, water, wetland, woodland, and wildlife resources in the Town and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.

(c) Further the orderly layout and appropriate use of land.

(d) Avoid the harmful effects of premature division or development of land.

(e) Lessen congestion in the streets and highways.

(f) Provide for proper ingress to and egress from development sites.

(g) Secure safety from fire, flooding, water pollution, and other hazards and minimize expenditures for flood relief and flood control projects.

(h) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.

(i) Preserve natural vegetation and cover and protect the natural beauty of the Town.

(j) Provide adequate light and air.

(k) Prevent the overcrowding of land and avoid undue concentration of population.

(l) Facilitate the division of land into smaller parcels.

(m) Facilitate and ensure the adequate provision of transportation, water, sewerage, storm water management, schools, parks, playgrounds, and other public facilities and services.

(n) Ensure adequate legal description and proper survey documentation of divided land.

(o) Provide adequate, affordable housing.

(p) Restrict building in areas of unsuitable soils.

(q) Provide for the administration and enforcement of this Ordinance.

(4) **Abrogation and Greater Restrictions**

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

(5) **Interpretation**

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(6) **Severability**

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court

of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(7) **Conflict with Other Ordinances**

In the event other ordinances or parts of ordinances of the Town are inconsistent or conflict with this Ordinance, to the extent of the inconsistency only, the Provisions of this Ordinance shall govern.

(8) **Disclaimer of Liability**

The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Town Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

(9) **Definitions**

(a) **General Definitions**

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

(b) **Specific Words and Phrases**

Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission, school districts, and local utility companies.

Approving Authorities. Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.

Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets are designated in the Regional Transportation System Plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission.

Block. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and Town.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the County Zoning Ordinance and the requirements of this Ordinance.

Building Setback Line. See Building Line.

Certified Survey Map. A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four parcels; or used to document for recording purposes survey and dedication data relating to single parcels.

Collector Street. A street used, or intended to be used, to carry traffic from land access streets to the system of arterial streets, including the principal entrance streets to residential developments.

Common Open Space. See Open Space, Common.

Smart Growth Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, or a Smart Growth Comprehensive Plan adopted by the Town Board pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan include, but are not limited to, a land use,

transportation system, park and open space, sanitary sewer, public water supply, and storm water management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

Condominium Unit. A part of a condominium intended for any type of independent use. A unit must be a stand alone unit with no common walls with another unit.

County Planning Agency. The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

County. The Kenosha County Department of Planning and Development.

Covenant. A restriction on the use of land, usually set forth in the deed.

Cul-de-sac Street. A local street with only one outlet and having an appropriate turn-about for vehicular traffic.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Development Agreement. An agreement entered into by and between the Town and a Sub-divider whereby the Town and Sub-divider agree as to the design,

construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the Sub-divider.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Frontage. The total dimension of a lot abutting a public street measured along the street line.

Frontage Street. A land access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

Isolated Natural Resource Area. An area containing significant remnant natural resources at least five acres in area and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Land Access Street. A street used, or intended to be used, primarily for access to abutting properties.

Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

Landscaping. Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

Letter of Credit. A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a Sub-divider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the County Zoning Ordinance.

Lot. Corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less.

Lot. Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard.

Lot. Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.

Minor Land Division. A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, anyone of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or

2. Divides a block, lot, or out lot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all Federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies may include, without limitation, the Wisconsin Department of Administration, the Wisconsin Department of Commerce, the Wisconsin Department of Transportation, and the Kenosha County Planning Commission.

Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or out lot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities approved by the Town.

Open Space. Common. Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may contain recreational facilities approved by the Town.

Open Space. Public. Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Town.

Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to conveyor reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, storm water management facilities or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division. Such intent to convert an outlot for further division shall be declared on the original plat. The use of outlots is prohibited to circumvent the definition of a minor land division as described in Section 18.01 (9).

Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Town will generally require that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

Plat. A map prepared, as required by Section 18.02(2) of this Ordinance, for the purpose of recording a subdivision, minor land division, or condominium.

Prairies. Open, generally treeless areas which are dominated by native grasses, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

Public Improvement. Any sanitary sewer, storm sewer, open channel, storm water management facility, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public street, highway, bicycle or pedestrian way, drainage way, or part thereof.

Re-plat. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a re-plat.

Reserve Strip. Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

Sub-divider. Any person, partnership, corporation, limited liability company or any other type of entity, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or re-plat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, including condominium development, where:

1. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, anyone of which is five acres or less in area, by a division or by successive divisions of any part of the original property . within a period of five years; or
2. The act of division creates six or more parcels or building sites, of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of five years.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Sub-divider.

Town. Town of Randall, Kenosha County, Wisconsin.

Town Attorney. A licensed Attorney who provides legal services to the Town, and who is duly appointed by the Town Board to the position.

Town Board. As defined in Ordinance 1.10 (7), Town of Randall, Code of Ordinances.

Town Engineer. A registered professional engineer who provides engineering services to the Town, and who is duly appointed by the Town Board to the position.

Town Plan Commission. As defined in Ordinance 1.02(4) (d), Town of Randall, Code of Ordinances.

Town Planner. Registered Certified Planner who provides planning services to the Town, and who is duly appointed by the Town Board to the position.

Tract. A parcel lying in more than one U. S. Public Land Survey section.

Unit. See condominium unit.

Wetland. 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.

Woodlands. Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional. Planning Commission.

18.02 GENERAL PROVISIONS

(1) Area of Jurisdiction

This Ordinance shall apply to all lands within the corporate limits of the Town of Randall.

(2) Applicability

(a) Subdivision: Any division of land within the Town or the extraterritorial plat approval jurisdiction of the Town that results in a subdivision as defined in Section 18.01 (9) shall be, and any other division of land. may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this Ordinance and Chapter 236 of the Wisconsin Statutes.

(b) Minor Land Division: Any division of land within the Town that results in a minor land division

as defined in Section 18.01(9) shall be surveyed and a certified survey map of such division approved and recorded as required by of this Ordinance and Chapter 236 of the Wisconsin Statutes.

(c) It is the express intent of this Ordinance to regulate condominiums having one or more principal structures on any parcel, except for condominium conversions of existing structures where no additional units are being created. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the County Zoning Ordinance if the parcel had been conventionally divided.

(d) The provisions of this Ordinance shall not apply to:

1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), and 236.20(1), and (2)(a) through (e) of the Wisconsin Statutes unless waived under Section 236.20(2)(L).
3. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town Board and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.
4. Transfers of interest in land by Will or pursuant to court orders.
5. Leases for a term not to exceed 10 years, mortgages, or easements.
6. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

(3) **Compliance**

No person shall divide any land located within the jurisdictional limits of the Town which results in a subdivision, minor land division, re-plat, or condominium as defined herein; and no such subdivision, minor subdivision, re-plat, or condominium shall be entitled to record without compliance with:

- (a) All requirements of this Ordinance.
- (b) The Town Comprehensive Plan or any component thereof, the zoning ordinance, and official map ordinance.
- (c) The Provisions of Chapter 236 of the Wisconsin Statutes.
- (d) The Provisions of Chapter 703 of the Wisconsin Statutes for all proposed condominiums.
- (e) The Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- (f) The Rules of the Wisconsin Department of Transportation relating to provision for the safety of entrance upon and departure from state trunk highways or connecting highways and for the preservation of the public interest and investment in such highways.
- (g) The Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- (h) The Kenosha County Zoning and Shoreland/Flood Plain Zoning Ordinance.
- (i) All Other applicable ordinances or codes including but not limited to the Wisconsin Administrative Code and Wisconsin Statutes.

(4) **Land Suitability**

No land shall be divided which is held unsuitable for such use by the Town Plan Commission, upon recommendation of the Town Engineer or other agency as determined by the Town

Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or poses an imminent harm to the environment. in addition:

(a) Floodplains

No lot served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area, above the elevation of the 100-year recurrence interval flood, or where such data are not available, five feet above the maximum flood of record. No lot may be created one acre or less in area served by an onsite sanitary sewage disposal system shall include floodplains. All lots more than one acre in area served by an onsite sanitary sewage disposal system shall contain not less than 50 percent of the minimum lot area requirements which is at least two feet above the elevation of the 100 year recurrence interval flood, as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission. Where such flood stage data are not available, the regulatory flood elevation shall be determined by a registered professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Town Engineer.

(b) Lands Made

Altered. or Filled with Non-earth Materials within the preceding 20 years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where soil tests by a licensed soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that no liability on the part of the Town Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

(c) Lands Made

Altered. or Filled with Earth within the preceding seven years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where soil tests by a licensed soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

(d) Lands Having a Slope of 12 percent or more may be required by the Town Plan Commission to be maintained in natural open uses. No lot shall have more than 50 percent of its minimum required area in slopes of 12 percent or more.

(e) Lands Having Bedrock within 6 feet of the natural undisturbed surface shall not be divided into building sites to be served by private onsite waste treatment systems, unless the sites are compliant with standards set forth in Chapters Comm. 83 and 85 of the Wisconsin Administrative Code.

(f) Lands Having Seasonal and/or Permanent Groundwater within 5 feet of the natural undisturbed surface shall not be divided into building sites to be served by private onsite waste treatment systems unless the sites are compliant with standards set forth in Chapters Comm. 83 and 85 of the Wisconsin Administrative Code.

(g) Lands Covered by Soils Having Coarse Textures such as loamy coarse sand with 60 percent or more coarse fragment content shall not be divided into building sites to be served by private onsite waste treatment systems unless compliance with Chapters Comm. 83 and 85 of the Wisconsin Administrative Code can be demonstrated.

(h) Land Drained by Farm Drainage Tile or Farm Ditch Systems shall not be divided into building

sites to be served by private onsite waste treatment systems unless compliance with Chapters Comm. 83 and 85 of the Wisconsin Administrative Code can be demonstrated.

(i) Each lot or dwelling unit shall be capable of meeting the requirements of the Wisconsin Department of Commerce and the Kenosha County Sanitary Code and Private Sewage System Ordinance regarding the construction of an on-site sewage disposal (septic tank) system.

(j) The Town Plan Commission in applying the provisions of this section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the Sub-divider an opportunity to present evidence regarding such unsuitability, if so desired. The Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

(5) **Dedication and Reservation of Lands**

(a) Streets, Highways, and Drainage ways

Whenever a proposed subdivision, minor land division, or condominium plat encompasses all or any part of an arterial street, drainage way, other public way or public access to navigable lakes or streams which has been designated in the comprehensive plan or component thereof or the official map of the Town, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the Town, by the Sub-divider in the locations and dimensions indicated on said plan or map and as set forth in Section 18.07(10).

(b) Park, Open Space, and School Sites

Park and school sites shall be dedicated or reserved as provided in Section 18.07(10).

(c) Whenever a tract of land to be divided embraces any part of existing 100 year flood lands, such flood lands shall be made a part of the plat. Flood lands included within a subdivision plat shall be reserved for acquisition as provided above, or if approved by the Town Plan Commission, shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided.

(6) **Homeowner or Condominium Associations**

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

(a) The Sub-divider shall provide the Town with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. All such documents shall be recorded with the County Register of Deeds and shall not expire. These documents shall be subject to review as to form by the Town Attorney at the Sub-divider's expense. . .

(b) The association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.

(c) Membership in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.

(d) The association shall be responsible for maintenance and insurance of common areas and facilities.

(e) A land stewardship plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.

(f) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.

(g) The association shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.

(h) The Sub-divider shall arrange with the Town Assessor a method of assessment of any common areas and facilities, which will allocate to each lot, parcel, or unit within the land division or condominium a share of the total assessment for such common areas and facilities.

(i) The Town may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the Town at least 30 days prior to such transfer.

(j) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the Town shall have the right but not the obligation to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of use or enjoyment of the common areas and facilities.

(7) **Improvements**

Before installation of any improvements, the Sub-divider shall enter into a Development Agreement or a contract with the Town of Randall agreeing to install the required improvements and shall file with said agreement or contract a financial guarantee being either a Letter of Credit or cash meeting the approval of the Town Attorney in an amount equal to 120 percent of the estimated cost of the improvements, plus the estimated construction review fees, said estimate to be made by the Town Board upon the recommendation of the Town Engineer, as a guarantee that such improvements will be completed by the Sub-divider or his subcontractors not later than one (1) year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

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

review and recommendation of the Town Engineer and in accordance with Town ordinances.

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

(c) Survey Monuments. Before final approval of any plat within the Town of Randall, the Sub-divider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the Town Engineer and subject to approval of the Town Board. The Town Engineer may waive the placing of monuments, as provided in Section 236:15(1) (h) of the Wisconsin Statutes, for a reasonable time, not to exceed one year, on condition that the Sub-divider provide a letter of credit or cash equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by statute. Additional time may be granted by the Town Board based on the review and recommendation of the Town Engineer and upon show of cause.

(8) **Development Agreement**

Before or as a condition of receiving final approval from the Town Board of any final plat, condominium plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being requested of the Town Board, a development agreement shall be entered into between the Developer and the Town. The development agreement shall be approved as to form by the Town Attorney and Town Engineer, and shall be approved by the Town Board prior to approval of the final plat, condominium plat, or certified survey map. The Development Agreement shall also be approved before any construction, including grading, takes place. All costs for the preparation of the Development Agreement shall be paid by the Sub-divider. The Town may require a deposit of funds from the Sub-divider to cover such costs.

(9) **Wooded Areas and Natural Tree Settings**

The Sub-divider shall not remove trees in anticipation of a land division until he has gained preliminary plat

approval. Each tree removed on preparation for development shall be replaced on a 1 to 1 ratio. Heavily wooded areas should be preserved in so far as possible and by application of reservation and dedication provisions of this chapter. Prior to tree removal a financial guarantee shall be filed with the Town to insure that proper disposal of removed trees occurs in the event final approval or construction of the Development fails to occur.

(10) **Exceptions and Modifications**

Where, in the judgment of the Town Plan Commission, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Town Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(a) Exceptional Circumstances

There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.

(b) Preservation of Property Rights

That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(c) Absence of Detriment

That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance. or the public interest.

(d) A simple majority vote of the full membership of the Town Plan Commission shall be required to grant any exception or modification of this Ordinance, and the reasons shall be entered into the minutes of the Commission.

(e) No violation of codes, ordinances or statutes may occur with the granting of an exception or modification.

(11) **Violations**

No person, partnership, corporation, limited liability company, or any other type of entity, shall build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

(12) **Penalties and Remedies**

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made here under shall be subject to a penalty as provided in Section 25.04 of this Code of Ordinances.

(a) Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.

(b) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.

(c) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

(d) An Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the Sub-divider, when a subdivision is created by successive divisions.

(13) **Appeals**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13 (5) and 62.23 (7)(e) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

18.03 LAND DIVISION PROCEDURES

(1) **Pre-Application Conference**

Prior to the filing of an application for the approval of a preliminary plat, condominium plat, or certified survey map, the Sub-divider shall consult with the Town Plan Commission or if so designated the Town Planner or Town Engineer in order to obtain advice and assistance. A conceptual plan of the proposed subdivision, condominium, or certified survey map shall be brought by the applicant to the meeting. This consultation is mandatory, and is intended to inform the Sub-divider of the purpose and objectives of these regulations, the comprehensive plan, and duly adopted plan implementation devices of the Town and to otherwise assist the Sub-divider in planning the development. In so doing, both the Sub-divider and Town Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The Sub-divider will gain a better understanding of the subsequent required procedures.

(2) **Preliminary Plat Review Within the Town**

Before submitting a [mal plat for approval, the Sub-divider shall prepare a preliminary plat and complete an application. The preliminary plat shall be prepared in accordance with this Ordinance and the Sub-divider shall file an adequate number of copies of the plat for distribution in accordance with this Section; the completed application; and the preliminary plat review fee with the Town Clerk at least 15 days prior to the meeting of the Town Board at which action is desired.

(a) The Town Clerk shall, within two normal working days after filing, transmit:

1. Four copies to the County Planning Agency;
2. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
3. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
 - a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two copies to the Wisconsin Department of Natural Resources (WDNR) if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.

(b) In lieu of the procedure set forth above, the Sub-divider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the preliminary plat directly to the plat review section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the Sub-divider's expense to the objecting agencies. When the Sub-divider elects to use this alternative procedure, it shall be the responsibility of the Sub-divider to submit to the Town Clerk the additional copies required for the reviews required below.

(c) The Town Clerk shall also transmit, within two normal working days after filing, eight copies of the preliminary plat to the Town Plan Commission and one copy each to all affected Town departments for review and recommendations concerning matters within their jurisdiction. The recommendations of Town officials shall be transmitted to the Plan Commission within 30 days from the date the plat is received. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Ordinance, and

all other Town ordinances, rules, regulations, and the comprehensive plan and components thereof.

(d) The Town Clerk shall also transmit, within two normal working days after filing, two copies each of the preliminary plat to the Southeastern Wisconsin Regional Planning Commission, affected public and private utility companies, and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 30 days from the date the plat is received.

(3) **Approval of a Preliminary Plat Located within the Town**

(a) The Objecting Agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the Sub-divider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat.

(b) The Town Plan Commission shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, ordinances, and comprehensive plans and components of such plans. The Plan Commission shall comment and recommend action on the preliminary plat to the Town Board.

(c) The Town Board shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the Sub-divider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

(d) Failure of the Town Board to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by mutual consent.

(e) 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 24 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11 (1) (b) of the Wisconsin Statutes.

(4) **Final Plat Review Within the Town**

A final plat shall be prepared in accordance with this Ordinance and the Sub-divider shall file an adequate number of copies of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Town Clerk at least 15 days prior to the meeting of the Town Board at which action is desired.

(a) The Town Clerk shall, within two normal working days after filing, transmit:

1. Four copies to the County Planning Agency;

2. Two copies to the Director of Plat Review, Wisconsin Department of Administration;

3. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:

a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;

b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and

c. Two copies to the Wisconsin Department of Natural Resources (WDNR) if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.

(b) In lieu of the procedure set forth above, the Sub-divider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the final plat directly to the plat review section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the Sub-divider's expense to the objecting agencies. When the Sub-divider elects to use this alternative procedure, it shall be the responsibility of the Sub-divider to submit to the Town Clerk the additional copies required for the reviews required below.

(c) The Town Clerk shall also transmit, within two normal working days after filing, eight copies of the final plat to the Town Plan Commission and two copies to the Town Engineer and each of the affected public or private utilities.

(d) The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Town Board.

(e) Partial Platting. The final plat may, if permitted by the Town Plan Commission, constitute only that portion of the approved preliminary plat which the Sub-divider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

(5) **Approval of a Final Plat Located Within the Town**

The objecting agencies, shall, within 20 days of the date of receiving their copies of the final plat, notify the Sub-divider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(a) **Submission**

If the final plat is not submitted within 6 months of the last required approval of the

preliminary plat, the Town Board may refuse to approve the final plat.

(b) The Town Plan Commission shall, within 45 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.

(c) The Town Board shall, in accordance with Section 236.12 of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the Sub-divider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Sub-divider and surveyor. One copy each of the plat and letter shall be placed in the Town Clerk's permanent file. The Town Board shall 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, with the date they were forwarded, and that no objections have been filed within 20 days or, if filed, that they have been met.

(d) Failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed and all fees payable by the Sub-divider having been paid, shall constitute approval of the final plat.

(e) Recordation

After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the Sub-divider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for recording within six (6) months after the date of the last approval and within 24 months after the first approval, as required in Section 236.25(2)(b) of the Wisconsin Statutes.

(f) Copies

The Sub-divider shall file ten (10) copies of the recorded final plat with the Town Clerk. The Clerk shall distribute copies of the plat to the Town Engineer, and other affected Town and County departments for their files.

(6) **Minor Land Division.**

When it is proposed to divide land into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, anyone of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a five-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, or the exterior boundaries of blocks within the subdivision plat, and the division does not result in a subdivision, the Sub-divider may effect the division by use of a certified survey map. The Sub-divider shall prepare the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map and the completed application with the Town Clerk at least 45 days prior to the meeting of the Plan Commission at which action is desired. The Plan Commission may for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval certified survey maps that consist of a single parcel.

(a) A Pre-Application Staff Conference similar to the consultation suggested in Section 18.03(1) of this Ordinance is recommended.

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

(c) The Town Plan Commission shall transmit a copy of the map to all affected Town Departments and Town Engineer for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the Kenosha County Planning Agency and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Town Plan Commission within 20 days from the date the map is received. The map shall be reviewed by the Plan Commission for conformance to this Ordinance,

and all other ordinances, rules, regulations, and comprehensive plans and components thereof as may be applicable. The Town Plan Commission may designate the Town Clerk to distribute the Certified Survey Map on its behalf.

(d) The Town Plan Commission shall, within 45 days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.

(e) The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the Sub-divider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Sub-divider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map.

(f) Recordation

After the certified survey map has been approved by the Town Board; the Town Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the Sub-divider for recording with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within six months after the date of the last approval and within 24 months after the first approval.

(g) Copies

The Sub-divider shall file ten (10) copies of the recorded certified survey map with the Town Clerk. The Clerk shall distribute copies of the map to the Town Engineer, Town Planner, Building Inspector, Assessor, Land Information Officer, and other affected Town and County officials for their files.

(7) Re-plats

(a) When it is proposed to re-plat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or

part thereof, the Sub-divider or person wishing to re-plat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. If the re-plat is proposing to change the boundaries of a recorded subdivision, or part thereof, the Sub-divider or person wishing to re-plat shall then proceed as specified in Sections 18.03(1) through 18.03(5) of this Ordinance.

(b) The Town Clerk shall schedule a public hearing before the Town Plan Commission when a preliminary plat of a re-plat of lands within the Town is filed, and shall cause notices of the proposed re-plat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed re-plat and to the owners of all properties within 300 feet of the exterior boundaries of the proposed re-plat.

(8) **Condominium Plats**

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Sections 18.03(1) through 18.03(5) of this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats, including, but not limited to, those set forth in Sections 18.07 and 18.08 of this Ordinance.

18.04 PRELIMINARY PLAT

(1) **General Requirements**

A preliminary plat shall be required for all subdivisions and condominiums and shall be based upon a survey by a registered land surveyor and the plat prepared on any material capable of clearly legible reproduction at a scale no smaller than one inch equals one hundred (100) feet and shall show correctly on its face the following information:

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

(b) Location of proposed subdivision by quarter section, township, range, county, and state.

(c) Date, graphic scale, and north arrow.

(d) Names and addresses of the owner, Sub-divider, and land surveyor preparing the plat.

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

(2) **Site Analysis Information**

In the absence of an adopted neighborhood unit development plan, the following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

(a) Topographic Features, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.

(b) Hydrologic Characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission, shall be shown. Where such floodplain data are not available, the floodplain boundaries are related stages shall be determined by a registered professional engineer retained by the Sub-Divider and the engineer's report providing the required data shall be subject to review and approved by the Town Engineer with a recommendation for approval by the Town Board.

(c) Delineations of natural resource areas, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission, and the location and type of any rare or endangered species habitat.

(d) Soil types, as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

(e) Existing vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.

(f) Historic, cultural, and archaeological features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

(g) Scenic vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.

(h) The location and classification of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry points into the subdivision.

(i) Existing land uses within the proposed subdivision and within two hundred (200) feet there from, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.

(j) Public parks and open space areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.

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

(3) **Plat Data**

All preliminary plats shall show the following:

(a) Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two comers established in the U.S. Public Land survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.

(b) Topographic Features, including existing contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. Topographic features and contours of all lands within 200 feet of the exterior boundary of the proposed plat shall be shown.

(c) Boundaries of the 100-year recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the Sub-divider and the engineer's report providing the required data shall be submitted with the plat for review by the Town Engineer for recommendation of approval by the Town Board.

(d) Location and water elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 200 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD 1929 shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.

(e) Lake and stream meander lines proposed to be established.

(f) Boundaries of primary and secondary environmental corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.

(g) The location of woodlands as mapped by the Southeastern Wisconsin Regional Planning Commission and existing vegetation to be retained within the proposed subdivision.

(h) Location, right-of-way width, and names of all existing and proposed streets, highways, or other public ways, pedestrian and bicycle ways, utility rights-of-way, active and abandoned railway rights-of-way, vision corner easements, and other easements within or adjacent to the plat.

(i) Type, width, and elevation of any existing street pavements within or adjacent to the plat, together with any legally established centerline elevations, referenced to mean NGVD (1929).

(j) Approximate radii of all curved lines within the exterior boundaries of the plat.

(k) Location, and names, and existing zoning of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting un-platted lands shall also be shown.

(l) All existing structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within one hundred (100) feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within one hundred (100) feet of the exterior boundaries of the plat, shall be shown.

(m) Locations of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within one hundred (100) feet of the exterior boundaries of the plat.

(n) Approximate dimensions of all lots, the minimum lot area required by the zoning district in which the plat is located, and proposed lot and block numbers.

(o) Building or setback lines which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.

(p) Location, approximate dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, open space preservation, or other public use.

(q) Location, approximate dimensions, and area of any proposed common areas or facilities.

(r) Location, approximate dimensions, and area of any sites which are to be used for housing, shopping centers, church sites, or other non-public uses not requiring lotting.

(s) 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 or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains which might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the plat, and by their size and invert elevations. All elevations shall be referenced to NGVD (1929).

(t) Any proposed lake and stream access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.

(u) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Wisconsin Department of Natural Resources, when applicable.

(v) The approximate location of any existing onsite sewage treatment and disposal facilities.

(w) Any additional information requested by the Town Plan Commission or Town Board.

(4) **Street Plans and Profiles**

The Town Engineer or Town Plan Commission may require that the Sub-divider provide street plans and profiles showing the existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon NGVD (1929), and plans and profiles shall meet the approval of the Town Engineer.

(5) **Soil Borings and Tests**

(a) The Town Plan Commission, upon recommendation of the Town Engineer, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

(b) Where a subdivision is not to be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of onsite sewage treatment and disposal systems. A minimum of 3 soil borings for single-family lot or parcels is required. Such borings and tests shall meet the requirements of Chapters Comm. 83 and 85 of the Wisconsin Administrative Code. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of onsite sewage treatment and disposal systems, shall be set forth in a separate report submitted with the plat.

(6) **Soil and Water Conservation**

The Town Plan Commission, upon the recommendation of the Town Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the

Sub-divider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards promulgated by the County Land Conservation Committee and the Wisconsin Department of Natural Resources.

(7) **Covenants And Condominium or Homeowners Association Documents**

(a) A Draft Copy of any proposed protective covenants whereby the Sub-divider intends to regulate land use in the proposed subdivision shall accompany the preliminary plat. The proposed covenants shall be subject to review and approval by the Town Attorney as to form.

(b) A Draft Copy of any proposed condominium or homeowners association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 18.02(6). The proposed documents shall be subject to review and approval by the Town Attorney as to form.

(8) **Surveyor's Certificate**

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and of Chapter 236 of the Wisconsin Statutes.

18.05 FINAL PLAT

(1) **General Requirements**

A final plat prepared by a registered land surveyor shall be required for all subdivisions and condominiums. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

(2) **Plat Data**

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

(a) Length and bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.

(b) Street width along the line of any obliquely intersecting street to the nearest 0.01 foot.

(c) Active and abandoned railway rights-of-way within and abutting the exterior boundaries of the plat.

(d) Building or setback lines required by the Town Plan Commission or other approving or objecting agency which are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the Sub-divider and are to be included in recorded private covenants.

(e) Easements for any public sanitary sewers, water supply mains, storm water management facilities, drainage ways, or access ways.

(f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision or condominium, the information required by Section 18.02(6) shall be submitted with the Final Plat, together with any associated deed or plat restrictions required by the Town Plan Commission.

(g) Boundaries of the 100-year recurrence interval floodplain and related regulatory stages as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the Sub-divider and the engineer's report providing the required data shall be submitted with the plat for review by the Town Engineer for recommendation of approval by the Town Board.

(h) Location and right-of-way of existing and proposed bicycle and pedestrian ways and utility rights-of-ways.

(i) Notations or any restrictions required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.

(3) **Deed Restrictions**

The Town may require that deed restrictions be filed with the final plat. When required, such restrictions shall be recorded with the final plat.

(4) **Survey Accuracy**

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, proper kind and location of monuments, and liability and completeness of the drawing. In addition:

(a) The maximum error of closure before adjustment of the survey of the exterior boundary of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor in azimuth, of four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(b) 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 field checks disclose an error for any interior line of the plat greater than the ratio of one part in 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.

(c) The Town Board shall receive the results of the Town Engineer's examination prior to approving the final plat. The Town Engineer may, however, in accordance with Section 15.02(7)(c) of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one year, on condition that the Sub-divider provide a letter of credit or cash as a financial guarantee equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Town Engineer's examination required under this section and any related field checks shall be made after the required monuments have been installed. The financial guarantee concerned shall not be released until the Town Engineer is satisfied with the accuracy of the land surveying concerned.

(5) **Surveying And Monumenting**

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

(6) **State Plane Coordinate System**

Where the plat is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to two adjacent section or quarter section corners defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The Wisconsin State Plane Coordinates, together with a description of the monuments marking the section or quarter section corners to which the plat is tied shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927, and shall be adjusted to the control survey network established to the standards promulgated by the Southeastern Wisconsin Regional Planning Commission for the area concerned. Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought

to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. 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.

(7) **Certificates**

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Ordinance.

(8) **Filing and Recording**

(a) The Final Plat shall be submitted for recording in accordance with Section 18.03(5) of this Ordinance.

(b) The County Register of Deeds shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.

(c) The Sub-divider shall file a copy of the final plat with the Town Clerk, as provided by Section 236.27 of the Wisconsin Statutes.

18.06 CERTIFIED SURVEY MAP

(1) **General Requirements**

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 18.07 and 18.08 of this Ordinance.

A preliminary map or sketch map may be submitted by the Sub-divider to the Town Plan Commission or its staff for review and comment prior to the submission of a proposed certified survey map for review and approval.

(2) **Required Information**

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

(a) Inset map of the area concerned showing the location of the proposed certified survey map in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.

(b) Date, graphic scale, and north point.

(c) Name and addresses of the owner, Sub-divider, and land surveyor preparing the Certified Survey Map.

(d) All existing structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within 100 feet of the exterior boundaries of the map, shall be shown.

(e) Location, approximate dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, open space preservation, or other public use.

(f) Building or setback lines required by the Town Plan Commission, or other approving or objecting agency, which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the Sub-divider and are to be included in recorded private covenants.

(g) Location and names of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting un-platted lands shall also be shown.

(h) Length and bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.

(i) Street width along the line of any obliquely intersecting street line to the nearest 0.01 foot.

(j) Active and abandoned railway rights-of-way within and abutting the exterior boundaries of the proposed certified survey map, and the location and right-of-way of existing and proposed bicycle and pedestrian ways.

(k) Notations or any restrictions required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.

(l) Easements for any public sanitary sewers, water supply mains, storm water management facilities, drainage ways, or access ways.

(m) Existing zoning of all adjacent parcels.

(n) Show the remnant parcel when the remnant parcel is twenty (20) acres or less in size.

(3) **Additional Information**

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

(a) Topographic features, including existing and/or proposed contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations within 100 feet of the exterior boundary of the Certified Survey Map shall also be shown. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. The requirement to provide topographic data

may be waived if the parcel or parcels proposed to be created are fully developed.

(b) Soil types as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

(c) The square footage and elevation of the first floor of all buildings proposed to remain on the site or sites included in the certified survey map.

(d) The Town Plan Commission, upon recommendation of the Town Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

(e) Where the site is not to be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of onsite sewage treatment and disposal systems. A minimum of 3 soil borings per single family lot or parcel is required. Such borings and tests shall meet the requirements of Chapters Comm. 83 and 85 of the Wisconsin Administrative Code. The location of the borings shall be shown on the map and the findings, with respect to suitability for the use of on site sewage treatment and disposal systems, set forth in a separate report submitted with the proposed certified survey map.

(f) Boundaries of primary and secondary environmental corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.

(g) Boundaries of the one hundred (100) year recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the Sub-divider, and the engineer's report providing the required data shall be submitted for review by the Town Engineer for recommendation of approval by the Town Board.

(h) The location of woodlands, as mapped by the Southeastern Wisconsin Regional Planning Commission, within the proposed certified survey map.

(i) The approximate location of existing and proposed onsite sewage treatment and disposal facilities.

(j) Historic, cultural, and archaeological features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

(k) Location and water elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed certified survey map and within 200 feet of the exterior boundaries of the map. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD 1929 shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.

(l) The Town Plan Commission requires that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the Sub-divider be included in the certified survey map even though only a portion of said area is proposed for immediate development. The Town Plan Commission also requires the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the Sub-divider and identifying proposed future development of the parcel, including general street and parcel locations.

(4) **State Plane Coordinate System**

Where the map is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to two adjacent section or quarter section corners defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The Wisconsin State Plane Coordinates, together with a description, of the monuments marking the section or quarter section corners to which the map is tied shall be shown on the map. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927, and shall be adjusted to the control survey network established to the standards promulgated by the Southeastern Wisconsin Regional Planning Commission for the area concerned. Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. 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 certified survey map.

(5) **Certificates**

All certified survey maps shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town Board shall certify its approval on the face of the map. In addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Ordinance.

(6) **Recording**

After the certified survey map has been duly approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the map attesting to such approval and the map recorded as provided for under Section 18.03(5) of this Ordinance.

18.07 DESIGN STANDARDS

(1) **Street Arrangement**

(a) General Requirements. In any new land division or condominium, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted County jurisdictional highway system plan, the adopted Town official map, or the adopted Town comprehensive plan or plan component. In areas for which such plans have not been completed, or are of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or condominium shall be designed so as to provide each lot with satisfactory frontage on a public street.

(b) Arterial Streets, as defined in Section 18.01(9), shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and planned system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(c) Collector Streets, as defined in Section 18.01(9), shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the arterial streets to which they connect.

(d) Land Access Streets, as defined in Section 18.01(9), shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(e) Proposed streets shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent lands.

(f) Arterial Street protection. Whenever an existing or planned arterial street is located adjacent to or within a proposed land division or condominium, adequate protection of residential lots, limitation of access to the arterial street, and separation of through and local traffic shall be provided through the use of frontage streets, cul-de-sac or loop streets. A restricted non-access easement along any property line abutting an arterial street may be required. Permanent screening or landscape plantings may be required in any restricted non-access area.

(g) Development control or reserve strips shall not be allowed on any plat or certified survey map to control access to streets, except where control of such strips is placed with the Town under conditions approved by the Town Plan Commission.

(h) Access shall be provided in commercial and industrial districts for off-street loading and service areas. Public access shall be provided to all navigable streams or lake shores. Such access shall be at least sixty (60) feet in width platted to the low watermark at intervals of not more than one-half mile was required by Section 736.16(3), Wisconsin Statutes, unless greater intervals and wider access is agreed upon by the Town Plan Commission, the Wisconsin Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection. All platted public access shall front on a public street, highway, parkway or other public way.

(i) Street names shall be approved by the Town Board and shall not duplicate or be similar to existing street names elsewhere in the Town. Existing street names shall be continued into the land division or condominium wherever possible.

(2) **Limited Access Highway And Railroad Right-Of-Way Treatment**

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

(a) Non-Access Easement and Planting Area: When lots within a proposed land division or condominium back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement and planting area at least fifty (50) feet in depth shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth required by the Kenosha County zoning ordinance shall be increased by 50 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or certified survey map: "This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."

(b) Plats Located in commercial and industrial zoning districts shall provide, on each side of a limited access highway or railroad right-of-way, streets approximately parallel to such highway or railroad. A distance of not less than one hundred fifty (150) feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.

(c) Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway shall be located at a minimum distance of two hundred fifty (250) feet from said street or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for - the future separation of grades by means of desirable approach gradients.

(d) Land Access Streets immediately adjacent to arterial streets and railroad right-of-way shall be avoided in residential areas.

(3) **Street, Bicycle, and Pedestrian Way or Multi-Use Trail Design Standards**

(a) Minimum Width. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development plan if any or if no width is specified therein the minimum widths shall be as follows:

| Type of Street or Public Roadway | Minimum Rural Right-of-Way | Minimum Rural Street Width | Minimum Urban Row Required | Minimum Urban Street Width |
|-----------------------------------|----------------------------|--------------------------------|----------------------------|---------------------------------------|
| Arterial | 100 | 30' pavement plus 6' shoulders | 80 | 30' pavement plus 30" curb and gutter |
| Collector Streets | 80 | 24' pavement plus 6' shoulders | 80 | 30' pavement plus 30" curb and gutter |
| Minor/Local Access Streets | 66 | 24' pavement plus 3' shoulders | 60 | 24' pavement plus 30" curb and gutter |
| Commercial-Industrial | 72' | 24' pavement 6' shoulders | 72' | 30' pavement plus 30" curb and gutter |
| Pedestrian Walks/Multi-Use Trails | 20 | 5-10 feet | 20 | 5-10 feet |
| Cul-de-Sacs | 65' radius | 45' | 60' | 45' |

(b) Cross-Sections for collector and land access streets shall be as follows:

The center of the roadbed is to be the center of the land dedicated for street purposes. The road shall be constructed in accordance with the typical cross section details as recommended by the Town Engineer and approved by the Town Board. The drainage ditches on each side of the road shall have at least a three (3) feet slope for every foot of depth. All topsoil, sod and vegetation shall be stripped and removed from the roadway section. Soft, mucky soil, peaty materials, and similar unsuitable materials shall be removed and then replaced with sound fill materials. If additional gravel is required before final acceptance because of improper placement, grading, compacting or settling, the same shall be furnished and installed to the satisfaction of the Town Engineer.

(c) Cul-de-Sac streets designed to have one end permanently closed shall not exceed 1,000 feet in

length unless provisions are made for adequate emergency access and water main configuration. Cul-de-sac streets shall terminate in a circular turnabout having a minimum right-of-way radius of 65 feet. Cul-de-sac turnabouts shall follow the standard design cross section as recommended by the Town Engineer and approved by the Town Board.

(d) Temporary termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the street right-of-way. The "T" turnabout shall follow the standard design cross section as recommended by the Town Engineer and approved by the Town Board.

(e) Bicycle, pedestrian ways and multi-use trails with a right-of-way width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate bicycle and pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

(f) Grades

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 30 times the algebraic difference in the rates of grade for arterial streets, and one-half this minimum for all other streets.

2. Unless necessitated by exceptional topography, subject to the approval of the Plan Commission, the maximum and minimum centerline grade of any street or public way shall not exceed the following:

a. Arterial streets: Maximum 6 percent and minimum, 0.75 percent.

b. Collector streets: Maximum 8 percent and minimum, 0.75 percent.

c. Land access streets and frontage streets: Maximum 10 percent and minimum, 0.75 percent.

d. Bicycle ways or multi-use trails: Maximum 5 percent; however, steeper grades are acceptable for distances up to five hundred (500) feet, minimum 0.50 percent.

e. Pedestrian ways: Maximum 12 percent and minimum, 0.50 percent. Pedestrian walks shall comply with the Americans with Disabilities Act (ADA).

3. The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent for streets with an urban cross-section, and less than one-half percent for streets with a rural cross section.

(g) Crowns. Unless otherwise approved, roadway pavements shall be designed with a centerline crown. In general, the roadway and crown shall be centered on the right-of-way. Offset crowns or continuous' cross-slopes may be utilized upon approval of the Town Engineer.

(h) Radii of curvature. When a continuous street centerline deflects at anyone point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

1. Arterial streets and highways: 500 feet
2. Collector streets: 300 feet
3. Land access streets: 150 feet

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(i) Roadway elevations. Elevations of roadways passing through floodland areas shall be designed in the following manner:

1. Two (2) feet above one hundred (100) year recurrence interval flood elevation for arterial streets.

2. Two (2) feet above ten (10) year recurrence interval flood elevation for collector and land access streets.

(j) Bridges and culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot. above the peak stage for, the. 100-year recurrence interval flood, as established by the Southeastern Wisconsin Regional Planning Commission or the Federal Emergency Management Agency. Larger permissible flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

(k) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the proposed land division or condominium plat, the other half of the street shall be dedicated by the Sub-divider. The platting of new half-streets shall not be permitted.

(4) **Street Intersections**

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

(b) The maximum number of streets converging at one intersection shall not exceed two.

(c) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.

(d) Continuation of land access and collector streets. Land access and collector streets shall not necessarily continue across arterial streets; but if the centerlines of such streets approach the arterial streets nom opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the

collector and/or land access streets shall be so adjusted so that a single intersection is formed.

(e) Corner curves. Property lines at intersections of arterial streets and at intersections of collector and arterial streets shall be rounded to an arc with a minimum radius of 15 feet, or a greater radius if required by the Town Engineer.

(f) On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Section 66.0909, Wisconsin Statutes.

(g) Vision clearance easements shall be provided at street intersections as may be required by the County zoning ordinance and by any approving or objecting authority concerned.

(5) **Blocks**

(a) General requirements. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian, and motor vehicle access; traffic safety; and the limitations and opportunities of topography.

(b) The length of blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(c) The width of blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from arterial streets and railroad rights-of-way. The width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading required by the contemplated use and the County zoning ordinance.

(d) Pedestrian ways or multi-use trails of not less than ten (10) feet in width may be required where deemed necessary by the Town Plan Commission to provide safe and convenient pedestrian circulation between the individual lots, streams, lake shores, park lands, or other public areas, or may be required near the center and entirely across any block where deemed essential by the Town Plan Commission to

provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

(6) **Lots**

(a) General requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot-lines shall follow municipal boundary lines rather than cross them.

(b) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Plan Commission.

(c) Double frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

(d) Public street frontage. Every lot shall front or abut for a distance of at least sixty (60) feet on a public street and be at least forty-five (45) feet on all proposed cul-de-sacs.

(e) The area and dimensions of lots shall conform to the requirements of the County zoning ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the County zoning ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a private onsite wastewater treatment system designed in accordance with Chapter Comm. 83 of the Wisconsin Administrative Code.

(f) Re-division of Lots. Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that will meet the provisions of this Ordinance. and the County zoning ordinance.

(g) Depth. Lots shall have a minimum average depth of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources. The depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading areas required by the contemplated use and the County zoning ordinance.

(h) The width of lots shall conform to the requirements of the County Zoning Ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line, unless otherwise provided by the County zoning ordinance.

(i) Corner lots, when located in a district that permits a lot width less than one hundred (100) feet, shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.

(j) The shape of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.

(k) Lands lying between the meander line and the water's edge and any otherwise un-plattable lands which lie between a proposed land division or condominium and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.

(l) Restrictions prohibiting development. Whenever a lot appearing on a final plat, condominium plat, or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Town, shall appear on the face of the plat or map.

(7) **Building And Setback Lines**

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat, condominium plat, or certified survey map. Examples of the application of this provision

would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

(8) **Easements**

(a) Utility easements. The Town Plan Commission may require utility easements of widths deemed adequate for the intended purpose. Such easements shall be located as determined by the applicable utility company, but preferably should be located along rear and side lot lines and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the Sub-divider. Associated equipment and facilities which are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. A landscape screening plan for such aboveground equipment shall be submitted by the Sub-divider to the affected utility and the Town Plan Commission for approval. All utility easements shall be noted on the final plat, condominium plat, or certified survey map followed by reference to the use or uses for which they are intended.

(b) Drainage easements. Where a land division or condominium is traversed by a drainage way or stream, an adequate easement shall be provided as required by the Town Plan Commission. The location, width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be

required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review of the Town Engineer and approval by the Town Board.

(9) **Protection of Natural Resources**

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Town Plan Commission may require that such areas be dedicated or that restriction be placed on the plat or certified survey map to protect such resources. The Town Plan Commission may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development.

(10) **Park, Open Space, and Other Public Sites**

In order that adequate open spaces and sites for public uses may be properly located and preserved as the Town develops and in order that the cost of providing the park and recreation sites and facilities necessary to serve the additional families brought into the Town by subdivision and condominium development may be most equitable, apportioned on the basis of the additional need created by the individual subdivision and condominium development, the following provisions are established:

(a) **Reservation of potential sites**

1. In the design of any plat submitted for Town approval, consideration shall be given to the adequate provision for and correlation with the public sites or open areas.

2. Where it is determined by the Town Board that a portion of any plat submitted for Town approval is required for such public sites or public open spaces, the Sub-divider shall be required to reserve such area.

(b) **Dedication of sites**

1. Within the corporate limits of the Town, where feasible and compatible with the comprehensive plan for development of the community, upon request of the Town Board, the Sub-divider shall provide and dedicate to the

public, adequate land to provide for the park and recreation needs of the subdivision or condominium.

2. The amount of land to be provided shall be determined on the basis of an amount of land equal in value to five hundred dollars (\$500.00) per residential lot.

(c) Proportional payment in lieu of dedication

1. If the Town Board, after consultation with the Town Plan Commission, determines that such dedication is not feasible or compatible with the comprehensive plan for the Town, the Sub-divider/owner shall, in lieu thereof, pay to the Town a fee equivalent to the value of the required dedication. Such fee shall be used exclusively for immediate and future park or recreation area site acquisition or capital improvement and development.

2. Payment shall be made in a lump sum of one hundred percent (100%) at time of plat approval. The required payment shall be made before the certification of approval may be affixed to the final plat.

3. Where the division results in the creation of not more than one additional parcel or lot, payment shall be required only for the additional parcel.

4. Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.

(d) Navigable streams or lakeshores shall have a public access-way at least sixty (60) feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Town, as required by Section 236.16(3) of the Wisconsin Statutes.

18.08 REQUIRED IMPROVEMENTS

(1) General Requirements

All required improvements shall be constructed in accordance with plans and specifications Reviewed by the Town Engineer and recommended for approval by the Town Board.

(2) Survey Monuments

The Sub-divider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

(3) Grading

(a) Following the installation of temporary block comer monuments or other survey control points by the Sub-divider and establishment of street grades by the. Town Engineer, the Sub-divider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Engineer. The Sub-divider shall grade the roadbeds in the street rights-of-way to sub-grade.

(b) Streets and lots shall be brought to finished grades as specified in a site grading plan approved by the Town Engineer.

(4) Surfacing

Following the installation, inspection, and approval by the Town Engineer of utility and storm water drainage improvements, the Sub-divider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Ordinance, the Town official map, comprehensive plan or component thereof, or neighborhood development plan. Said surfacing shall be done in accordance with plans and specifications approved by the Town Engineer.

(5) Curb and Gutter

(a) Following the Installation and the Town's inspection and approval of all utility and storm water drainage improvements, the Sub-divider shall construct concrete curbs and gutters in accordance with plans and specifications reviewed by the Town Engineer and recommend for approval to the Town Board. This requirement may be waived where a permanent rural

street section has been approved by the Town Plan Commission.

(b) Curb ramps shall be installed in accordance with the Americans with Disabilities Act and Section 66.0909 of the Wisconsin Statutes, and as approved by the Town Engineer.

(6) **Rural Street Sections**

Town Plan Commission, the Sub-divider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town Engineer.

(7) **Sidewalks**

The Sub-divider shall construct a concrete sidewalk on one side of all Frontage streets and both sides of all other streets within the land division or condominium. The construction of all sidewalks shall be in accordance with plans and specifications approved by the Town Engineer. Wider than standard sidewalks may be required by the Town Engineer in the vicinity of schools, commercial areas, and other places of public assembly.. The Plan Commission may waive the requirement for sidewalks upon a finding that such walks are not required because of the provision of a separate network of pedestrian ways, multi-use trails, low vehicular or pedestrian traffic volumes, lot arrangement, or rural cross section.

(8) **Public Sanitary Sewerage and Private Sewage Disposal Systems**

(a) The Sub-divider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division or condominium. Where public sanitary sewer facilities are not available, the Sub-divider shall make provision for adequate private sewage disposal systems as specified by the Town, County, and State agencies concerned.

(b) The Sub-divider shall install sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but if the Town Board concludes that sanitary sewers are reasonably likely to become available within a period of five years from the date of plat recording, the Sub-divider shall install or cause to be installed sanitary sewers and sewer

laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the Town Engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications reviewed by the Town Engineer and recommend for approval to the Town Board.

(c) The Sub-divider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the land division or condominium development proposed. If sewers greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers shall be prorated either in proportion to the ratio of the total area of the land division or condominium development to the total tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the Sub-divider and the Town, and the excess cost either borne by the Town or assessed against the total tributary drainage area.

(d) Construction of public sewers shall follow the standards set forth in the "Standard Specifications for Sewer and Water Construction in Wisconsin" latest addition along with any amendments or additional specifications as required by the Town Engineer.

(9) **Storm Water Management Facilities**

(a) The Sub-divider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, and storage facilities as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town Engineer. Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all storm water management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.

(b) The Sub-divider shall assume the costs entailed in constructing storm water conveyances and storage facilities necessary to serve the proposed development and to carry the existing storm water flows through the proposed development.

(10) **Water Supply Facilities**

(a) The Sub-divider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division or condominium. If municipal water service is not available, the Sub-divider shall make provision for adequate private water systems as specified by the Town, County, and State agencies concerned. The Town Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer.

(b) The Sub-divider shall assume the cost of installing all water mains.

(c) Construction of water mains shall follow the standards set forth in the "Standard Specifications for Sewer and Water Construction in Wisconsin" latest edition along with any amendments or additional specifications as required by the Town Engineer.

(11) **Other Utilities**

(a) The Sub-divider shall cause gas, electrical power, and telephone and other communication facilities to be installed in such a manner as to make adequate service available to each lot in the land division or condominium, in accordance with Section 18.07(8).

(b) Plans indicating the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division or condominium shall be approved by the Town Engineer.

(c) Such utilities shall be installed prior to the placement of any roadway surfacing.

(d) All utilities shall be underground.

(12) **Street Lamps**

(a) The Sub-divider shall install public street lamps along all streets proposed to be dedicated. The Town Plan Commission shall approve the design and location of all street lamps, which shall be compatible with the neighborhood and type of development proposed.

(b) In lieu of or in addition to the installation of public street lamps, the Town Plan Commission may permit the installation of private post lamps on each lot of a land division and at appropriate locations within a condominium. The type and location of such post lamps shall be reviewed by the Town Engineer and recommended for approval to the Town Board.

(13) **Street Signs**

Street signs shall be obtained by the Town and placed by the Town and the cost of same shall be paid for by the Sub-divider.

(14) **Guard Rails**

Guard rails, where necessary or required, shall be placed along the roadway at such locations as reviewed or recommended by the Town Engineer and ordered by the Town Board and the cost paid by the Sub-divider.

(15) **Street Trees**

(a) The Sub-divider shall plant or provide funding for the planting of at least one tree of species approved by the Town Plan Commission of at least two inches in diameter measured at six (6) inches above the top of the root ball at an average spacing of fifty (50) feet along the frontage of all streets proposed to be dedicated. The required trees shall be planted in the area between the right-of-way and ten (10) feet behind and parallel to the right-of-way in accordance with plans and specifications approved by the Town Engineer.

(b) The requirement for street trees may be waived by the Town Plan Commission if substantial alternative landscaping, including trees, is to be provided within the land division or condominium in accordance with a landscaping plan approved by the Town Plan Commission.

(16) **Erosion and Sedimentation Control**

(a) The Sub-divider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall be approved by the Town Engineer.

(b) The Sub-divider shall plant those grasses, trees, and groundcover of species and size specified by the Town Plan Commission, upon recommendation of the Town Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.

(c) The Sub-divider shall install those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures, set forth in the approved erosion and sedimentation control plan.

(17) **Landscaping**

(a) The Sub-divider shall install landscaping in accordance with a landscaping plan approved by the Town Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.

(b) Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required under Section 18.02(6).

18.09 CONSTRUCTION

(1) **Commencement**

No construction or installation of improvements shall commence in a proposed land division or condominium development until a development agreement has been executed, the Town Engineer has given written authorization to proceed, and a preconstruction meeting of concerned parties,

such as the utilities and contractors concerned, has been called and held by the Town Engineer.

(2) **Phasing**

The Town Board may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat.

(3) **Building Permits**

No building permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance and the Developer's Agreement have been met.

(4) **Plans**

Each of the following plans and accompanying construction specifications shall, except for the landscaping plan, be approved by the Town Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be approved by the Town Plan Commission.

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

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

(c) Plans for storm water management facilities showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.

(d) Water supply and distribution plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.

(e) Grading plans showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town Engineer.

(f) Erosion and sedimentation control plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 18.08(16).

(g) Landscaping plans showing and describing in detail the location, size, and species of any proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls, fences, and entrance signs.

(h) Additional special plans or information required by the Town, Plan Commission, or Town Board.

(5) **Earth Moving**

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

(6) **Preservation of Existing Vegetation**

The Sub-divider shall make every effort to protect and retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

(7) **Inspection**

Inspections are necessary by the Town Engineer as directed by the Town Board or its designee at the below mentioned times. The Town Board shall be notified at least two (2) days in advance to inspect the site.

(a) Upon completion of the initial grading operations and prior to the placement of any gravel.

(b) Upon completion of the placement and compaction of the gravel and prior to the application of bituminous blacktop.

(c) Upon completion of the asphaltic concrete and prior to the completion of any shouldering work.

(d) Upon completion of the shouldering and the ditch line and prior to a time lapsing of fourteen (14) days.

(e) Final inspection and approval of the completed roads will not be given until fourteen (14) days after surface course has been inspected to allow for compaction and settling.

(f) All erosion control inspections as deemed necessary by ordinance or regulation.

(8) **Completion of Improvements**

All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision or condominium plat by the Town Board, except that in lieu of completion of construction, a letter of credit or cash deposit approved by the Town Attorney may be furnished as provided in Section 18.02(7).

(9) **Final Acceptance**

No road as above defined in Section 18.07 shall be accepted or laid out by the Town, unless the Sub-divider, owner, or petitioner, at his own expense, shall furnish the Town Board with a legal description of all the roads, proof of ownership, together with a deed granting title to such land to the Town for highway purposes. Such deed shall contain all accurate legal description of the roadway affected and shall be executed in recordable form. All the provisions of this section shall be strictly complied with before any roads shall become part of the Town Highway system along with the following requirements.

(a) No road or highway shall be accepted by the Town as a Town road, unless the road or highway meets the specifications set forth in the Wisconsin Department of Transportation's Standards Specifications for Highway and Structure Construction, except where specifically modified by this chapter.

(b) No road or highway shall be accepted by the Town as a Town road between November 1 and April 1 of any given year.

(10) **Record Drawings**

Within 30 days following completion and acceptance by the Town Engineer of all improvements, the Sub-divider shall provide reproducible copies of plans and profiles that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal locations shall be expressed in terms of Wisconsin State Plane Coordinates, North American Datum of 1927 and vertical locations shall be referenced to the National Geodetic Vertical Datum of 1929.

18.10 FEES

(1) **General**

The Sub-divider shall pay to the Town Treasurer all fees as hereinafter required and at the times specified before being entitled to record the Plat or Certified Survey Map concerned.

(2) **Preliminary Plat or Certified Survey Map Review Fee**

(a) The Sub-divider shall pay a fee as established by the Town Board to the Town Treasurer at the time of first application for approval of any preliminary plat or certified survey map to assist in defraying the cost of review. All costs of the review shall be paid by the Sub-divider. The Town Board may require a deposit of additional funds for large or complex developments.

(b) A reapplication fee as established by the Town Board shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat or certified survey map which has previously been reviewed.

(3) **Improvement Review Fee**

(a) The Sub-divider shall pay a fee or present a letter of credit or cash equal to one percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to cover all cost to the Town of reviewing such plans and specifications.

(b) The fee may be recomputed, upon demand of the Sub-divider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the Sub-divider. Evidence of cost shall be in such detail and form as required by the Town Engineer.

(4) **Construction Review Fee**

The Sub-divider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Engineer or Town Attorney deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the Town or any other governmental authority.

(5) **Final Plat Review Fee**

(a) The Sub-divider shall pay a fee as established by the Town Board for each lot or parcel within the final plat to the Town Treasurer at the time of first application for approval of said plat to assist in defraying the cost of review. All costs for the review shall be paid by the Sub-divider. The Town Board may require a deposit of additional funds for large or complex developments.

(b) A reapplication fee as established by the Town Board shall be paid to the Town Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

(6) **Public Site Fee**

(a) If required by the Plan Commission under Section 18.07(10), a fee for the acquisition of public sites to serve the future inhabitants of the proposed land division or condominium shall be paid to the Town Treasurer at the time of first application for approval of a final plat or certified survey map of said land division or condominium in the amount established by the Town Board.

(b) Public Site Fees shall be placed in a non-lapsing separate Service District Fund by the Town Treasurer to be used only for the acquisition of playground, park, parkway, or other open space site that will serve the proposed land division or condominium. Said fund shall be established on the

basis of the service area of existing or proposed park or open space sites.

(7) **Engineering Fee**

(a) The Sub-divider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat.

(b) Engineering work shall include the preparation of construction plans and standard specifications. The Town Engineer may permit the Sub-divider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications. The Town Board may allow the Town Engineer to design the improvements within a subdivision. All costs for such design will be paid for by the Sub-divider to the Town.

(8) **Special Legal and Fiscal Review Fees**

The Sub-divider shall pay a fee equal to the cost of any special legal or fiscal analyses which may be undertaken by the Town in connection with the proposed land division or condominium plat, including the drafting of contracts and Development Agreements between the Town and the Sub-divider. These fees may also include the cost of obtaining independent professional opinions of engineers, landscape architects, and land planners requested by the Town Plan Commission or Town Board in connection with the review of the land division or condominium plat being considered.

(9) **Appeal of Fees**

The Sub-divider shall have the right to challenge the amount of any fees levied Under Sections 18.10(3), 18.10(4), 18.10(7), and 18.10(8) of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the Sub-divider and the Town officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

18.11 APPEAL TO THE TOWN BOARD.

(1) **General**

Any action and/or decisions taken or made by the Plan Commission under the terms and provisions of this Ordinance may be appealed to the Town Board for its review and consideration. The request for such an appeal shall be made in writing and may be made by (i) the sub-divider, and/or (ii) a member of the Plan Commission and/or (iii) Town Board Supervisor. In the event of such an appeal, the Town Board may affirm, amend, or reverse the said action and/or decision of the Plan Commission.

18.12 ADOPTION AND EFFECTIVE DATE

(1) **Plan Commission Recommendation**

The Town Plan Commission recommended the adoption of this Land Division Control Ordinance at a meeting held on the 22nd day of September, 2005.

(2) **Public Hearing**

The Town Board held a public hearing on the proposed Land Division Control Ordinance on the 27th day of October, 2005.

(3) **Town Board Approval**

The Town Board of the Town of Randall concurred with the recommendations of the Plan Commission and adopted the Land Division Control Ordinance at a meeting held on the 27th day of October, 2005.

(4) **Effective Date**

This Land Division Control Ordinance shall take effect upon adoption by the Town Board and the filing of proof of publication in the office of the Town Clerk.

Date of Publication: November 19, 2005.

Effective Date: November 21, 2005.