

CHAPTER 10
LAND DIVISION AND SUBDIVISION CODE

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**ARTICLE A
ADOPTION AND INTRODUCTION**

SECTION 10.01 INTRODUCTION AND PURPOSE

(a) **Introduction.**

In accordance with the authority granted by Wis. Stats. § 236.45, and for the purposes listed in Wis. Stats. §§ 236.01 and 236.45, the Town Board of the Town of Dekorra, Columbia County, Wisconsin, does hereby ordain as follows:

- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town.
- (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it may apply whenever it imposes stricter restrictions on land use.

(b) **Purpose.**

The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets, to foster the orderly layout and use of land, to secure safety from fire, panic and other dangers, to provide adequate light and air, including access to sunlight for solar collectors and to wind energy systems, to discourage overcrowding of the land, to protect the community's agriculture base, to facilitate adequate provision for transportation, public water and sewerage systems where necessary, schools, parks, playgrounds and facilities, and other public necessities, and to facilitate the further division of large tracts of land into smaller parcels.

The regulations are made with reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing for the most appropriate environment for human habitation, protecting farming, agriculture, industries and open space, encouraging commerce and industry, and providing for the most appropriate use of land in the Town of Dekorra. **[Amended by Ord. 2015-0 04/14/15]**

SECTION 10.02 ABROGATION AND GREATER RESTRICTIONS

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

SECTION 10.03 **INTERPRETATION**

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

SECTION 10.04 **SEVERABILITY**

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

SECTION 10.05 **REPEAL**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with the provisions of this Chapter, to the extent of the inconsistency only, are hereby repealed.

SECTION 10.06 **TITLE**

This Chapter shall be known as, referred to, or cited as the "Town of Dekorra Subdivision Ordinance" or "Town of Dekorra Land Division and Subdivision Ordinance."

ARTICLE B DEFINITIONS

SECTION 10.11 DEFINITIONS

- (a) The following definitions shall be applicable to this Chapter:
- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from, and within the Town. It has a secondary function of providing access to abutting land.
 - (3) Area Development Plan. A concept plan prepared by the land divider of the contiguous ownership parcel at a preliminary stage in the development process as specified by this Chapter, regardless of how much of that contiguous ownership parcel is currently proposed for land division. Illustrated on the area development plan shall be the proposed land division (new lots proposed for creation at the time) with relation to the entire land in contiguous ownership, along with future conceptual lotting and street patterns as may be allowed on the remainder of the lands in contiguous ownership based on zoning and the Town's Comprehensive Plan. Also illustrated on the area development plan shall be existing and proposed zoning; conceptual locations of all improvements, including public and private streets, easements, utilities, and buildings; natural features; current and potential future parks, trails, and open space; and farmland in production. [**Amended by Ord. No. 2015-0 04/14/15**]
 - (4) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or bodies of water.
 - (5) Building Envelope. The area within which structures are permitted to be built on a lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and any Land Use Plan, Comprehensive Plan, and Town Ordinances adopted by the Town.
 - (6) Certified Survey/Certified Survey Map (CSM). A map or plan of record of a land division used to create four or fewer lots of 35 acres or less (including outlots), meeting all the requirements of Wis. Stats. § 236.34, the Columbia County Land Division Ordinance and this Chapter. [**Amended by Ord. 2013-16, 11/12/13.**]

- (7) Cluster Development. A contiguous grouping of two or more allowable lots for new residential development. The intent of cluster development is to provide for a more compact residential development pattern that encourages sensitivity toward natural landscape features, preserves open space, farmland, and/or woodland and offers economies in the provision of public services. **[Amended by Ord. No. 2015-0 04/14/15]**
- (8) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets.
- (9) Comprehensive Plan. A plan for guiding and shaping the growth and development of the Town which has been adopted by the Town Board under Wisconsin Statutes. Also known as, or referred to, as "Land Use Plan."
- (10) Contiguous Ownership. Any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a limited liability company, partnership or corporation. Lots or parcels shall be considered contiguous if they share a common boundary. A public road, railroad right-of-way, navigable waterway, or connection at only one point shall not be considered to break up contiguity for the purposes of this Chapter. **[Amended by Ord. No. 2015-0 04/14/15]**
- (11) Cul-de-sac. A local street having one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (12) Developer's Agreement. A legal contract between a Subdivider/Land Divider and the Town, authorized under Wis. Stats. Section 236.13(2), that defines responsibilities for public and private improvements associated with a Land Division in order to meet the provisions of this Ordinance and the Comprehensive Plan, with more detailed requirements described in Section 10.52.
- (13) Development Right. The ability to construct a residential dwelling unit on a piece of property under existing zoning rules and Comprehensive Plan policies.
- (14) Division of Land/Land Division. The division of a lot, parcel or tract of land by the owner thereof or the owner's agent into two or more separate salable lots. **[Repealed and Recreated by Ord. 2013-16, 11/12/13.]**

- (15) Easement. The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (16) Erosion Control and Stormwater Management Plan. A plan to control land erosion and manage stormwater that consists of written descriptions accompanied by an engineering report and drawings approved by the Town Engineer. The Erosion Control and Stormwater Management Plan identifies and analyzes existing conditions in a variety of storm scenarios and compares various storm water runoff quality and quantity parameters and proposed best management practices to minimize erosion and storm water runoff and maximize surface water quality in accordance with this Ordinance and the requirements of the Town Engineer. *See also* Section 11.01 of the Town Code of Ordinances.
- (17) Frontage Street. A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (18) Greenway. An open area of land, the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to, public roadways, pedestrian and bicycle paths, sanitary sewers, water mains, storm sewers, storm water retention basins, and park development.
- (19) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (20) Local Street. A street designed to provide access to abutting property and leading into collector streets.
- (21) Lot. A single piece of land that is recognized as a distinct and separate parcel of land in a subdivision plat, certified survey map, deed, or similar instrument recorded with the Columbia County Register of Deeds or which has been separated from other lands by a public street, road, or highway, or railroad right-of-way. **[Amended by Ord. 2013-16, 11/12/13.]**
- (22) Lot Area. The area contained within the exterior boundaries of a lot. No land included in any public street, road, highway, railroad right-of-way, or land under navigable bodies of water shall be included when computing lot area for the purposes of this Chapter. **[Amended by Ord. No. 2015-004/14/15]**

- (23) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (24) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
- (25) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (26) Lot Width. The width of a parcel of land measured along the front boundary line. Lots fronting on the curvilinear end of a cul-de-sac shall measure lot width at the front yard setback line.
- (27) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (28) Outlot. A parcel created by plat or certified survey map that, because of non-compliance with one or more standards of this Chapter, zoning requirements, or other purposes, is not buildable. [Amended by Ord. No. 2015-004/14/15]
- (29) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of these.
- (30) Parcel. A tract of land in single ownership which may or may not also be a lot as defined in this section. A parcel, as defined herein, may contain more than one tax parcel. Except where the parcel is also a lot, when measuring parcel size, lands to the centerline of undedicated streets are included.
- (31) Plat. The map, drawing or chart on which the land divider's plat of subdivision is presented to the Town for approval.
- (32) Plat, Final. The final plat map, drawing or chart on which the land divider's plan of a subdivision, as defined in this Chapter, is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recordation.
- (33) Private Road/Roadway. A road not in public ownership or not proposed to be dedicated to the public; designed and constructed to standards specified or referenced in this ordinance; and subject to Plan Commission recommendation and Town Board approval.
- (34) Plat, Preliminary. The Preliminary Plat map, drawing or chart indicating the proposed layout of a subdivision, as defined in this Chapter, to be submitted to the Town Board for their consideration as to compliance with the regulations contained in this Chapter along with required supporting data.

- (35) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, which constitutes a restriction on the use of all private or platted property within a certified survey or subdivision for the benefit of the public or property owners and to provide mutual protection against the undesirable aspects of development which would tend to impair the stability of property values.
- (36) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded plat or a part thereof. The legal dividing of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of such block, lot or outlot is not a replat.
- (37) Sanitary District or Utility District Board. A board established under Wisconsin Statutes for the purposes of managing public utility services within a legally defined area.
- (38) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the ordinary high water mark of navigable lakes, ponds and flowages or three hundred (300) feet from the ordinary high water mark of navigable streams or to the landward side of the floodplain, whichever is greater.
- (39) Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (40) Stormwater Management Plan. See Erosion Control and Stormwater Management Plan.
- (41) Subdivider/Land Divider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, land division, or replat.
- (42) Subdivision. A land 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 where the act of division creates:
- (A) Five or more lots, outlots, parcels, or building sites, if five or more of which are 35 acres each or less in area; or
 - (B) Five or more lots, outlots, parcels, or building sites, if five or more of which are 35 acres each or less in area, where such lots are created by successive divisions within a period of five years.
[Amended by Ord. No. 2015-0 04/14/15]
- (43) Town. The Town of Dekorra, Columbia County.

- (44) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (*See Wis. Stats. § 23.32(1).*)
- (45) Wisconsin Administrative Code. The rules of the administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Wis. Stats. § 35.93 and Chap. 227, including subsequent amendments to those rules.
- (46) Woodland. An area or stand of trees whose canopy covers a minimum of 80% of an area of two acres or more, as shown on a USGS topographic map, or as determined through submittal of a Site Assessment Checklist or Area Development Plan for a land division.

History Note: Section 10.11 amended by Ordinance No. 2015-0 April 14, 2015.

**ARTICLE C
GENERAL PROVISIONS**

SECTION 10.21(a) (2) GENERAL PROVISIONS

(a) **Compliance.**

No person shall divide any land which results in a land division or a replat within the Town except by use of a Certified Survey Map or Subdivision Plat and no Certified Survey Map or Subdivision Plat shall be recorded and no street shall be laid out or improvements made to land, without compliance with all requirements of this Chapter and the following: **[Amended by Ord. 2013-16, 11/12/13, intro only.]**

- (1) The provisions of Wis. Stats. Chap. 236 and § 82.18;
- (2) “The rules of the Department of Safety and Professional Services contained in the Wisconsin Administrative Code for land divisions not served by public sanitary sewer;”
- (3) The rules of the Department of Transportation contained in the Wisconsin Administrative Code for subdivisions, which abut a state trunk highway or connecting street;
- (4) The rules of the Department of Natural Resources contained in the Wisconsin Administrative Code for Floodplain Management;
- (5) The rules of the Department of Natural Resources contained in the Wisconsin Administrative Code for Erosion Control and Stormwater Management;
- (6) Comprehensive or master plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board;
- (7) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances;
- (8) The Town Comprehensive Plan, or components thereof;
- (9) Applicable provisions of the Columbia County Code of Ordinances; and
- (10) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection. **[Section 2 – 10 Amended by Ord. No. 2015-004/14/15]**

- (b) **Jurisdiction.**
 Jurisdiction of these regulations shall include all lands within the jurisdictional boundaries of the Town. The provisions of this Chapter shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) Other than as specified in Section 10.43(c)(6) of this Chapter, 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 Chapter or other applicable laws or ordinances.
 - (4) Any division of land where no lot is created that contains 35 or fewer acres. **[Created by Ord. 2013-16, 11/12/13.]**

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

- (d) **Applicability to Condominiums.**
 The Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Wis. Stats. § 703.27(1). For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot created by the act of subdivision or land division. **[Amended by Ord. No. 2015-0 04/14/15]**

- (e) **Relationship to Rezoning of Lands.**
 All rezoning of lands required to facilitate the subdivision or land division shall be in accordance with the procedures of Chapter 11.06 of the Code of Ordinances and with the Columbia County Zoning Ordinance. Except for lands intended for commercial or industrial use, it is the Town's intention that all lots in subdivisions (as defined in Section 10.11) shall be rezoned for single family residential use.

History Note: Section 10.21 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.22 LAND SUITABILITY

- (a) **Suitability.**
 - (1) No land division shall be allowed for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, unsuitable soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of current and future residents of the community. Before making such a determination, the Town Board shall request a recommendation on the issue from the Plan Commission.

The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which both base its conclusion that the land is not suitable for residential, commercial or industrial use and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability. If the Plan Commission makes a recommendation that the land is not suitable for development, the Plan Commission shall forward, in writing, to the Town Board the recommended facts upon which the Plan Commission bases its recommendation, which may be adopted by the Town Board in part or in full if the Town Board is in agreement.

- (2) Except as provided herein, the Town Board shall preferably determine land suitability at the time of the preliminary consultation, following review and recommendation by the Plan Commission and appropriate Town and County Committees, if any. The land divider shall furnish such maps, data and information as may be requested by the Town or necessary to make a determination of land suitability.

In addition to the data required to be submitted with the Preliminary Plat or Certified Survey Map (see Sections 10.41 and 10.43), the land divider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

- (A) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to the regional flood elevation and flood plain zoning limits, shoreland setback areas, wetlands, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken;
 - (B) Two (2) copies of a typical valley cross-section showing the channel or stream, the flood plain adjoining each side of the channel or stream, cross-sectional area to be occupied by the proposed development and high-water information;
 - (C) Two (2) copies of a profile showing the slope of the bottom of the channel or the flow line of the stream; or
 - (D) Such other data as may be requested or required.
- (3) When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Town Board may transmit to the Department of Natural Resources, information provided by the land divider

and may request that the Department provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed.

- (4) Where a proposed land division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the applicable County Ordinances shall apply.
- (b) **Additional Considerations.**
The land divider shall preserve and protect:
- (1) Areas of archaeological and/or historical interest including, but not limited to, those areas designated by the State Historical Society;
 - (2) Areas of geological interest including, but not limited to, those areas designated by the State Geological and Natural History Survey; and
 - (3) Areas of existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails, per the standards in Section 10.245.

In addition, the suitability of land for private sewerage systems shall be determined in accordance with the appropriate provisions of the Wisconsin Statutes and Wisconsin Administrative Code. [**Amended by Ord. No. 2015-0 04/14/15**]

SECTION 10.23 **GUIDELINES FOR REVIEWING LAND DIVISIONS**

The following are guidelines and review criteria that the Town Board and Plan Commission shall apply in reviewing land divisions. Nothing in this Chapter shall prevent the Town Board from developing and applying such additional guidelines and review criteria that the Town Board, in its sole discretion, determines appropriate. Such guidelines include, but are not limited to, those guidelines included in the Town's Comprehensive Plan:

- (a) Land divisions should be consistent with the goals, objectives and development standards set forth in the Town Comprehensive Plan and shall be consistent with the Town Code of Ordinances;
- (b) Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties;
- (c) Land divisions should be planned and designed to maintain the "rural character" of the Town, such as through cluster development techniques described in Section 10.745 of this Chapter;

- (d) Land divisions should be planned and designed to protect environmentally sensitive sites;
- (e) Land divisions should be planned and designed to minimize the disruption of groves of existing mature vegetation, particularly canopy trees and woodlands native to pre-settlement Wisconsin;
- (f) Land divisions should be planned and designed to be sensitive to historic and archeological sites on both the lot or parcel being divided and on adjoining and nearby properties;
- (g) Land divisions should be planned and designed to minimize the disruption of distant vistas;
- (h) Lot design and siting standards, including building envelope location, shall be in accordance with Section 10.73, LOT DESIGN STANDARDS and Section 11.04, SITE PLAN REVIEW;
- (i) Residential development proposed for the Agricultural and Woodland Preservation Area, as defined and mapped in the Town Comprehensive Plan, may take place only in accordance with the associated policies within the Land Use Chapter of the Town of Dekorra Comprehensive Plan; and **[Amended by Ord. No. 2015-0 04/14/15]**
- (j) As specified in the Land Use chapter of the Town's Comprehensive Plan, no land division of any lot or parcel less than 35 acres that is designated within an Agriculture and Woodland Preservation Area on the planned land use map in the Comprehensive Plan shall be permitted. This provision shall not apply if such land is redesignated out of the Agriculture and Woodland Preservation Area, through an amendment to the Comprehensive Plan under the procedures required under Wisconsin Statutes.

History Note: Section 10.23 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.24 HILLSIDE AND SLOPE PROTECTION**(a) Intent.**

The Town has determined that hillsides and steep slopes in the Town present some of its greatest assets and challenges. These challenges include but are not limited to increased hazards to private property and the natural environment from stormwater runoff and soil erosion; geologic hazards such as sloughing and unstable soil; limitations on vehicular travel; difficulties in providing public and emergency services; and design limitations for roads, driveways, cuts, fills, and buildings. To minimize challenges and the potential hazards they create, subdividers are expected to engage in careful planning and design in and around these areas.

(b) Steep Slope Disturbances Prohibited.

No land division shall be approved which would result in, or authorize a use or disturbance of land, including construction of private roads and driveways, on lands with a slope of twenty percent (20%) or more, except as may be allowed under Section 10.91(b). For purposes of this section, twenty percent (20%) means a vertical elevation differential of twenty (20) feet in one-hundred (100) horizontal feet. For slopes between 12% and 20%, the requirements of Section 10.91(b) below shall be met. See also Sections 10.56 and 10.74 of this Chapter.

SECTION 10.245 WOODLAND PROTECTION

If more than twenty percent (20%) of the canopy area of a woodland within the area of a subdivision plat or Certified Survey Map is proposed for removal during development, the subdivider shall include a plan for replacement tree plantings within the area of the subdivision plat or Certified Survey Map to compensate, on an acre-for-acre basis, for all woodland area proposed for removal above the twenty percent (20%) removal threshold. The species of plants to be used shall be non-invasive and native to the region. No more than fifty percent (50%) of the total number of trees planted shall be of any single species. Woodland protection or mitigation areas may serve as landscaped buffer yards under Section 10.86.

SECTION 10.25 FEES

Fees shall be paid according to the Town Fee Schedule under Section 1.04.

**ARTICLE D
PLAT REVIEW AND APPROVAL**

**SECTION 10.31 PRELIMINARY CONSULTATION AND AREA
DEVELOPMENT PLAN**

- (a) **Preliminary Procedure.**
Before filing a Preliminary Plat and a request to rezone the affected land, if required, the land divider shall consult with the Plan Commission and the Town Engineer for advice regarding general subdivision requirements. The land divider shall inform the Town Clerk in writing of the impending land division and shall request information on meeting dates, agenda deadlines and filing requirements. Such information shall be obtained from the Town Clerk.
- (b) **Purpose.**
The Preliminary Consultation and Area Development Plan Review stage is required in order to inform the land divider of the purpose and objectives of this ordinance, the Town Comprehensive Plan and duly adopted plan implementation devices of the Town, and to otherwise assist the land divider in planning the proposed development before significant expense is incurred on platting, engineering, and rezoning procedures. The Preliminary Consultation and Area Development Plan Review stage is also designed to provide the Plan Commission with information regarding the potential impact of the contemplated land division. During this stage, the Plan Commission and the land divider may reach mutual conclusions regarding the general program and objectives of the proposed development and its potential impact and effects on the neighborhood and community.
- (c) **Preliminary Consultation Scheduling.**
The land divider shall, at the time of preliminary consultation, submit to the Town Clerk a digital PDF copy and hard copies in a quantity determined by the Clerk of a general location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. At such time, the land divider shall also submit a similar quantity of digital and hard copies of an Area Development Plan as defined in Section 10.11. Upon receipt, the Town Clerk shall transmit one copy to the Town Engineer, one copy to each Plan Commission member and alternate, and one copy to the Town Chair. One copy shall be retained by the Town Clerk for public inspection. Upon receipt of the location map and Area Development Plan, the Plan Commission Chair shall schedule a preliminary consultation at the next regular meeting of the Plan Commission. [**Amended by Ord. No. 2015-0 04/14/15**]
- (d) **Public Hearing.**
Following the preliminary consultation meeting or meetings, and the land divider's submittal of a suitable quantity of copies of any adjustments to the Area Development Plan based on that consultation, the Town Clerk shall schedule a Public Hearing on the Area Development Plan to be held before the Plan Commission. The Town Clerk shall

give notice of the Town Plan Commission's Public Hearing on the Area Development Plan by listing it as an agenda item in the Commission's posted meeting notice for a meeting to be held no sooner than thirty (30) days from the date of the notice. The applicant shall also be notified in writing. The meeting notice shall include the name of the applicant, the address of the property in question and the requested action. The Town Clerk shall provide written notice of the public hearing to abutting property owners and property owners whose lands lie within six hundred (600) feet of the applicant's contiguous ownership parcel. **[Amended by Ord. No. 2015-0 04/14/15]**

(e) **Post-Public Hearing Procedure.**

Following the public hearing, the Plan Commission may take informal action on the Area Development Plan. Such action shall be non-binding on the Town, but may provide direction to the Land Divider. Following the public hearing, the land divider may submit a Preliminary Plat and an application for rezoning the affected land, if required.

History Note: Section 10.31 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.32 **SUBMISSION OF PRELIMINARY PLAT FOR
SUBDIVISIONS**

(a) **Submission.**

- (1) If the land divider decides to proceed with the subdivision, the land divider shall, following the completion of the Preliminary Consultation and Area Development Plan stage, submit to the Town Clerk an application for subdivision, together with three (3) hard copies of the Preliminary Plat and a digital PDF copy meeting the technical requirements of Section 10.41, as well as the other documents and items required in Sections 10.22 and 10.32(b) through (h). The Clerk shall note the date received on the face of each of the copies of the Preliminary Plat as the date of initial submittal. **[Amended by Ord. No. 2015-0 04/14/15]**
- (2) Upon receipt of the submission required under subsection (1), the Town Clerk shall immediately notify and provide one copy of the submission to the Town Engineer and one copy to the Town Plan Commission Chair or his or her designee if the Chair is not immediately available, who shall each have three (3) business days to determine whether the submission appears complete in covering the requirements of Sections 10.32 and 10.41.
- (3) If the documents do not appear complete or in sufficient detail, the Town Engineer or Town Plan Commission Chair shall notify the Town Clerk, who shall then immediately contact the land divider, identifying the necessary additional documents needed before the Preliminary Plat is deemed submitted and complete. The process shall then recommence per subsection (1) upon the resubmission of corrected or additional information. If the requested additional materials are not received within one (1) week prior to the next regularly scheduled Town Board meeting, the Town Board

will at such meeting act to reject the Preliminary Plat due to its incompleteness, documenting in its action the reasons for such rejection. The Town Sec. 10.22, Land Suitability Board may take such action without first receiving a recommendation from the Plan Commission.

- (4) If the Plan Commission Chair and Town Engineer determine the submission or resubmission appears complete in sufficient detail, or if the three (3) business day review period passes without comment or action from either of these individuals, the Town Clerk shall notify the land divider, who shall within seven (7) calendar days provide and file with the Town Clerk a digital PDF copy and a sufficient quantity of hard copies, as determined by the Clerk, of the application, Preliminary Plat, and other documents required under Sections 10.32 and 10.41. [**Amended by Ord. No. 2015-0 04/14/15**]
 - (5) The Preliminary Plat shall then be prepared in accordance with the provisions and requirements of this Chapter and the land divider shall file the required number of complete copies of the Preliminary Plat and letter of application with the Town Clerk a minimum of twenty-eight (28) calendar days prior to the regular meeting of the Plan Commission at which review of the Preliminary Plat is desired. The Clerk will then fill in the date received on the application and the Preliminary Plat as the date of complete submittal, and shall distribute copies to the Town Engineer, Plan Commission, Town Board, and County Planning and Zoning Departments.
 - (6) The Town Engineer shall have twenty-one (21) calendar days from the date of a complete submission to review the plat against the technical requirements of this Chapter and prepare and submit to the Plan Commission a written report. The report shall include observations and recommendations regarding the Preliminary Plat.
 - (7) If the land divider elects to revise and resubmit the Preliminary Plat after its initial submission, the timeframes for Town Plan Commission, Board, and Engineer action under this Chapter shall be measured from the date of resubmittal.
- (b) **Public Improvements, Plans and Specifications.**
Simultaneously with the filing of the Preliminary Plat, the land divider shall file with the Town Clerk a digital PDF copy and hard copies in a quantity determined by the Clerk of engineering reports, preliminary plans for the construction of any public improvements required by this Chapter, specifically addressing drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the land division. The Town Clerk shall provide digital or hard copies to the Town Engineer, one copy to each Plan Commission member and alternate, and each member Town Supervisor. One copy shall be retained by the Clerk for public inspection. [**Amended by Ord. No. 2015-0 04/14/15**]

(c) **Affidavit.**

The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that the surveyor has fully complied with all provisions of this Chapter.

(d) **Supplementary Data to be Filed With Preliminary Plat.**

The following shall also be filed with the Preliminary Plat:

- (1) **Use Statement.** A statement of the proposed use of lots stating the type of residential buildings with the number of proposed dwelling units, types of business or industry so as to reveal the effect of the development on traffic, fire hazards, police services and congestion of population;
- (2) **Zoning Changes.** If any zoning changes are contemplated or are in process, the proposed zoning plan for the areas, including dimensions;
- (3) **Area Development Plan.** A final Area Development Plan for the subdivider's contiguous ownership, including but not limited to area covered by the current plat. The required contents of an Area Development Plan are as defined in Section 10.11 of this Chapter. The actual future development of the contiguous ownership parcel may vary from the representations on the Area Development Plan;
- (4) **Draft Covenants and Agreements.** A draft of all protective covenants, property owner agreements (including but not limited to shared driveway agreements), or deed restrictions which the land divider intends to regulate land use in the proposed subdivision and otherwise protect proposed development. At the Preliminary Plat stage, this draft may consist of protective covenants that are representative of the type that will ultimately be used for the subdivision;
- (5) **Conceptual Tree Protection/Planting/Landscaped Buffer yard Plan.** Draft concepts for tree protection in the event the land to be subdivided includes a woodland as described under Sections 10.11 and 10.245 of this Chapter. Also, draft concepts for the preservation or establishment of landscaped buffer yards under Section 10.86; and
- (6) **Other Compliance Information.** Plans, maps, and/or written information documenting compliance with the design standards of this Chapter, including but not limited to those in Articles C and G.

(e) **Street Plans and Profiles.**

The land divider shall provide plans showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond

the limits of the proposed land division when requested by the Town Board or the Town Engineer.

(f) **Soil Testing.**

The land divider shall provide a preliminary soils report, listing the types of soils in the proposed land division, their effect on the land division and a proposed soil testing and investigation program. A Natural Resources Conservation Service Map would meet the requirements of this Subsection. Pursuant to the public policy concerns prescribed in Section 10.22 of this Chapter, the Town Board may require that borings and soundings be made in specific areas to ascertain subsurface soil, rock and water conditions, including depth of bedrock and depth to the groundwater. [**Amended by Ord. No. 2015-0 04/14/15**]

(g) **Environmental Assessment.**

With the Preliminary Plat submittal, the subdivider shall submit an environmental assessment in the format specified in Section 10.91(a) of this Chapter. This assessment provides the basis for an orderly, systematic review of the effects of all new subdivisions, Certified Survey Maps and condominiums upon the community environment. The Town Board and Plan Commission shall use this assessment to determine land suitability under Section 10.22(a) of this Chapter and to determine compliance with other sections of this Chapter and the Town's Comprehensive Plan. The purpose of this assessment is to eliminate or reduce pollution and siltation to an acceptable standard, assure ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services. [**Amended by Ord. No. 2015-0 04/14/15**]

- (1) **Application.** The Environmental Assessment shall apply to all subdivisions and condominiums. The Plan Commission may waive the requirement for the filing of an environmental assessment for subdivisions of less than five acres total area.
- (2) **Review.** The Plan Commission shall review the environmental assessment as soon as possible after submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the subdivider and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions on the effects on the environment and that review by other town committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions may include items which this Chapter already enables the Plan Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the

subdivider. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is presented. [**Amended by Ord. No. 2015-0 04/14/15**]

- (3) **Hearing.** Following the return to the Plan Commission of the data required in the resolution adopted under Section 10.32(g)(2) of this Chapter, the Commission shall make such data available for scrutiny by the subdivider, by Town departments, commissions and committees and by other interested parties or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class 1 notice. [**Amended by Ord. No. 2015-0 04/14/15**]

(h) **Plan Commission Additional Review.**

The Plan Commission shall review, as part of the analysis and evaluation of the Preliminary Plat, any other environmental assessment reports, together with such supporting data and information as the Plan Commission may require for recommending the suitability of the proposed land division and subsequent development.

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

- (1) Pursuant to Wis. Stats. § 236.12(6), the Town elects that the Land Divider shall be responsible for referring copies of the Preliminary Plat to each of the State agencies authorized to object to the land division or subdivision, as well as the other bodies with approval jurisdiction over the land division or subdivision. Prior to the Plan Commission's action on the land division or Preliminary Plat, the Land Divider shall certify, in writing, to the Town Clerk full compliance with the referral requirements.
- (2) The Land Divider shall, within five (5) days after filing of the Preliminary Plat and letter of application, transmit copies of the Preliminary Plat to the Sanitary or Utility District in which the property is located (if the land division is to be served by public sanitary sewer, water, or both) and other State and local agencies as required by State Statutes, Wisconsin Administrative Code, Columbia County Ordinances or Town of Dekorra Ordinances and such other copies as may be required to be transmitted. Copies of notices sent to State and local agencies by the Land Divider shall be provided to the Town by the Land Divider. [**Amended by Ord. No. 2015-0 04/14/15**]
- (3) Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (i)(1) above shall notify the land divider and all approving or objecting authorities of any objection based upon the failure of the plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The land

division shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the plat. Any Town Sanitary District or Utility District (if the land division is to be served by public sanitary sewer, water or both) within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Town Board's public hearing on the land division.

- (4) The Town may not approve a land division unless all required documents have been submitted by the developer and reviewed by objecting agencies. The Plan Commission or Town Board may request extensions of time for the review of the documents. If the developer refuses to agree to an extension of the time for review of the plat or Certified Survey Map, the Town Board may reject the plat or Certified Survey Map.
- (j) **Drafting Standards.**
The land divider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes, copies of a Preliminary Plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of no less detail than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

SECTION 10.33 PRELIMINARY PLAT REVIEW AND APPROVAL

- (a) **Town Plan Commission Review.**
After review of the Preliminary Plat and negotiations with the land divider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval, or conditional approval of the land division within sixty (60) days of the filing date of a complete Preliminary Plat submittal, unless extended by written agreement of the subdivider.
- (b) **Town Board Action.**
After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the filing date of a complete Preliminary Plat submittal, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the land divider. Failure of the Town Board to act within this ninety (90) day period or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat or by written agreement by the subdivider. The Town Clerk shall communicate to the land divider the action of

the Town Board. If the plat is approved, the Town Clerk shall endorse it for the Town Board.

(c) **Determination of Adequacy of Public Facilities and Services.**

- (1) A Preliminary Plat or Final Plat shall not be approved unless the Sanitary District or Utility District Board (if appropriate), and the Town Board determine that adequate public facilities and public services are available to meet the needs of the proposed land division.
- (2) The applicant shall furnish any data requested by the Town Board or its designee, who shall transmit this information to the appropriate Town commission(s) and committee(s) for review and shall act as coordinator for their reports to the Sanitary District or Utility District Board and the Town Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreational facilities, transportation facilities and schools.
- (3) Public facilities and public services for a proposed Preliminary Plat may be found to be adequate when the following conditions exist:
 - (A) The Town Board or its designee and the appropriate committee(s) certify to the Town Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (B) The future residents of the proposed subdivision can be assured park, recreation and open space facilities and services.
 - (C) The appropriate Sheriff's Department, Emergency Medical Service and Fire District verify that timely and adequate service can be provided to the residents of the proposed subdivision.
 - (D) The appropriate school district is provided an opportunity to review and comment regarding the impact of the proposed subdivision on school facilities and programs. [Amended by Ord. No. 2015-0 04/14/15]
 - (E) The proposed land division is accessible by existing all weather roads, whether publicly or privately maintained, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division, or necessary additional roads and road improvements are budgeted in the current adopted budget for construction with public or private financing.
- (4) Where the Town Board determines that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion

of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

(d) **Effect of Preliminary Plat Approval.**

Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within 36 months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Town Board at the time of its submission. [Amended by Ord. No. 2015-0 04/14/15]

(e) **Preliminary Plat Amendment.**

Should the land divider desire to amend the Preliminary Plat after it is approved, the land divider may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which case it shall be refiled with a fee. Amendments to Preliminary Plat that occur during the review process are addressed in Section 10.32(a).

SECTION 10.34 **FINAL PLAT REVIEW AND APPROVAL**

(a) **Filing Requirements.**

- (1) If the land divider decides to proceed with the subdivision, the land divider shall, following Town approval of the Preliminary Plat, submit to the Town Clerk an application for Final Plat approval, together with a digital PDF copy and three (3) copies of the Final Plat meeting the technical requirements of Section 10.42, as well as the other documents required in this Section. The Clerk shall note the date received on the face of each of the copies of the Final Plat as the date of initial submittal. [Amended by Ord. No. 2015-0 04/14/15]
- (2) Upon receipt of the submission required under subsection (1), the Town Clerk shall immediately notify and provide one copy of the submission to the Town Engineer and one copy to the Town Plan Commission Chair or his or her designee if the Chair is not immediately available, who shall each have three (3) business days to determine whether the submission appears complete and in sufficient detail in covering the requirements of Sections 10.34 and 10.42.
- (3) If the documents do not appear complete or in sufficient detail, the Town Engineer or Town Plan Commission Chair shall notify the Town Clerk who shall then immediately contact the land divider, identifying the necessary additional documents needed before the Final Plat is deemed submitted and

complete. The process shall then recommence per subsection (1) upon the resubmission of corrected or additional information. If the requested additional materials are not received within one (1) week prior to the next regularly scheduled Town Board meeting, the Town Board will at such meeting act to reject the Final Plat due to its incompleteness or lack of sufficient detail, documenting in its action the reasons for such rejection. The Town Board may take such action without first receiving a recommendation from the Plan Commission.

- (4) If the Plan Commission Chair and Town Engineer determine the submission or resubmission appears complete and in sufficient detail, or if the three (3) business day review period passes without comment or action from either of these individuals, the Town Clerk shall notify the land divider, who shall within seven (7) calendar days provide and file with the Town Clerk a digital PDF copy and hard copies in a quantity determined by the Clerk of the application, Final Plat, and other documents required under Sections 10.34 and 10.42. The Clerk will then fill in the date received on the application and the Final Plat as the date of complete submittal. **[Amended by Ord. No. 2015-0 04/14/15]**
- (5) The land divider shall file the Final Plat with the Town Clerk not later than 36 months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and the Final Plat will be considered void. **[Amended by Ord. 2010-05, 12/14/10.]**
- (6) The land divider shall submit with the Final Plat a Certificate of Ownership as required by Wis. Stats. § 236.21(2), or a letter report of title and such other evidence as the Plan Commission may recommend or the Town Board or Town Attorney may require showing title or control in the applicant.
- (7) The land divider shall submit a draft of the legal instruments and rules for the proposed property owners association, when the land divider proposes that common property within a land division be either owned or maintained by such an organization of property owners or a subunit of the Town and proposed deed restrictions, conservation easements, and/or restrictive covenants, shall be submitted at the time of filing of the Final Plat with the Town Clerk for Plan Commission review and recommendation and Town Board approval. (Note: Deed Restrictions and restrictive covenants in subdivisions are private contractual agreements ordinarily not enforceable by the Town, though some may reflect Town ordinance requirements.) **[Amended by Ord. No. 2015-0 04/14/15]**
- (8) The land divider shall submit plans or documents identifying tree protection strategies in the event the land to be subdivided includes a woodland as described under Sections 10.11 and 10.245 of this Chapter. If necessary to meet any requirements of Section 10.245 regarding woodland protection, a tree planting plan including the locations, species, and size at time of planting for all proposed trees shall also be submitted with the Final Plat.

- (9) The land divider shall, within five (5) days after filing of the complete Final Plat and letter of application (the step described in subsection (4) above), transmit copies of the Final Plat to other State and local agencies as required by State Statutes, Wisconsin Administrative Code, Columbia County Ordinances or Town Ordinances and such other copies as may be required to be transmitted.
 - (10) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object as provided by Wis. Stats. § 236.12(2). The Town Engineer or Town Attorney shall examine the Final Plat and provide a conclusion as to whether the Final Plat conforms substantially to the Preliminary Plat with a recommendation on approval of the Final Plat. The conclusions and recommendations shall be made a part of the record of the proceedings where the Final Plat is being considered. **[Amended by Ord. 2010-05, 12/14/10.]**
 - (11) Simultaneously with the filing of the Final Plat or map, the land divider shall file with the Town Clerk a digital PDF copy and three (3) hard copies of the final plans and specifications of public improvements required by this Chapter. **[Amended by Ord. No. 2015-0 04/14/15]**
 - (12) The Town Clerk shall refer the Final Plat submission to the Town Engineer. The abstract of title or registered property report shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The Town Engineer shall examine the Final Plat or map and final plans and specifications of public improvements for technical details and, if the Town Engineer finds them satisfactory, shall so certify in writing to the Town Plan Commission and Town Board within 21 days of receipt. If the Final Plat or map or plans and specifications of public improvements are not satisfactory, the Town Engineer shall return them to the land divider and advise the Town Board and Town Plan Commission, in writing, as to the items which are not satisfactory. **[Amended by Ord. No. 2015-0 04/14/15]**
 - (13) If the land divider elects to revise and resubmit the Final Plat after its initial submission, the timeframes for Town Board and Engineer action under this Chapter shall be measured from the date of resubmission. The land divider shall be responsible for submittal of an additional filing fee for all revisions to the Final Plat, and for reimbursement to the Town for all professional review fees associated with all revised versions of plats (see Section 10.25).
- (b) **Town Board Review and Approval.**
- (1) Within twenty (20) day of the date of receiving the complete copies of the Final Plat, any state or county agency having authority to object above shall

notify the land divider and all approving or objecting authorities of any objection based upon the failure of the Final Plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the Final Plat and return that copy to the approving authority from which it was received. The land division shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the Final Plat.

- (2) If the Final Plat is not submitted within 36 months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat. [**Amended by Ord. No. 2015-0 04/14/15**]
 - (3) The Town Board shall, following a recommendation of the Town Plan Commission but not later than sixty (60) days of the date of filing the complete Final Plat submission with the Town Clerk, approve or reject such Final Plat unless the time is extended by written agreement with the land divider. If the Final Plat is rejected, the reasons shall be stated in the minutes of the Town Board meeting and a written statement of the reasons shall be forwarded to the land divider. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, such objections have been corrected and all conditions have been met.
 - (4) Failure of the Town Board to act within sixty (60) days of the complete Final Plat submission, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall be deemed approved, unless the time is extended by written agreement with the land divider.
 - (5) 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, and all required restrictions and conditions have been satisfied, the Town Clerk shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the Final Plat shall be returned to the land divider for recording with the County Register of Deeds. The County Register of Deeds cannot record the Final Plat unless it is offered within 12 months of the date of last approval of the Final Plat and within 36 months of the first approval. [**Amended by Ord. No. 2015-0 04/14/15**]
- (c) **Partial Platting.**
The Final Plat may, if permitted by the Town Board in its sole discretion, constitute only a portion of the approved Preliminary Plat which the land divider proposes to record at that time.

History Note: Section 10.34 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.35 **REPLAT**(a) **When Required.**

Except as provided in Wis. Stats. § 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the land divider or person wishing to replat shall simultaneously vacate or alter the recorded Plat as provided in Wis. Stats. §§ 236.40 through 236.44. The land divider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats contained in this Chapter.

(b) **Public Hearing.**

The Town Clerk shall schedule a Public Hearing before the Plan Commission, which shall subsequently makes its recommendation to the Town Board, when a Preliminary Plat of a replat of lands within the Town is filed. The Town Clerk shall cause notices of the proposed Replat and Public Hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat, to all abutting property owners, and to the owners of all properties within six hundred (600) feet of the exterior boundaries of the proposed replat.

ARTICLE E
TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS

SECTION 10.41 **TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS**

(a) **General.**

When a land divider proposes to create a subdivision, the land divider shall provide a Preliminary Plat prior to submitting a Final Plat. It shall be clearly marked "Preliminary Plat" and shall be in sufficient detail to determine whether the Final Plat will meet layout requirements. The Preliminary Plat shall be based upon a survey by a registered land surveyor, prepared on mylar or paper of good quality at a scale of no less detail than one hundred (100) feet to the inch and shall comply in all respects with the requirements of Wis. Stats. Chap. 236, and this Chapter.

(b) **Plat Data.**

All Preliminary Plats shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded;
- (2) Location of the proposed subdivision by government lot, quarter section, township, range, county, and state;
- (3) Date, scale, and northerly point;
- (4) Names and addresses of the owner, land divider, and land surveyor preparing the plat;
- (5) Entire lands controlled by the land divider or in contiguous ownership adjacent to and including the Preliminary Plat, even though only a portion of such area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof;
- (6) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, woodlands (with reference to Sections 10.11 and 10.245), railroad tracks, and other significant features within the tract being subdivided or immediately adjacent thereto;
- (7) Location, rights-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;

- (8) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands;
- (9) Type and width of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations;
- (10) If applicable, the 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 utility mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size, and invert elevations, assuming the availability of such sewer and water mains is consistent with the Town Master or Comprehensive Plan;
- (11) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto;
- (12) Existing and proposed zoning on and adjacent to the proposed subdivision;
- (13) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used;
- (14) High-water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom;
- (15) Typical water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey;
- (16) Wetland, floodland, hydric soil, and shoreland boundaries (including setback areas) and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the

- maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom;
- (17) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S.D.A. Natural Resources Conservation Service. **[Amended by Ord. No. 2015-0 04/14/15]**
 - (18) Location, width, and names of all proposed streets and public rights-of-way such as alleys and easements;
 - (19) Approximate dimensions of all lots together with proposed lot and block numbers. The area in acreage or square feet of each lot shall also be provided;
 - (20) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, conservancy areas, recreational trails, drainageways, or other public uses or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting;
 - (21) Location of building envelopes within each lot shall be in accordance with Section 10.73, Lot Design Standards, and Section 11.04, Site Plan Review;
 - (22) Identification of the land area that is to be deed restricted, dedicated, or otherwise protected from future development in order to meet applicable cluster development requirements in Section 10.745; **[Amended by Ord. No. 2015-0 04/14/15]**
 - (23) Approximate radii of all curves;
 - (24) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access;
 - (25) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable;
 - (26) Identification of land that has slopes of between twelve and twenty percent (12-20%) and twenty (20%) percent or more (separately distinguished), with reference to the requirements of Section 10.24 of this Chapter;
 - (27) Location of any proposed overhead utility poles and service or transmission lines, and associated easements; **[Amended by Ord. No. 2015-0 04/14/15]**

- (28) Where the Plan Commission or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the land divider;
- (29) Exact location of the proposed subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the subdivision is situated and a corner established in U.S. Public Land Survey that establishes one end of this line. A description of the material of which the corner marker is composed. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two permanent benchmarks shall be located in the immediate vicinity of the plat;
- (30) Areas within Environmental Corridors and Soils with Building Limitations, as depicted on Map 6 of the Town Comprehensive Plan or a more detailed source using the same mapping criteria as included in the Town's Comprehensive Plan. Building development is prohibited within Environmental Corridors;
- (31) Areas within landscaped buffer yards, meeting the standards in Section 10.06 of this Chapter; and
- (32) Any other information required by the Town to determine whether the plat will meet the design standards in Article G of this Chapter.

History Note: Section 10.41 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.42 TECHNICAL REQUIREMENTS FOR FINAL PLATS

(a) **General.**

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20 and this Chapter.

(b) **Additional Information.**

The Final Plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, the following:

- (1) All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat;
- (2) Special restrictions required by the Town Board relating to access control along public ways or to the provision of landscaped buffer yards per Section 10.86;
- (3) Identification of land that is to be deed restricted, dedicated, or otherwise protected from future development;

- (4) Drainage arrows shall be shown on plat indicating planned stormwater drainage patterns;
 - (5) Exact length and bearing of the center line of all streets;
 - (6) Exact street width along the line of any obliquely intersecting street;
 - (7) Railroad rights-of-way within and abutting the plat; and
 - (8) Setbacks, buildable areas, or building lines required by the Town Board under Section 10.73 and under Section 11.04.
- (c) **Deed Restrictions.**
Restrictive covenants, deed restrictions, and/or conservation easements for or associated with the proposed subdivision shall be filed with the Final Plat, including those as may be necessary to ensure the permanent preservation of lands intended for open space use, either within the contiguous ownership parcel or under the Town's Cluster Development provisions (see Section 10.745). The Plan Commission shall review and make recommendations to the Town Board concerning such documents. [Amended by Ord. No. 2015-0 04/14/15]
- (d) **Property Owners Association.**
The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Surveying and Monumenting.**
All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15.
- (f) **State Plane Coordinate System.**
Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (g) **Certificates.**
All Final Plats shall provide all the certificates required by Wis. Stats. § 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

(h) **Survey Requirements.**

- (1) **Examination.** The Town Engineer shall examine all Final Plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing. [Amended by Ord. No. 2015-0 04/14/15]
- (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stats. § 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (5) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15.

(i) **Erosion Control and Stormwater Management.**

See Sections 10.24, 10.56 and 10.74 of this Chapter.

History Note: Section 10.42 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.43 **TECHNICAL REQUIREMENTS FOR CERTIFIED
SURVEY LAND DIVISIONS; REVIEW AND APPROVAL**

(a) **Certified Survey Requirements.**

- (1) When a land divider proposes to divide land into no more than four lots or outlots within a period of five (5) years, where any one or more lots is 35 acres or less, or when a land divider proposes to divide a block, lot or outlot into not more than four lots or parcels within a recorded plat without changing the exterior boundaries of said block, lot or outlot, the land divider shall divide the land by use of a Certified Survey Map, prepared in accordance with Wis. Stats. § 236.34 and this Chapter. [Amended by Ord. No. 2015-0 04/14/15]
- (2) In the alternative, when a land divider proposes to create between one and four new lots or outlots out of existing lots, outlots, or parcels, and the land division does not create additional lots from the number existing prior to the land division, the land divider shall divide the land by use of a Certified Survey Map, prepared in accordance with Wis. Stats. § 236.34 and this Chapter. The Plan Commission shall summarily review the proposed Certified Survey Map under Section 10.43(c)(6) of this Chapter. [Amended by Ord. No. 2015-0 04/14/15]

(b) **Preliminary Certified Survey Map Consultation.**

- (1) Before filing a final Certified Survey Map, except for Certified Survey Maps meeting the requirements of Section 10.43(a)(2) and (c)(6), the land divider shall consult with the Plan Commission for advice regarding the requirements for certified surveys. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. This consultation is intended to inform the land divider of the purpose and objectives of these regulations, the Town Comprehensive Plan, and duly adopted plan implementation devices of the Town and to otherwise assist the land divider in planning his development. In so doing, both the land divider and the Town may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the land divider may gain a better understanding of the subsequent required procedures. [Amended by Ord. No. 2015-0 04/14/15]
- (2) As part of this initial consultation, the prospective subdivider shall submit to the Town Clerk a digital PDF copy and hard copies in a quantity determined by the Clerk of the following information at least fourteen (14) days prior to the date on which Plan Commission action is expected: [Amended by Ord. No. 2015-0 04/14/15]
 - (A) A preliminary Certified Survey Map providing the information required in Section 10.43(C)(4) in as much detail as is practical at this preliminary stage of the development process. The preliminary

Certified Survey Map shall at least show the boundaries and sizes of the proposed lot(s) with respect to parcel lines and public streets, shall be drawn to a recognized scale, and shall include a North arrow and other information to orient the viewer to the proposal;

- (B) An Area Development Plan meeting the definition and required information specified in Section 10.11, except for single lot divisions and redivisions that do not include the creation of any additional lots. The actual future development of the contiguous ownership parcel may vary from the representations on the Area Development Plan;
 - (C) Maps or other information to determine compliance with Article C of this Chapter, including existing slopes and locations of woodlands;
 - (D) A statement and calculations indicating how the proposed Certified Survey Map meets the density standards of the Town's Comprehensive Plan; and
 - (E) An environmental assessment in a format specified in Section 10.91(a) of this Chapter, which shall be subject to the review procedures specified under Section 10.32(g). [Amended by Ord. No. 2015-0 04/14/15]
- (3) The Town Clerk shall give notice of the Plan Commission's review of the preliminary Certified Survey Map by listing it as an agenda item in the posted meeting notice. The notice shall include the name of the applicant, the address of the property in question, and the requested action. The Town Clerk shall also provide a copy of the complete submission to the Town Engineer for his review and comment within 21 days.
 - (4) The Town Clerk shall schedule a public hearing on the preliminary Certified Survey Map submission before the Plan Commission within fifty (50) days after the filing of a complete submittal. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the preliminary Certified Survey Map by listing it as an agenda item in the Plan Commission's posted meeting notice. The applicant shall also be notified. The notice shall include the name of the applicant, the address of the property in question and the requested action. The Town Clerk shall provide written notice of the public hearing to abutting property owners and property owners whose lands lie within six hundred (600) feet of the applicant's contiguous ownership.
 - (5) The preliminary Certified Survey Map shall be approved, conditionally approved, or denied by the Plan Commission within ninety (90) days of

proper filing of a complete preliminary Certified Survey Map submittal with the Town Clerk, unless such deadline is extended by written agreement of the land divider.

(c) **Final Certified Survey Map Submission and Review.**

- (1) The land divider may, following Plan Commission approval of the Preliminary Certified Survey Map where required, submit to the Town Clerk an application for Final Certified Survey Map approval, together with a digital PDF copy and three (3) hard copies of the Final Certified Survey Map meeting the technical requirements of Section 10.43(c)(8), as well as the other documents required in this Section. [Amended by Ord. No. 2015-0 04/14/15]
- (2) Upon receipt of the submission required under subsection (1), the Town Clerk shall immediately notify and provide one copy of the submission to the Town Engineer and one copy to the Town Plan Commission Chair, who shall each have three (3) business days to determine whether the submission appears complete in covering the requirements of this Section.
- (3) If the documents do not appear complete, the Town Clerk will be advised to return the submission to the land divider, identifying the necessary additional documents needed before the Final Certified Survey Map is deemed submitted and complete. The process shall then recommence per subsection (1) upon the resubmission of corrected or additional information.
- (4) If the Plan Commission Chair and Town Engineer determine the submission or resubmission appears complete, or if the three (3) business day review period passes, the Town Clerk shall notify the land divider, who shall within seven (7) calendar days provide and file with the Town Clerk a digital PDF copy and hard copies in a quantity determined by the Clerk of the application, Final Certified Survey Map, and other documents required under this Section, except as may be otherwise allowed under subsection (6) below. [Amended by Ord. No. 2015-0 04/14/15]
- (5) Except as indicated in subsection (6) below, the final Certified Survey Map shall be approved, conditionally approved or denied by the Town Board pursuant to the procedures in this Section. Town Board review and action shall be completed following a recommendation of the Plan Commission but not later than sixty (60) days of proper filing of a complete final Certified Survey Map submittal with the Town Clerk, unless the timeframe is extended by written agreement of the land divider.
- (6) **Review of Certain Certified Survey Maps.**
 - (A) **Intent.** The Town Board finds that lack of review of land divisions between adjoining property owners and lot combinations creates the possibility that buildable lots will come into existence which fail to meet rudimentary issues of public safety, access, and environmental

protection. The Town Board also finds that review of such land divisions ought not to involve the same level of review applicable to other land divisions. This subsection is intended to balance the Town's consumer protection functions with the land divider's right to benefit from land divisions.

- (B) Submission. Any land divider proposing to divide or recombine land under the circumstances set forth in Section 10.43(a)(2) of this Ordinance shall submit to the Town Clerk a digital PDF copy plus hard copies in a quantity determined by the Town Clerk of a final Certified Survey Map to the Town Clerk. The Plan Commission shall summarily review the proposed Certified Survey Map pursuant to this subsection. [Amended by Ord. No. 2015-0 04/14/15]
- (C) Review. The Plan Commission shall complete its review of the proposed final Certified Survey Map meeting the criteria under subsection (c)(6)(A) within 40 days after its complete filing with the Town Clerk, unless extended by written agreement with the land divider. Neither notification of neighboring property owners nor a public hearing is required. The Plan Commission's review shall be confined to assuring that any lots depicted therein meeting the standards of Wis. Stats. § 236.34 and of Sections 10.43(c)(8), (c)(9)(B), (c)(9)(C), (c)(10), (c)(11), (c)(12) and (c)(13) of this Ordinance. If the proposed Certified Survey Map meets these standards, the Plan Commission shall approve the map. If the proposed Certified Survey Map fails to meet these standards, the Plan Commission shall deny or approve the proposed Certified Survey Map conditioned upon compliance with these standards.
- (7) If the Final Certified Survey Map is not submitted within 24 months of the last required approval of the Preliminary Certified Survey Map, the Town Board may refuse to approve the Final Certified Survey Map.
- (8) Additional Map Information. The Final Certified Survey Map shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.34, the following:
 - (A) All existing buildings, water courses, drainage ditches and other features pertinent to proposed division;
 - (B) All lands reserved or dedicated for future public acquisition or permanent open space use;
 - (C) Date of the map;
 - (D) Graphic scale;

- (E) Name and address of the owner, land, divider, and surveyor;
 - (F) Square footage of each lot and remainder parcel;
 - (G) Present zoning for parcels;
 - (H) Separate identification of lands with slopes of between twelve percent (12%) and twenty percent (20%) and lands that have a slope of twenty (20%) percent or more, with reference to the requirements of Sections 10.24 and 10.91(B);
 - (I) Items from the list in Section 10.41(b) that are pertinent to the site, as recommended by the Plan Commission and approved by the Town Board;
 - (J) Landscaped buffer yard areas as required under Section 10.86; and
 - (K) Setbacks, buildable areas, or building lines required by Section 10.73 and Section 11.04.
- (9) Supplemental Data. In addition to information on the face of the final Certified Survey Map, the land divider shall provide the Town with the following information in numbers of copies described in subsection (c)(4) above to assist the Town in its review of a proposed final Certified Survey Map:
- (A) Property Owners Association; Restrictive Covenants. A draft of the legal instruments and rules for proposed property owners associations, when the land divider proposes that common property within a certified survey land division would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Wis. Stats. § 236.293, and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the certified survey with the Town Clerk. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements ordinarily not enforceable by the Town, though some may reflect Town ordinance requirements); [**Amended by Ord. No. 2015-0 04/14/15**]
 - (B) Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population;

- (C) Zoning Changes. If any zoning changes are contemplated or in process, the proposed zoning plan for the areas, including dimensions;
 - (D) Woodland Protection and Mitigation. Tree protection strategies in the event the land to be divided includes a woodland as described under Sections 10.11 and 10.245 of this Chapter. If necessary to meet any requirements of Section 10.245 regarding woodland protection, a tree planting plan including the locations, species, and size at time of planting for all proposed trees;
 - (E) Landscape Plan for Landscaped Buffer Yards. If a landscape plan for a required landscaped buffer yard is required under Section 10.86, a landscape plan for that buffer yard, including the locations, species, and size at time of planting for all proposed vegetation and berming;
 - (F) Street Plans and Profiles. When made necessary by the certified survey land division, the land divider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed land division when requested;
 - (G) Soil Testing. Pursuant to the public policy concerns prescribed in this Chapter, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table;
 - (H) Deed Restrictions. Restrictive covenants, deed restrictions, and/or conservation easements for or associated with the proposed land division may be required with the Certified Survey Map, including those as may be necessary to ensure the permanent preservation of lands intended for open space use, including those within the contiguous ownership parcel or otherwise as may be required under the Town's Cluster Development provisions (see Section 10.745). The Plan Commission shall review and make recommendations to the Town Board concerning such documents; and [Amended by Ord. No. 2015-0 04/14/15]
 - (I) Erosion Control and Stormwater Management. See Sections 10.24, 10.56 and 10.74 of this Chapter.
- (10) State Plane Coordinate System. Where the map is located within a quarter section, the corners of which have been relocated, monumented and

coordinated by the Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.

- (11) Certificates. All Certified Survey Maps shall provide all the certificates required by Wis. Stats. § 236.34 and, in addition, the surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (12) Street Dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).
- (13) Recordation. The subdivider shall record the Map with the Columbia County Register of Deeds within 180 days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the Map by the Town Board. [**Amended by Ord. No. 2015-0 04/14/15**]

History Note: Section 10.43 Amended by Ordinance No. 2015-0 4/14/15.

SECTION 10.44 SUBDIVISION CREATED BY SUCCESSIVE LAND DIVISIONS

When it is not practicable to require that a Final Plat of a subdivision created by successive divisions be filed in accordance with this Section, the Town Board may in lieu thereof order an assessor's plat to be made under Wis. Stats. § 70.27, and may assess the cost thereof as provided in such section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this Chapter to the extent that they may reasonably apply. [**Amended by Ord. No. 2015-0 04/14/15**]

History Note: Section 10.44 Amended by Ordinance No. 2015-0 4/14/15.

ARTICLE F REQUIRED IMPROVEMENTS

SECTION 10.51 IMPROVEMENTS REQUIRED

(a) **Payment For Improvements.**

The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the land divider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments or by other means.

(b) **General Standards.**

The following required improvements in this Chapter shall be designed and installed in accordance with the engineering standards and specifications adopted or approved by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good and accepted engineering practices as determined by the Town Engineer. All engineering designs, standards and specifications must be approved by the Town Engineer prior to the start of any construction. **[Amended by Ord. No. 2015-0 04/14/15]**

(c) **Phasing.**

The developer may construct the project in such phases as the Town Board approves, which approval shall not be unreasonably withheld. If construction in phases is permitted, the amount of any bond or other security required under Section 10.52(c) shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary before commencement of the installation of improvements. **[Created by Ord. 2010-05, 12/14/10.]**

SECTION 10.52 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLATION OF IMPROVEMENTS

(a) **Contract.**

Prior to installation of any required improvements and prior to the meeting at which the Final Plat for a Subdivision is approved, the Land Divider shall enter into a written contract, termed a "Developer's Agreement" with the Town. Prior to installation of any required improvements and prior to the meeting at which a Final Certified Survey Map for a Land Division is approved, the Land Divider may be required enter into a Developer's Agreement. The Developer's Agreement shall generally require the land divider to furnish and construct said improvements at the land divider's sole cost and in accordance with plans and specifications and usual contract conditions.

(b) **Form and Content.**

The Developer's Agreement shall be subject to review and recommendation by the Plan Commission and approval by the Town Board, and including provisions covering: **[Amended by Ord. No. 2015-0 04/14/15]**

- (1) The types, engineering specifications, and timing of all public and certain private improvements associated with the Land Division;
- (2) Approval by the Town Engineer of engineering design plans, and of all contractors performing work on public improvements specified in such plans, prior to the commencement of construction, and limitations to subsequent changes to such plans and contractors without first obtaining Town Engineer approval of such changes;
- (3) Requirements that the Land Divider and its contractors engaged in work on public improvements be adequately insured for liability arising from the construction and condition of public improvements, including indemnification of the Town and its agents in the event of a claim;
- (4) Adequate supervision and regulation of construction schedules and methods;
- (5) Inspection and approval of construction details and public improvements by the Town Engineer following their installation and prior to acceptance by the Town;
- (6) Requirements for dedication and acceptance of public lands and improvements by the Town;
- (7) Guarantees by the Land Divider of all public improvements for not less than 12 months following the date of substantial completion as determined by the Town Engineer, and for an additional one year after each replacement of any guaranteed work; **[Amended by Ord. No. 2015-0 04/14/15]**
- (8) Payment of required fees and reimbursement for Town staff and consultant review time associated with the Land Division;
- (9) Provision by the Land Divider of "as built" plans following the construction and Town acceptance of all public improvements, in a hard copy format and digital format determined acceptable by the Town Engineer;
- (10) Remedies that the Town may utilize in the event of non-compliance with the terms of the Developer's Agreement or this Chapter;
- (11) Financial guarantees as provided in the following subsection;
- (12) Landscape planting requirements for landscaped buffer yards as required under Section 10.86; and
- (13) Such other provisions as may be required by the Town Board to carry out the intent of this Chapter as it applies to the Land Division. **[Amended by Ord. No. 2015-0 04/14/15]**

(c) **Financial Guarantees.**

- (1) The Developer's Agreement shall require the land divider to furnish financial surety, the form of which shall be at the choice of the land divider. The amount of the surety shall be equal to 120% of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspections and approvals by the Town Engineer. [Amended by Ord. No. 2015-0 04/14/15]
- (2) On request of the land divider, the Developer's Agreement may provide for completion of all or part of the improvements covered thereby prior to the approval of the Land Division, and in such event the amount of the surety, shall be reduced in a sum equal to the estimated costs of the improvements so completed prior to approval of the Final Plat or Certified Survey Map, but shall not be reduced to an amount less than fifteen (15) percent of the original total unless it is fully released. [Amended by Ord. No. 2015-0 04/14/15]
- (3) If the required improvements are not completed within the specified period, all amounts held under the surety shall be turned over to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or Land Divider. [Amended by Ord. No. 2015-0 04/14/15]
- (4) The subdivider shall provide the security surety for 12 months after the date the associated public improvements are substantially completed. Public improvements are considered to be substantially completed at the time the binder asphalt coat is installed on roads to be dedicated or, if the required improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed. [Repealed and recreated by Ord. No. 2015-0 04/14/15]
- (5) The time for completion of the required improvements, and the several parts thereof, shall be determined by the Town Board upon recommendation of the Town Engineer. The Town Engineer shall consult with the land divider regarding the establishment of the time for completion of the required improvements. The completion date shall be a component of the Developer's Agreement. The Town Board may, in its sole discretion, provide such penalties as it deems appropriate to ensure the timely completion of the required Improvements.
- (6) The land divider shall pay the Town for all costs incurred by the Town for review, approval and inspection of the Land Division. Such costs shall include, but not be limited to, the review, and preparation at the Town Board's sole discretion, of plans and specifications by the Town Engineer; the review, and preparation at the Town Board's sole discretion, of legal documents, plans and specifications by the Town Attorney or Town Planner; as well as all other costs of a similar nature which are related to the review, approval and inspection of the Land Division.

SECTION 10.53 **REQUIRED CONSTRUCTION PLANS; TOWN REVIEW;
INSPECTIONS**

(a) **Engineering Reports, Construction Plans, and Specifications.**

At the time of submission of the Final Plat engineering reports, plans, grading and Erosion Control and Stormwater Management plans and proposed specifications shall be submitted, or when necessary for a subdivision, upon the filing of a Certified Survey Map, construction plans for the required improvements conforming in all respects with the standards established by the Town Engineer and the ordinances of the Town shall be prepared at the land divider's expense by a professional engineer who is registered in the State of Wisconsin, and such plans shall contain the professional engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for approval prior to signing the Final Plat and for an estimate of the total costs of the required improvements; upon approval the construction plans shall become part of the contract required. For the Erosion Control and Stormwater Management Plan, a preliminary submittal indicating the engineer's proposed standards, date of edition, and design criteria shall be provided to the Town Engineer, who shall review and approve the proposed standards and criteria prior to final design.

Simultaneously with the filing of the Final Plat with the Town Clerk, or when necessary, upon the filing of a Certified Survey Map, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary or utility district:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements;
- (2) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities;
- (3) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with Section 11.01 of the Town Code of Ordinances;
- (4) Where applicable, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities;
- (5) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees; and
- (6) Additional special plans or information required by the Town Board, Town Engineer or other parties designated by the Town Board.

(b) **Action by the Town Engineer.**

The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the land divider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.

(c) **Construction and Inspection.**

(1) Prior to starting any work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building or related permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.

(2) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of the approval of the Final Plat or Certified Survey Map by the Town Board, unless good cause can be shown for the Town Board to grant an extension. Any request for an extension of the construction completion date shall be made in writing to the Town Clerk and shall state the reasons for the requested extension. The Town Board may, in its sole discretion, grant such an extension. [**Amended by Ord. No. 2015-0 04/14/15**]

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

(d) **"As Built" Plans.**

After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. These plans shall be submitted in both hard copy format and a digital format deemed acceptable by the Town Engineer. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The subdivider's presentation of the as built plans shall be a condition of final acceptance of the improvements and

release of the financial security assuring their completion. The Town shall retain two copies and forward one copy of such record plans to the appropriate sanitary district.

SECTION 10.54 STREET IMPROVEMENTS

The land divider shall construct streets, roads, and alleys as outlined on the approved plans based on the requirements of this Chapter;

(a) **Street Construction Standards.**

The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications established by the Town. After applicable utilities have been installed, where required by the Town, the land divider shall construct, as part of the subdivision, all required streets.

(b) **Completion of Street and Sidewalk Construction.**

- (1) Prior to any building or related permits being issued on lands adjacent to streets, required street construction in conformance with the Developer's Agreement shall be completed by the land divider, inspected and approved by the Town Engineer, and accepted by the Town Board.
- (2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area, or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.
- (3) The land divider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

SECTION 10.55 SANITARY SEWERAGE SYSTEM

(a) **Private Systems Outside Sanitary or Utility Districts.**

Private sewerage disposal systems shall comply with the appropriate provisions of the Wisconsin Statutes, the Wisconsin Administrative Code and Columbia County Ordinances.

(b) **Public Sewer Required.**

Subdivisions and Certified Survey Maps in an existing Sanitary or Utility District served by public sewers or in an area to be added to an existing Sanitary or Utility District with public sewers shall be served by public sewer facilities. The size, type and installation of all sanitary sewers proposed to be constructed shall be in

accordance with plans and specifications approved by the Sanitary or Utility District.

(c) **Installation Costs.**

The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.

SECTION 10.56 **STORM WATER MANAGEMENT FACILITIES**

Pursuant to Sections 10.24, 10.56, and 10.74 of this Ordinance, and in accordance with Section 11.01 of the Town Code of Ordinances, the land divider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, slope stabilization and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm and shall be sized so that the one hundred (100) year frequency storm does not cause flooding of adjacent arterial, collector or local streets and private driveways.

Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer and in compliance with the Town's Erosion Control and Stormwater Management Ordinance. Storm sewers oversized to handle runoff from offsite properties will be installed by the land divider.

SECTION 10.57 **OTHER UTILITIES**

(a) **Land Divider Provides.**

The land divider shall cause electrical power, natural gas, and telecommunication facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. [Amended by Ord. No. 2015-0 04/14/15]

(b) **Underground Installation.**

All new electrical distribution and telecommunication lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons: [Amended by Ord. No. 2015-0 04/14/15]

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

History Note: Section 10.57 Amended by Ordinance No. 2015-0 4/14/15.

- (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (c) **Location Plans.**
Plans indicating the proposed location of all gas, electric power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

SECTION 10.58 STREET SIGNS AND LIGHTING

The land divider shall furnish and install street signs in the subdivision in such locations as the Town Board may determine. Such signs include traffic control signs. The Town Board or its designee shall determine the design and construction standards for all such street signs.

The Town Board, in its sole discretion, may require the land divider to furnish and install streetlights in such locations as the Town Board may require. The Town Board or its designee shall determine the design and construction standards for all such streetlights.

SECTION 10.60 PARTITION FENCES

When the land included in a subdivision plat or Certified Survey Map abuts upon or is adjacent to land used for agriculture, farming or grazing purposes, the land divider shall, if requested by adjacent landowners, erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for agriculture, farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

SECTION 10.61 EASEMENTS

- (a) **Utility Easements.**
The Town Board, on the recommendation of the appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains, or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and limit the planting of trees and shrubbery in the easement area. [Amended by Ord. No. 2015-0 04/14/15]
- (b) **Drainage Easements.**
Where a subdivision is traversed by a watercourse, drainageway, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further

width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or

- (2) The watercourse, drainageway or channel may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; and
 - (3) Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain one-hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) **Easement Locations.**
- Evidence shall be furnished to the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

ARTICLE G DESIGN STANDARDS

SECTION 10.71 GENERAL STREET DESIGN STANDARDS

(a) Street Design.

- (1) Compliance with Statutes. In laying out a subdivision, the subdivider shall conform to the provisions of Wis. Stats. Chap. 236 and all applicable Town regulations. All streets and roads shall comply with Wis. Stats. § 86.50. In all cases where the requirements of this Ordinance are different from the requirements of Chapter 236 or § 86.50, the more restrictive provision shall apply.
- (2) Dedication. The subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety. The land division shall be designed to provide each lot with satisfactory access to a public street or road. **[Amended by Ord. No. 2015-0 04/14/15]**
- (3) Compliance with Comprehensive Plan and Official Map. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Comprehensive Plan, Official Map, and this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas. **[Amended by Ord. No. 2015-0 04/14/15]**
- (4) Areas not Covered by Official Map or Comprehensive Plan. In areas not covered by a Town Comprehensive Plan or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets. **[Amended by Ord. No. 2015-0 04/14/15]**
- (5) Street Classifications. Streets shall be classified as indicated below:
 - (A) Arterial Streets. Arterial streets shall provide through traffic for a heavy volume of vehicles.

- (B) Collector Streets. Collector streets shall provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major thoroughfare system. Collector streets shall relate properly to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed. **[Amended by Ord. No. 2015-0 04/14/15]**
- (C) Local Streets. Local streets shall conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.

[Section 10.71(a)(5)(D) Repealed by Ord. No. 2015-0 04/14/15]

- (6) Reserve Strips. Reserve strips are prohibited on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- (7) Alleys. Alleys are permitted in commercial and industrial districts for off-street loading and service access, but are prohibited in residential districts. Dead-end alleys are prohibited. Alleys shall not connect to a major thoroughfare.
- (8) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is unnecessary for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 1,000 feet in length are permitted only when necessitated by the topography.
- (9) Number of Intersections. The number of intersections of local streets with major streets shall be the practical minimum consistent with circulation

needs and safety requirements, preferably not more than two. The land division shall also meet the Town Road Access Control Ordinance.

- (10) Frontage Roads. Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such thoroughfare or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (11) Private Roads. Private roads are allowed only where recommended by the Plan Commission and approved by the Town Board. The Town Board shall not permit installation of public improvements in any private road.
- (A) All private roads shall occur in a dedicated right-of-way and shall be platted as public right-of-way. Every private road shall have a private road agreement recorded with the County Register of Deeds, giving enforcement powers to the Town, before a building permit will be issued for a structure on any property served by said private road.
- (B) The private road agreement shall require the land owners served by the private road to provide for maintenance and repair of the road, either by association or by other means that are binding on the land owners and perpetual.
- (C) If the property owners fail to fulfill their obligations, then the private road agreement shall give full authority to the Town to fulfill those conditions, and then assess all costs associated with said action, including legal fees, if any, to the property owners served by the road.
- (D) Each property served by a private road shall have deed restrictions recorded indicating their responsibility for the private road and outlot or easement.
- (E) Private Road Construction Standards and Specifications. All private roads shall be designed by a Wisconsin registered professional engineer, registered land surveyor, or equivalent, and shall be approved by the Town of Dekorra Engineer prior to construction. Private roads serving more than four lots or building sites shall conform to no less than the minimums set forth in the Town Road Construction Standards included in Section 5.01 of the Town Code of Ordinances, except as shall be superseded as follows: the width of the outlot or easement to include the private road shall be at least 42 feet; the private road pavement shall be a minimum of 22 feet wide; there shall be a minimum graveled shoulder of 2 feet on either

side of the paved surface; the ditches shall be free from or cleared of trees and other woody vegetation; there shall be a minimum of 34 feet from center of ditch to center of ditch; the road shall be constructed on a stable sub-base, with at least 4 inches in depth of 2 inch rock base on top of that sub-base, at least 4 inches in depth of maximum $\frac{3}{4}$ inch graded gravel on top of that base, and at least 3 inches of bituminous pavement (1 1/2" binder course, 1 1/2" surface course) on top of the gravel layer; and an area 26 feet in width and 16 feet in height shall be cleared along the entire roadway to permit passage of emergency vehicles.

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

(13) Tangents. A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets. On all roads, a tangent at least one hundred 100 feet long shall be provided between the curve and any intersection.

(14) Street Grades.

(A) Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial streets: six (6) percent.

Collector streets: seven (7) percent.

Local streets, alleys and frontage streets: ten (10) percent.

Pedestrian ways: twelve (12) percent unless steps of acceptable design are provided.

The grade of any street shall in no case exceed eleven (11) percent or be less than one-half of one percent.

(B) Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and trees, and general leveling of the topography.

(C) All street grade changes shall be connected by vertical curves of a minimum length equivalent in feet to forty times the algebraic difference in the rate for collector roads and thirty times the

difference for local roads. Major roads shall conform to "A Policy of Geometric Design of Highways and Streets," latest edition, of the AASHTO.

- (15) Radii of Curvature. When a continuous street centerline deflects at any one point by more than one degree, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial streets and major thoroughfares: five hundred (500) feet.

Collector streets: three hundred (300) feet.

Local streets: one hundred fifty (150) feet.

Curves should be provided when centerline deflections exceed one (1) degree in rural areas and in urban areas when deflection exceeds three (3) degrees.

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

- (17) Intersections.

(A) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or greater where the Town Engineer considers it necessary.

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

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

- (18) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Town Board. [**Amended by Ord. No. 2015-004/14/15**]

- (19) Cul-de-sacs.

(A) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet. Use of cul-de-sacs are subject to the

review and recommendation of the Plan Commission and approval of the Town Board.

- (B) Temporary Dead-ends or Cul-de-sacs. All temporary dead-ends shall have a maximum length of one thousand (1,000) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.
- (20) Major Thoroughfare and Railroad Right-of-way Treatment. Whenever the proposed subdivision contains or is adjacent to a major thoroughfare or railroad rights-of-way, the design shall provide the following treatment:
- (A) Subdivision Lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip of at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited except where approved by the Town Board." The subdivider shall be responsible, or shall require through protective covenants, the installation of native, non-invasive landscape plantings within that planting strip. [**Amended by Ord. No. 2015-0 04/14/15**]
- (B) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the major thoroughfare or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet. Commercial and industrial district street patterns shall otherwise conform to adopted Town plans.
- (C) Streets Parallel to a Major Thoroughfare. Streets parallel to a major thoroughfare or railroad right-of-way, when intersecting a major street or collector street which crosses said railroad or highway, shall be a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (D) Local Streets. Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

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

(1) **General Requirements.**

- (A) **Construction Standards.** All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Chapter shall apply to all streets and roads proposed for dedication to the Town. [**Amended by Ord. No. 2015-0 04/14/15**]
- (B) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the subdivider. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction.
- (C) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Town, the subdivider shall notify the Town Clerk, who will arrange an on-site meeting attended by the Town Engineer and the subdivider. Plans must be provided in order for the Town Engineer to check the design and the drainage.
- (D) **Material Slips.** Copies of material slips for all materials furnished for road construction projects shall be delivered to the Town Engineer before the Town approves the final construction.
- (E) **Required Inspections.** Although the Town Engineer may conduct inspections as necessary at any state of construction, the subdivider shall contact the Town Engineer for required inspections after the following phases of construction by the subdivider:
- (i) Sub-base grading;
 - (ii) Crushed aggregate base course;
 - (iii) Bituminous surface course; and
 - (iv) Shouldering.

- (v) Any deficiencies found by the Town Engineer shall be corrected before proceeding to the next phase of construction.
 - (F) Tests of Materials. The Town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine whether the material meets gradation and soundness requirements.
 - (G) Pavement Samples. The Town shall take samples of bituminous asphalt during pavement construction operations for purposes of determining that the material meets specifications.
 - (H) Highway Commission Approval. The finished roadway shall require the approval of the Columbia County Highway Commission, since the Town will include this road work in its annual request for highway aid.
- (2) Construction Standards. All public streets and highways constructed in the Town, private streets serving five or more homesites if and where allowed, and/or all streets to be dedicated to the Town shall fully comply with the following construction standards:
- (A) Right-of-Way Width.
 - (i) Arterial streets: Minimum of eighty (80) feet.
 - (ii) All other streets and roads: Minimum of sixty-six (66) feet.
 - (iii) Cul-de-sacs and bulb radius: Minimum of sixty (60) foot radius.
 - (iv) Alleys: Minimum of twenty-four (24) feet.
 - (v) Pedestrian ways: Minimum of ten (10) feet.
 - (B) Roadway Alignment Details. As specified in this Ordinance or in Chapter 12 of the Columbia County Code of Ordinances, whichever is more restrictive.
 - (C) Roadway Ditches. Minimum ditch slope of 0.50%.

- (D) Roadway Base Thickness.
- (i) Residential and rural roads and streets shall have a minimum roadway base thickness of eight (8) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower layer.
 - (ii) On commercial, arterial or other heavy-use roads, as determined by the Town Board, a base course of ten (10) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1.5) inches and no greater than ten (10) percent by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one or more layers of fine aggregate, either three-fourths (.75) inch crushed gravel, well-graded with no greater than ten (10) percent passing a No. 200 sieve, or three-fourths (.75) inch traffic-bound crushed rock.
 - (iii) In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - (iv) In any case, the Town Board shall have the sole discretion to determine the use and construction classification to follow.
 - (v) In all cases, the base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under traffic shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (E) Roadway Sub-Base. Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer.
- (F) Pavement Width. Minimum of twenty-two (22) feet for public rural roads, and wider when required by the "Town Road Standards" as noted in Wis. Stats. § 82.50, or by the Town Subdivision Ordinance, or by the recommendation of the Town Engineer based on projected

traffic and parking requirements, the more restrictive of which shall apply. Figure 2, attached hereto and incorporated herein, illustrates the standard rural cross section. **[Amended by Ord. No. 2015-0 04/14/15]**

- (G) Pavement Thickness. Residential and rural roads shall have a minimum of three inches thick compacted bituminous pavement, placed in two layers - a binder course of one and one-half (1.5) inches thick and a surface course of one and one-half (1.5) inches. Commercial, arterial or other heavy-use roads shall have a minimum of three and one-half (3.5) inches of bituminous pavement, placed in two layers - a binder course of two (2) inches thick and a surface course of one and one-half (1.5) inches. In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification utilized.
- (H) Shoulder Width. Minimum of two feet wide on each side and wider when required by the "Town Road Standards" as noted in Wis. Stats. § 82.50. **[Amended by Ord. No. 2015-0 04/14/15]**
- (I) Shoulder Thickness. Minimum of two and one-half (2.5) inches of compacted in-place crushed aggregate base course - gradation No. 2 or No. 3 over a minimum of eight (8) inches of compacted in-place crushed aggregate base course.
- (J) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Town Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (K) Driveway Culverts. The Town Engineer shall size driveway culverts. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and provided with concrete, metal or landscape timber endwalls.
- (L) Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two and one-

half percent (2.5%) slope shall be protected by erosion control materials such as hay bales, sod, or erosion control mats.

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

SECTION 10.72 BICYCLE AND PEDESTRIAN PATHWAYS

Bicycle and pedestrian pathways, preferably acquired by easement or dedication, may be required by the Town Board, where deemed essential to provide circulation or access to schools, playgrounds public recreation areas, shopping centers, transportation, and other community facilities, where specified in the Town Comprehensive Plan or plan of another unit of government also adopted by the Town Board; or where included within or to connect to the common open spaces within the development or between adjacent developments or parcels. [Amended by Ord. No. 2015-0 04/14/15]

SECTION 10.73 LOT DESIGN STANDARDS

(a) **Size.**

- (1) Lot sizes shall be appropriate for the location, zoning, type of sewerage or septic system to be utilized, and for the type of land division contemplated. The following lot size requirement shall be met;
 - (A) For all residential lots within the Town which are served by private sewage disposal systems, the minimum lot size shall be 43,560 square feet (1 acre). [Amended by Ord. No. 2015-0 04/14/15]
- (2) Every lot on a public or private street shall front or abut for a distance of at least sixty-six (66) feet on the street, except that frontage may be reduced to thirty (30) feet for lots that abut a cul-de-sac bulb.
- (3) Width of lots shall conform to the requirements of the Columbia County Zoning Code, or any other zoning ordinance that may cover the lot.

(b) **Commercial Lots.**

Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Columbia County Zoning Code, and shall meet the requirements of adopted Town plans and design guidelines where applicable.

(c) **Lots Where Abutting Major Thoroughfare.**

- (1) Major Thoroughfare. Residential lots fronting on a major thoroughfare shall be platted with extra depth or design to alleviate the effect of major

street traffic on residential occupancy. See also landscaped buffer yard standards in Section 10.86.

(d) **Corner Lots.**

Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, or as required by the Columbia County Zoning Code.

(e) **Side Lots.**

Where practical, side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.

(f) **Through Lots and Reversed Frontage Lots.**

Through lots and reversed frontage lots shall be avoided for residential lots, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. See also landscaped buffer yard standards in Section 10.86.

(g) **Natural Features.**

In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, woodlands, wetlands, water courses, topography, views, historic sites or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(h) **Land Remnants.**

All remnants of lots below minimum lot and/or dimension size left over after land division of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

(i) **Building Envelope Placement.**

The land divider shall meet the following standards with respect to location of the building envelopes:

- (1) All building envelopes shall be located within a lot such that the following provisions are met: [**Amended by Ord. No. 2015-0 04/14/15**]
 - (A) All minimum setback, side yard, or rear yard requirements of the Columbia County Zoning Code;
 - (B) Recreational trail easements and dedicated recreational trails setbacks; and
 - (C) Applicable restrictions or requirements of the Comprehensive Plan or Ordinances adopted by the Town Board.

- (2) No building envelope may be located on a hillside with a slope of twenty (20%) percent or more (see Sections 10.24 and 10.91(B)), or within a landscaped buffer yard as may be required under Section 10.86.
 - (3) The preferred locations for residential building envelopes are woodland fringes, at the edges of open fields and within new tree plantations and other locations as specified in the Land Use chapter of the Town Comprehensive Plan where the aesthetic and visual impact of new structures will be minimized. **[Amended by Ord. No. 2015-0 04/14/15]**
 - (4) Building envelopes shall be located in such a manner as to make future residential buildings as inconspicuous as practical as viewed from pre-existing public streets in order to preserve the open space character of the Town. In advance of CSM or Plat approval, the Town Board or Plan Commission may conduct site visits to determine that the aesthetic and visual impact of new buildings will be satisfactory. **[Amended by Ord. No. 2015-0 04/14/15]**
 - (5) Building envelopes shall be delineated over all buildable lots within residential subdivisions and over all lots in residential CSMs that include 3 or more lots, prior to approval of the Final Plat or CSM. Building envelopes for 1 or 2 lot land divisions shall be delineated and included in a recorded document prior to issuing of a building permit, under the Site Plan application and review process in Section 11.04 of the Town Code of Ordinances.
- (j) **Block and Lot Design Standards.**
- (1) **Block Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand two hundred (1,200) feet nor have insufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall be no less than five hundred (500) feet in length. A block may have a single tier of lots where it adjoins a railroad, major thoroughfare, river or park.
- (k) Design Standards for New Residential Structures in Section 11.04(d)(10) of the Town Code of Ordinances shall be met.

SECTION 10.74 DRAINAGE SYSTEM

- (a) **Drainage System Required.**
As required by Sections 10.24, 10.56, and 10.74 of this Chapter, and/or where recommended by the Town Engineer, a drainage system shall be designed and constructed by the land divider to provide for the proper drainage of the surface water of the major subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the land divider shall submit plans, profiles, calculations, and specifications as specified in this Section, and an Erosion Control

and Stormwater Management Plan per Section 11.01 of the Town Code of Ordinances, which have been prepared by a registered professional engineer and approved by the Town Board and Town Engineer.

(b) **Drainage System Plans.**

- (1) The land divider shall submit to the Town at the time of filing a Preliminary Plat an Erosion Control Stormwater Management Plan, including assessment of the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional, runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - (A) Estimates of the quantity of storm water entering the land division naturally from areas outside the subdivision.
 - (B) Quantities of flow at each inlet or culvert.
 - (C) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the land divider for the area within the land division.
- (3) The design criteria for storm drainage systems shall be based upon standard engineering information and accepted engineering techniques and models, and shall meet the requirements of Section 11.01 of the Town Code of Ordinances. A preliminary submittal indicating the engineer's proposed standards, date of edition and design criteria shall be provided to the Town Engineer, who shall review and approve the proposed standards and criteria prior to final design.
- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.

(c) **Grading.**

- (1) The land divider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography. The land divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

- (2) Block grading shall be completed by one or more of the following methods:
 - (A) A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - (B) Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line if a drainage easement is provided.
 - (C) Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled and a drainage easement is provided.
- (d) **Drainage System Requirements.**

The land divider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

 - (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage.
 - (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the land divider shall make provisions for dedicating an easement of the Town to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.
- (e) **Protection of Drainage Systems.**

The land divider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded, rip-rapped or paved depending upon grades and soil types.

SECTION 10.745 CLUSTER DEVELOPMENT

The following cluster development standards shall be required of all proposed land divisions created from parcels in contiguous ownership of at least 70 acres within Agriculture and Woodland Preservation Areas, as shown on the planned land use map in the Town Comprehensive Plan, and for all subdivisions of 10 or more lots:

- (a) All of the cluster development siting standards in Chapter Four, Section F, Subsection 4.F of the Town of Dekorra Comprehensive Plan and provisions of Section 10.73 and Section 11.04 shall be followed. In addition:
- (1) Lots, dwellings, and internal roads shall be placed to minimize their visibility from existing public roads, and to conform to the landscape. See also landscaped buffer yard standards in Section 10.86; and
 - (2) To reduce the amount of paved area, shared roadways and driveways are encouraged. Where such shared roadways are public roads, the public road shall meet the town road construction standards in Section 5.01 of the Code of Ordinances. Where shared driveways and roadways will be privately owned and maintained, they shall meet the requirements of Section 10.71(a)(11)(A)-(D) and the following additional design standards based on the number of lots or building sites that the roadway serves:
 - (A) Serving up to two lots or building sites (not including unbuildable outlots): Adhere to the Town's driveway design standards in Section 5.03 of the Town Code of Ordinances, except that the minimum surface width shall be 14 feet;
 - (B) Serving three or four lots or building sites (not including unbuildable outlots): Adhere to the Town Road Construction Standards included in Section 5.01 of the Town Code of Ordinances, except as shall be superseded as follows: the width of the outlot or easement to include the private roadway or driveway shall be at least 40 feet; the private road width shall be a minimum of 20 feet wide with 2 foot wide shoulders on either side; there shall be a minimum of 32 feet from center of ditch to center of ditch; the road shall be constructed of at least 4 inches in depth of 2 inch rock base, covered with at least 2 inches in depth of maximum $\frac{3}{4}$ inch graded gravel (or 6 inches of $\frac{3}{4}$ inch gravel if over granular subsoil) on top of that base; and an area 24 feet in width and 14 feet in height shall be cleared along the entire roadway to permit passage of emergency vehicles; and
 - (C) Serving more than four lots or building sites (not including unbuildable outlots): Adhere to the standards in Section 10.71(a)(11)(E). Such road may be a loop road extending from one or two existing public roads, subject to review and recommendation by the Plan Commission and approval by the Town Board. **[Repealed and recreated by Ord. No. 2015-0 04/14/15]**
- (b) The number of lots allowed within the land division shall be determined by the formulas contained in Chapter 4, Section E of the Town Comprehensive Plan, if the land is within an Agricultural and Woodland Preservation Area as mapped in the Town's Comprehensive Plan. For lands mapped within other planned land use districts shown in the Comprehensive Plan, the number of lots allowed shall be

determined by the requirements of the applicable zoning ordinance and by this Chapter.

- (c) The land divider shall be required to set aside land for permanent preservation via conservation easement as a condition of plat or certified survey map approval, in accordance with the following provisions:
- (1) If the land division is within the Agricultural and Woodland Preservation Area as mapped in the Town Comprehensive Plan, the land divider will be required to record a conservation easement on the remainder of the land in contiguous ownership, indicating the number of dwelling units remaining on the contiguous ownership parcel, if any, under the Town's density policy within the Comprehensive Plan;
 - (2) For all other land divisions, the subdivider shall be required to set aside a minimum of 50% of the contiguous ownership parcel (i.e. parent parcel from which the plat has been divided) as permanently preserved common open space through a recorded conservation easement or through dedication, in a location(s) that is adjacent to and integrated within the plat or certified survey map as approved by the Town Board;
 - (3) The Town Board shall approve the format and language of the conservation easement prior to recording, and the amount of future land conserved and/or development rights (potential future dwelling units) removed and/or remaining. The Town shall not add its signatures to the final plat or certified survey map until the appropriate conservation easement has been recorded by the land divider; and
 - (4) The permanently preserved open space within the conservation easement or dedication area shall either be preserved farmland, woodland, or open space, with maintenance and improvement responsibilities specified in the conservation easement, development agreement, and/or protective covenants.**[Amended by Ord. No. 2015-0 04/14/15]**

History Note: Section 10.745 Amended by Ordinance No. 2015-0 4/14/15.

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SECTION 10.75 **NONRESIDENTIAL LAND DIVISIONS**(a) **General.**

- (1) If a proposed land division includes land that is zoned for commercial or industrial purposes, or is intended for such zoning, the layout of the land division with respect to such land shall make such provisions as the Town may require.
- (2) A nonresidential land division shall also be subject to all the requirements of site plan approval set forth in this section and the Town's Site Plan Review ordinance. A nonresidential land division shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Master, Comprehensive, or Land Use Plan (including the Interchange Area Design Guidelines if applicable) or the Columbia County Zoning Code.

(b) **Standards.**

In addition to the principles and standards in this Chapter, which are appropriate to the planning of all land divisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, lot and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon;
- (3) Special requirements may be imposed by the Town Board with respect to street design and construction;
- (4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer, and storm water drainage;
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial land division, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary; and

- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE H
PARKS, PUBLIC LANDS, AND OPEN SPACES

SECTION 10.81 **GENERAL PARK, CONSERVANCY AREAS, SHORELAND ACCESS, RECREATIONAL TRAIL, AND PUBLIC LAND DEDICATION REQUIREMENTS**

(a) **Dedication Requirement.**

In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the land division development, each land divider shall be required to dedicate land or fees in lieu of land for park or other public uses.

(b) **General Design.**

In the design of a land division, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways, recreational trails, conservancy areas, and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Town Land Use Plan, Comprehensive Plan, or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

SECTION 10.82 **PARKLAND, CONSERVANCY AREAS, AND RECREATIONAL TRAIL DEDICATION**

(a) **Dedication Calculation.**

When land within the Town is divided, a parkland, conservancy area, and recreational trail dedication of five thousand (5,000) square feet of land per dwelling unit will be required. Whenever a proposed playground, park, conservancy area, recreational trail, or other public area, other than streets or drainageways, designated in the Town Land Use or Comprehensive Plan is embraced, all or in part, in the tract of land to be divided, these lands shall be made part of the required dedication. The Town Board shall have authority to determine the suitability and adequacy of parkland, conservancy areas, and recreational trails proposed for dedication. Drainageways, wetlands, or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(b) **Shoreland.**

- (1) **Lake and Stream Shore Plats.** All land divisions abutting on a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.
- (2) **Lots Adjacent to Lake or Stream Shore.** The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be divided but also to all lands under option to the land divider or in which the land divider holds any interest and which are contiguous to the lands proposed to be divided and which abut a lake or stream.

(c) **Unknown Number of Dwelling Units.**

Where the land division does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Columbia County Zoning Chapter and this Chapter.

(d) **Deeded to the Town.**

Land dedicated for public purposes shall be deeded to the Town at the time the Final Plat is approved.

(e) **Access to Dedicated Land.**

All dedicated land shall have frontage on a public street and shall have unrestricted public access. There shall be a minimum public street frontage of no less than 15% of the perimeter of the park.

(f) **Utility Extensions.**

The land divider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(g) **Fee in Lieu of Parkland.** [Amended by Ord. 2013-16, 11/12/13.]

- (1) In areas where land dedication is not desired by the Town, a fee as specified on the current Town of Dekorra Fee Schedule per lot created will be required. This amount shall be adjusted annually as of January 1st of each year using the "Consumer Price Index-All Urban Consumers for Small Metropolitan Areas," prepared by the United States Department of Labor.
- (2) The determination of whether land, money, or a combination thereof will be required shall be at the discretion of the Town Board, following recommendation of the Plan Commission. Factors to consider in determining whether land or fees in lieu of land will be required or accepted include the size of the land to be dedicated, the utility of the land to be dedicated and whether dedicated land adjoins or otherwise has recreational value in conjunction with other lands held or used by the public or that may be available for public use in the future. Small isolated public lands of little practical utility for active or passive recreation opportunities for the general public shall not be accepted for park land dedication.
- (3) Such fees may only be used for additional land acquisition for parks, conservancy areas, and recreational trail areas or for the development of parks, conservancy areas and recreational trail areas and shall be payable at the time of Final Plat or Certified Survey Map approval. Funds paid to the town under any Fees in Lieu of Land provision or contributed from other sources for park, conservancy area and recreational trail development acquisition, and improvement are to be placed in a separate account designated for park, conservancy area, and recreational trail development and improvement projects. Said accounts shall be continuing accounts and shall not lapse at the end of a budget period. In areas where land dedication is not desired by the Town, a fee as specified on the current Town of Dekorra Fee Schedule per lot created will be required. This amount shall be adjusted annually as of January 1st of each year using the "Consumer Price Index-All Urban Consumers for Small Metropolitan Areas," prepared by the United States Department of Labor. The determination of whether land, money, or a combination thereof will be required shall be at the discretion of the Town Board, following recommendation of the Plan Commission.

SECTION 10.83 DEVELOPMENT OF PARK AREA

(a) **Grading and Seeding.**

When parklands are dedicated, the land divider is required to:

- (1) Properly grade and contour for proper drainage;
- (2) Provide surface contour suitable for anticipated use of area; and
- (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Town, fertilized with 16-6-6 fertilizer at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clayloam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

(b) **Compliance Certificate.**

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

(c) **Development.**

Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Town Board.

(d) **Non-Compliance.**

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

SECTION 10.84 DEVELOPMENT OF TRAILS

(a) **Design Standards.**

When recreational trails, trails accessing dedicated parklands or conservancy areas, or other public trails, walkways, or pathways are dedicated, the land divider is required to clear, grade, establish base course, and final surface appropriate for the type of trail and use based on the following design standards:

(1) **Primary Recreational Trails.**

Width of right-of-way	30 feet
Width of trail	8 feet
Vertical clearing	7 feet
Horizontal clearing	10 feet

Minimum turning radius	10 feet
Surfacing	4 inches of 3/4" crushed stone choked or rolled with fines (quarry dust)

(2) Secondary Recreational Trails.

Width of right-of-way	15 feet
Width of trail	4 feet
Vertical clearing	7 feet
Horizontal clearing	4 feet
Surfacing	Compacted earth

(b) Exceptions.

The Town Board, with the advice of the Plan Commission, may require land dividers to develop trails that differ in their design characteristics based on the type of trail and the level of projected use. In those instances where the Town requires a developer to deviate from the design standards, the trail shall be constructed to the standards promulgated by the National Recreation & Park Association, (Park Planning Guidelines, 3rd Edition, 1990 or subsequent editions of this book).

SECTION 10.85 **PRESERVATION OF CONSERVANCY AREAS****(a) Dedicated Conservancy Areas.**

When conservancy areas are dedicated to the Town by land dividers, the Town shall be responsible for imposing and enforcing all use restrictions based on the general ordinances of the Town.

(b) Privately-Owned Conservancy Areas.

When a conservancy area or other open space is to be preserved as permanent open space through deed restrictions or protective covenants in order to meet the requirements of a cluster development, the land divider shall provide the Town with a copy of such deed restrictions or protective covenants at the time that application for a Preliminary Plat is submitted. [Amended by Ord. No. 2015-0 04/14/15]

SECTION 10.86 **LANDSCAPED BUFFER YARDS****(a) Purpose.**

Landscaped buffer yards shall be required at the edges of residential plats and certified survey maps as a means to minimize the visibility and impact of new development on the rural landscape, the impact of new residences on the farming of adjacent lands, and noise and related impacts associated with traffic on adjacent roadways.

(b) General Buffer Yard Standards.

- (1) For all residential plats and certified survey maps, landscaped buffer yards along all existing public roadways at a minimum width of 150 feet along the full extent of the public roadway abutting the plat or certified survey map, not including the width of the public road right-of-way or public road easement.
- (2) Landscaped buffer yards along all other property lines of a residential plat or certified survey map shall be provided at a minimum width of 50 feet within the boundaries of the plat or certified survey map.
- (3) Within subdivision plats, the landscaped buffer yard shall normally be provided within an outlot, to be maintained in common and in perpetuity by the lot owners within the subdivision, per a maintenance agreement or covenants recorded against all affected lots.
- (4) Within certified survey maps, the landscaped buffer yard shall normally be a permanently reserved part of the lots, to be maintained in perpetuity by the affected lot owner(s).
- (5) All required landscaped buffer yards shall be delineated on the plat or certified survey map, and shall be labeled as follows: "Landscaped buffer

yard is reserved for the preservation and/or planting of vegetation and/or berms. The placement of structures within the landscaped buffer yard is prohibited except where approved by the Town Board. Maintenance of this buffer yard shall be the ongoing responsibility of [the lot owner on which the buffer yard is located for CSMs, or lot owners within the plat for subdivision plats].” [Amended by Ord. No. 2015-0 04/14/15]

(c) **Buffer Yard Landscaping Standards.**

- (1) Where, in the determination of the Plan Commission, pre-existing high quality vegetation and/or topographic changes provide an effective visual screen between residential home sites and pre-existing public streets and adjoining properties during months of full foliage, preservation of such vegetation and/or topographic changes shall be a requirement of land division approval. No separate landscape plan shall be required for parts of affected plats or certified survey maps that meet these conditions.
- (2) Where in the determination of the Plan Commission existing vegetation and/or topographic changes do not provide an effective visual screen between residential home sites and pre-existing public streets and adjoining properties during months of full foliage, or where existing vegetation is not of high quality, the land divider shall be required to prepare and obtain Town Board approval of a landscape plan for the buffer yard area. Said landscape plan may vary based on the existing topography and vegetative characteristics of the following area, but shall have the effect of creating a visual screen of the residential homesites from public streets or adjoining properties during summer months.
- (3) For subdivision plats, all required landscaping under this section shall be installed by the land divider per the developer’s agreement associated with the plat.
- (4) For certified survey maps, the land divider shall install or otherwise ensure the installation of the required landscaped buffer yard through deed restrictions on the affected lots or through other means approved by the Town Board.

**ARTICLE I
ENVIRONMENTAL ASSESSMENT**

SECTION 10.91 ENVIRONMENTAL ASSESSMENT

- (a) **Format.**
The environmental assessment required by Sections 10.32 and 10.43(B) of this Ordinance shall generally follow the format herein:

This assessment shall be prepared for review, if possible, at the pre-application conference. The information sought will assist the Plan Commission and Town Board in determining the suitability of the land for development as required by Section 10.22 of this Ordinance. All "yes" answers must be explained in detail by attaching maps and supporting documents describing the impact of the proposed development.

	<u>Yes</u>	<u>No</u>
1. <u>Land Resources</u>		
Does the project site involve:		
a. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two foot contour levels)	_____	_____
b. Slopes of 12% or greater? (identify on map)	_____	_____
c. Slopes of 20% or greater? (identify on map)	_____	_____
d. A landform or topographic feature of local or regional interest	_____	_____
e. A floodplain (if yes, attach two copies of a typical stream valley cross-section showing the channel of the stream, the 100 year floodplain limits and the floodway limits [if officially adopted, of each side of the channel and a cross-section of area to be developed])	_____	_____
f. An area shown on Map 6 of the Comprehensive Plan as having "Soils with Building Limitations"	_____	_____

- g. An area of bedrock within 6 feet of the soil surface _____
- h. An area with the groundwater table within 10 feet of the soil surface _____
- i. An area with fractured bedrock within 10 feet of the soil surface _____
- j. A drainageway of 50 or more acres of land _____
- k. Lot coverage of more than 50% impermeable surfaces _____
- l. Group I or II agricultural land per Map 3 of the Town’s Comprehensive Plan or more detailed sources _____
- k. Wetlands and Marshes _____
- n. Mapped environmental corridors per Map 6 of the of the Town’s Comprehensive Plan or more detailed sources _____
- o. Hydric soils per Map 6 of the Town’s Comprehensive Plan or more detailed sources _____
- p. Soils with severe limitations for conventional on-site waste disposal systems per Map 8 of the Town’s Comprehensive Plan or more detailed sources _____
- q. Soils with low or very low potential for dwellings with basements, per the Columbia County Soil Survey _____

2. **Water Resources**

Does the proposed project have:

- a. An area traversed by a navigable stream or dry run _____
- b. The potential to increase the flow by 10% to a storm water storage facility or increase the flow of a waterway within one mile _____

- c. The use of septic tank-soil absorption fields for on-site waste disposal _____
- d. The potential to lower the water table by pumping or drainage _____
- e. The potential to raise the water table by altered drainage patterns _____
- f. Lake frontage _____

3. **Biological Resources**

Does the project site involve:

- a. Critical habitat for plants and animals of community interest _____
- b. Endangered, unusual or rare species of:
 - 1) Land animals _____
 - 2) Birds _____
 - 3) Plants _____
- c. Trees and shrubs of greater than 3" DBH; if yes, identify species present and approximate numbers and sizes _____
- d. A "woodland" as defined in Section 10.11 of the Land Division and Subdivision Code _____
- e. Removal or potential damage to the current trees, shrubs, vines, grasses and other non-noxious plants; if yes, provide aerial photos and/or vegetation surveys to document extent of potential damage and indicate if the woodland clearance threshold of 20% per Section 10.245 will be exceeded _____

4. **Human and Scientific Interest**

Does the project site involve:

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

5. **Energy, Transportation and Communications**

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

6. **Population**

- a. Does the development increase by more than 10% the school population of any school serving the development? _____

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

8. Appendices and supporting material, including in all cases the Columbia County Soil Survey Map for the area as prepared by the United States Department of Agriculture, Natural Resources Conservation Service.

(b) **Guidelines.**

The following criteria shall serve as guidelines to assist the Plan Commission and Town Board in determining the suitability of the land for development:

- (1) Recommendations as to soil suitability contained in the Soil Conservation Service Soil survey of Columbia County shall govern.
- (2) Building envelopes, driveways, roads, on-site waste treatment (septic) systems, and other land disturbing activities are prohibited on those portions of land with existing slopes equal to or greater than twenty percent (20%), except at the discretion of the Town Plan Commission and Town Board where all of the following standards are or will be met:
 - (A) All on-site waste treatment systems shall be designed by a licensed sanitary engineer and approved by the Town Engineer, in addition to required Columbia County approval;
 - (B) Each building envelope shall not exceed 8,000 square feet, excluding driveway and septic drain field. Disturbance for driveways and roads shall be as limited in Section 10.91(b)(2)(C) below;
 - (C) The finish slope of any driveways and roads shall meet the requirements of this Chapter and/or Section 5.03 and the disturbed area for the driveway or road shall not extend more than five feet beyond both edges of the driveways or private roads and no more than ten feet beyond both edges of public roads; **[Amended by Ord. No. 2015-0 04/14/15]**
 - (D) The planning and execution of erosion control and stormwater management techniques shall emphasize infiltration on the affected lot(s), and the Land Divider shall remove all excavated material from the lot(s);
 - (E) A Developer's Agreement shall be required as specified under Section 10.52, and such Agreement shall include provisions requiring an ongoing stormwater management and erosion control maintenance program on each affected lot, and providing a financial guarantee in the event that any damage or loss occurs related to the stormwater runoff and erosion involving the lot(s);
 - (F) Covenants or related restrictions running with the land for a minimum of 10 years shall be recorded against the affected lots, including ongoing responsibilities for the lot owner to maintain stormwater management and erosion control measures;
 - (G) All requirements of subsection 10.91(b)(3)(A)-(H) below will also be met, with the stricter of overlapping provisions applying; and

- (H) All of the siting and design standards in Chapter Four, of the Town of Dekorra Comprehensive Plan that are applicable under the property's planned land use designation, along with the provisions of Section 10.73 and Section 11.04 shall be followed. [**Amended by Ord. No. 2015-0 04/14/15**]
- (2) Building envelopes, driveways, roads and septic systems proposed on those portions of land with existing slopes between twelve percent (12%) and twenty percent (20%) will require special design for limiting storm water runoff and erosion and for sewerage systems, including the following:
- (A) An Erosion Control and Stormwater Management Plan per Section 11.01 of the Town Code of Ordinances shall be submitted to and approved by the Town Engineer. Erosion control and stormwater management measures shall be specifically delineated for each lot, and shall be installed by the Land Divider and maintained by the lot owner;
- (B) Building envelope area(s) not exceeding 12,000 square feet total, excluding driveways and septic drain fields, shall be shown on each lot as the maximum area of disturbed soil. Existing trees and vegetation on the undisturbed portion shall not be removed by the development, except for disturbance immediately adjacent to the house if required for fire control per recognized standards. Driveway area shall not exceed that described in Section 10.91(b)(2)(C) above;
- (C) Plans and design calculations acceptable to the Town Engineer shall be submitted for slope stabilization, retaining walls and other appropriate measures;
- (D) The soils as shown on the Columbia County Soil Survey Map for the land shall have no more than a "slight" erosion hazard potential as determined by the Soil Conservation Service;
- (E) The soil limitations for dwellings with basements, local streets and roads, septic tank (if applicable) shall be no greater than "moderate" as determined by the Natural Resources and Conservation Service;
- (F) A special public hearing shall be held to assess effects of the specific property on surrounding property owners;
- (G) Such special studies of soils, slope stability, storm water runoff, erosion and safety as required by Town ordinances and as requested by the Town Engineer, Town Board, and/or Plan Commission shall be conducted by the Developer/Owner and presented to the Town Board prior to or with the official submittal of the Preliminary Plat or Preliminary Certified Survey Map; and

- (H) All stormwater runoff shall be directed off roadways, driveways and other paved areas before leaving a lot and shall be infiltrated onsite into settling basins or other best management practice engineered elements.
- (3) Soils with severe erosion hazard potential as determined by the Soil Conservation Service will require special design to limit storm water runoff and erosion. Subsections (3)(a) through (3)(G) above for slopes of 12% to 20% shall be minimum requirements.
- (4) No structure shall be constructed with a basement floor below the normal ground water elevation. In areas where high ground water is suspected, the Town Board may require soil borings to determine ground water level. Ground water level shall be determined by a minimum of three soil borings.
- (5) Lands known to be habitat for endangered species, as determined by the Department of Natural Resources Bureau of Endangered Resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species and/or habitat.
- (6) Areas of archaeological and/or historical interest shall be designated by the State Historical Society and shall be preserved.
- (7) Areas of geological interest shall be designated by the State Geological and Natural History Survey and shall be preserved.
- (8) Suitability of land for private sewerage systems shall be determined in accordance with Wis. Admin. Code. **[Amended by Ord. No. 2015-04/14/15]**
- (9) Public utilities shall not be extended through or around vacant land to serve new development.
- (10) Development of shoreland or wetlands shall be governed by applicable chapter(s) of the Columbia County Code. **[Amended by Ord. No. 2015-04/14/15]**
- (11) Building envelopes shall be prohibited to be located within lands designated as Environmental Corridors on Map 6 of the Town Comprehensive Plan, or as a more detailed study indicates using the same Environmental Corridor mapping criteria included in the Comprehensive Plan.
- (12) The land divider shall be required to maintain or provide a vegetative buffer of at least 35 feet between any building envelope and navigable waterway or wetland edge. Such buffer shall be maintained or planted with native sedges and grasses, shrubs, subcanopy, and canopy trees, instead of mowed lawns. The Town may require restrictions on use of chemicals and pesticides within such vegetative buffers.

ARTICLE J
CONDOMINIUM DEVELOPMENTS

SECTION 10.101 CONDOMINIUM DEVELOPMENTS

(a) **Purpose.**

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this ordinance to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation of separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control. [**Amended by Ord. No. 2015-0 04/14/15**]
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - (A) Additional population density;
 - (B) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - (C) Additional demands upon Town area parks, recreation areas, utility facilities and schools; and
 - (D) Additional traffic and street use.

(b) **Portions of Ordinance Applicable to Condominium Developments.**

The following sections of this Chapter shall apply to condominium developments:
[**Amended by Ord. No. 2015-0 04/14/15**]

- (1) Section 10.22(a)(1) and (4), relating to land suitability and construction practices;

- (2) Section 10.32, relating to Preliminary Plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for Preliminary Plats set forth in Section 10.41 of this Ordinance shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Chap. 703;
 - (3) Sections 10.51, 10.52, 10.53 and 10.54, relating to required improvements, guarantees and inspections;
 - (4) Sections 10.71, 10.72 and 10.73, relating to design standards for improvements; and
 - (5) Sections 10.81, 10.82, 10.83, 10.84 and 10.85, relating to dedication requirements.
- (c) **This Chapter Shall Not Apply To The Following Condominiums:**
- (1) Any condominium plat recorded prior to the effective date of this Chapter; or **[Amended by Ord. No. 2015-0 04/14/15]**
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter. **[Amended by Ord. No. 2015-0 04/14/15]**

ARTICLE K
VARIANCES, PENALTIES AND VIOLATIONS

SECTION 10.111 VARIATIONS AND EXCEPTIONS

(a) **Applicability.**

Where, in the sole judgment of the Town Board, it would be inappropriate to apply literally all of the provisions of this Chapter because exceptional or undue hardship would result or because the project is developed under one of Columbia County's Planned Development Overlay Zoning Districts, the Town Board may waive or modify certain requirements to the extent deemed just and proper by the Town Board. [Amended by Ord. No. 2015-0 04/14/15]

(b) **Application Form.**

Application for any such variance shall be made in writing by the land divider on a form prescribed by the Town. Such application for variance shall be made at the time when the Preliminary Plat is filed with the Town Clerk for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Town Board and Plan Commission in the analysis and evaluation of the requested variance.

(c) **Standards.**

The Town Board shall not grant variations or exceptions to the regulations and provisions of this Chapter unless the Town Board shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property; and
- (3) Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the regulations contained in this Chapter were strictly enforced.

(d) **Resolution Required.**

The Town Board, if it approves of the request for variation or exception, shall do so by resolution. The Town Clerk shall notify the land divider of the action of the Town Board. [Amended by Ord. No. 2015-0 04/14/15]

- (e) **Town Board Considerations.**
Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Town in accordance with any Town Comprehensive Plan or Land Use Plan or component thereof, this Chapter, or Zoning Code of Columbia County.
- (f) **Town Board Vote.**
A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter. Such vote shall be by roll call of all members and the reasons for granting or denying the variation shall be entered in the minutes of the Board.
- (g) **Monument Waivers.**
The Town Board may waive the placing of monuments, required under Wis. Stats. §§ 236.15(b),(c) and (d) for a reasonable time on condition that the land divider execute a surety bond to ensure the placing of such monuments within the time required.

SECTION 10.112 ENFORCEMENT, REMEDIES AND PENALTIES

- (a) **Violations.**
It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Chapter or the Wisconsin Statutes, and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division or replat within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) Any person, either owner or occupant of the premises, or firm, or corporation who fails to comply with or who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to the penalties set forth in Section 1.03 of this Code. Each day a violation exists or continues shall constitute a separate offense. [**Amended by Ord. No. 2015-0 04/14/15**]
 - (2) Recordation improperly made has penalties provided in Wis. Stats. § 236.30.
 - (3) Conveyance of lots in unrecorded plats has penalties provided in Wis. Stats. § 236.31.

- (4) Monuments disturbed or not placed have penalties provided in Wis. Stats. § 236.32.
 - (5) Assessor's plat made under Wis. Stats. § 70.27 may be ordered by the Town at the expense of the land divider when a subdivision is created by successive divisions.
- (c) **Appeals.**
Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(e)10, 14 and 15, within thirty (30) days of notification of rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

History Note: Town of Dekorra Land Division and Subdivision Code, adopted on November 10, 1998; amended through codification; amended 6/8/04 in Ordinance 6-2004; amended December 14, 2004 Ordinance No. 12-2004; repealed and recreated March 14, 2006, Ord 01-2006; amended 12/11/07 by Ord. 2007-10; amended October 28, 2008, Ordinance No. 2008-09; amended through 2009 codification; amended in Ord. 2010-05, 12/14/10.

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