TOWN OF WEST POINT

CHAPTER 6 - LAND DIVISION
LAND DIVISION, SITING CRITERIA AND TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHTS REGULATIONS

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CHAPTER 6 – LAND DIVISION

SECTION 6.00 LAND DIVISION, SITING CRITERIA AND TRANSFER OF RESIDENTIAL DEVELOMENT RIGHTS REGULATIONS

Section 6.01 Purpose

The provisions of this Chapter, being authorized by Wis. Stat. § 236.45, are intended to promote the public health, safety, convenience and general welfare of the Town. The further purposes of this Chapter include, but are not limited to, those set forth in Wis. Stats. §§ 236.01 and 236.45, as well as preserving the rural character of the Town and its environs, conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce, protecting farming and open spaces, protecting scenic vistas and providing for the most appropriate use of land in the Town in a manner generally consistent with the Overall Vision Statement and the Overall Goals, Objectives, and Policies of the Town's Comprehensive Plan.

Section 6.02 Definitions

(A) Definitions. The following definitions shall be applicable to this Chapter:

(1) Agricultural Use. Activities conducted for the purpose of producing an income or livelihood as set forth in Wis. Stat. §91.01(2)(a) including crop or forest production, keeping livestock, beekeeping, nursery, sod or Christmas tree production, floriculture, agriculture, fur farming, forest management, and enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program, and all uses identified by the Department of Agriculture, Trade and Consumer Protection [WI DATCP] by rule as an agricultural use.

(2) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

(3) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.

(4) Block. An area of land within a major Land Division that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the Major Land Division and streams, lakes or other bodies of water.

(5) Building. Any structure having a roof supported by posts, columns or walls and its appendages intended for shelter, housing or enclosure of any kind.

(6) Building Envelope. The area within which Buildings are permitted to be built on a Lot or Parcel as defined by the existing ground level, all applicable setbacks and the Comprehensive Plan and Town Ordinances adopted by the Town.

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

(8) Building Site. The Lot or Parcel on which a Building has been or may be located.

(9) Certified Survey Map or CSM. A map of a Minor Land Division prepared in accordance with Wis. Stat. § 236.34, the Columbia County Land Division Ordinance and this Chapter.

(10) Collector Street. A street which collects and carries traffic within an area such as a residential neighborhood between Arterial Streets and Local Streets. It includes principal entrance streets to Major Land Divisions.

(11) Columbia County or County. The County located in the State of Wisconsin within which the Town is located.

(12) Columbia County Planning and Zoning Department or County PZ. County Department administering the County Code of Ordinances [Code], including those related to zoning and planned divisions of land within the Town.

(13) Common Facilities. Buildings, recreational facilities (such as walking paths or trails or areas improved as a park or playground), landscaping, storm water management features and controls or other improvements that are set aside for the use and enjoyment of the residents of a Conservation Residential Development or required by the provisions of this Chapter to be maintained by a Homeowner's or Condominium Association.

(14) Comprehensive Plan. A plan for guiding and shaping the growth and development of the Town, which has been adopted by the Town Board, and as amended from time to time.

(15) Condominium. A Major or Minor Land Division in which the condominium form of ownership pursuant to Chapter 703 of the Wisconsin Statutes is utilized.

(16) Conservation Easement. Pursuant to Wis. Stat. § 700.40(1)(a), a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation, the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site

as defined in Wis. Stat. § 157.70(1)(b), or preserving the historical, architectural, archaeological or cultural aspects of real property.

(17) Conservation Residential Development. A manner of residential development for Major Land Divisions meeting the requirements of Section 6.18 of this Chapter.

(18) Conservation Residential Development Area. Lands identified and mapped in the Comprehensive Plan for future single family residential development pursuant to the provisions of this Chapter and also the Receiving Parcel under the Town's Transfer of Development Right program.

(19) Contiguous Single Ownership. Any combination of Lots or Parcels designated and mapped General Agricultural or Open Space, Agricultural Preservation Area, or Recreational in the Comprehensive Plan singly owned by one uniquely named Owner as identified by deed or other instrument of title that share a common boundary. A public road, whether an easement road or fee title, railroad right of way, navigable waterway, a connection at only one point, or by a private drive owned by an entity other than the entity that owns the abutting lands, or similar feature, shall not be considered to break up contiguity for purposes of this Chapter.

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

(21) Development Agreement. A legal contract between the Land Divider and, if not the Owner, also the Owner, and the Town defining the responsibilities for public and private improvements required by this Chapter and the payment of fees and costs incurred by the Town associated with any Land Division.

(22) Development Right. The right necessary to support an existing or new Dwelling Unit on a Building Site located upon a Lot or Parcel.

(23) Driveway. A private driveway, road, field road or other avenue of travel that runs through any part of a private lot or parcel of land, or that connects with or will connect with any public highway.

(24) Dwelling. A structure fixed to the ground that is occupied or intended to be used for human habitation. A Dwelling may contain one or more Dwelling Units.

(25) Dwelling Unit. A room or rooms in a Dwelling that are used as living quarters for one family or household and contains legal cooking and sanitary facilities reserved for use by the occupants of the room or rooms.

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

(27) Existing Dwelling. A Dwelling occupied or a Dwelling for which a building permit was issued before April 14, 2005.

(28) Existing Dwelling Land Division. A Land Division where an existing Dwelling and possibly accessory buildings already exist on a Parcel mapped General Agricultural or Open Space, Agricultural Preservation Area or Recreational in the Comprehensive Plan and is separated by creation of a Lot or Parcel.

(29) Final Plat. The final map of a Major Land Division, prepared in accordance with Chapter 236, Wis. Stats., and the applicable provisions of this Chapter, presented for approval and which, if approved, may be recorded with the County Register of Deeds.

(30) Frontage Street. A street auxiliary to and located on the side of a Major Thoroughfare for control of access and for service to the abutting development.

(31) Homeowner's Association. A non-profit community association, incorporated under Chapter 181, Wis. Stats. or associated under Chapter 184, Wis. Stats. serving to combine individual home ownership with shared use, rights, responsibilities or ownership, of property or facilities.

(32) Land Divider. Any person, firm, corporation, limited liability company or other legal entity, who is the land owner, or any agent thereof, dividing or proposing to divide land under this Chapter.

(33) Land Division. Any division of land, regardless of size, of parts of a Parcel of land under this Chapter.

(34) Large Parcel Land Division. A Land Division of land mapped General Agricultural or Open Space, Agricultural Preservation Area or Recreational in the Comprehensive Plan into any number of Parcels, none of which are less than thirty-five (35) acres in size.

(35) Large Agricultural and Open Space Parcel. A Parcel of land thirty-five (35) acres or larger created by a Large Parcel Land Division.

(36) Local Street. A street used primarily for access to abutting properties and leading into an Arterial or Collector Street.

(37) Lot. A Parcel of land, other than a Large Agricultural and Open Space Parcel, intended for residential, commercial or industrial uses having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a Building or use, and sufficient in size to meet the Lot or Parcel Width, Lot frontage, Lot Area, yard, parking area and other Open Space provisions of this Chapter and the County Code. Among the types of lots are:

a. Corner Lot. A Lot abutting intersecting streets at their intersection.

b. Reversed Corner Lot. A Corner Lot which is oriented so that its rear lot line is coincident with or parallel to the side lot line of the interior lot immediately to its rear.

c. Through Lot. A Lot having lot lines abutting two more or less parallel public streets which is not a Corner Lot. On a Through Lot, both street lines shall be deemed front lot lines.

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

(38) Lot or Parcel Area. The area contained within the exterior boundaries of a Lot or Parcel, excluding any railroad right of way or streets and land under bodies of water.

(39) Lot or Parcel Lines. The peripheral boundaries of a Lot or Parcel.

(40) Lot or Parcel Line Adjustment. The alteration of adjoining property boundaries which does not result in the creation of additional Lots or Parcels and does not result in the dedication of public lands or right-of-way.

(41) Lot or Parcel Width. The width of a Lot or Parcel of land measured along the front Building Line.

(42) Major Land Division. A division of land by Final Plat for the purpose of sale or building development where the act of division creates:

a. Five (5) or more Lots of thirty-five (35) acres or less in Lot Area; or
b. Five (5) or more Lots of thirty-five (35) acres or less in Lot Area by successive divisions within a period of five years, whether done by the original or successor Land Divider.

(43) 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

(44) Minor Land Division. A division of land through the preparation of a CSM by a Land Divider where the act of division creates not more than four (4) lots, of thirty-five (35) acres or less.

(45) Modification. A one-time site-specific alternation of the normal requirements of this Chapter approved by the Town Board because of exceptional circumstances following the criteria and procedures provided in Section 6.20.

(46) Open Space. Undeveloped land within a Conservation Development that has been designated, dedicated, reserved or restricted from further development and is set aside for the use and enjoyment by residents of the development or for agricultural purposes. Open Space shall be substantially free of Buildings but may contain historic structures and archeological sites including Indian mounds, and/or recreational facilities for residents as indicated on the Final Plat.

(47) Ordinary High Water Mark or OHWM. That point on the bank or shore as defined within Wisconsin Administrative Code NR 115, as amended from time to time.

(48) Outlot. A Parcel of land so designated on a Final Plat or CSM.

(49) Owner. A natural person, firm, association, limited liability company, partnership, private corporation, public or quasi- public corporation, trust or any combination thereof, owning land.

(50) Parcel. Any Lot, Outlot, or other identifiable tract of land regardless of size.

(51) Parent Parcel. The existing Parcel of land under Contiguous Single Ownership as of April 14, 2005, upon which Development Rights are determined.

(52) Plan Commission. The Town Plan Commission.

(53) Preliminary Plat. The map indicating the salient features and layout of a Major Land Division, submitted along with supporting documents and data to the Plan Commission and the Town Board for their preliminary consideration as to compliance with Chapter 236, Wis. Stats., the Comprehensive Plan and this Chapter.

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

(55) Receiving Parcel. The Parcel of land to which one or more Development Rights may be transferred pursuant to the Transfer of Development Right provisions of

this Chapter.

(56) Replat. The process of changing, or a Final Plat or CSM which changes, the boundaries of a recorded Final Plat or part thereof. The legal dividing of a Block, Lot or Outlot within a Final Plat without changing exterior boundaries of said Block, Lot or Outlot is not a Replat.

(57) Restrictive Covenants. Restrictions imposed by the Owner or contracts entered into between Owner and public bodies pursuant to Wis. Stat. § 236.293, which constitute a restriction on the use of land for the benefit of the public, property owners, or the Town, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

(58) Sending Parcel. A Parcel designated and mapped as General Agricultural or Open Space, Agricultural Preservation Area or Recreational in the Comprehensive Plan within the Parent Parcel from which one or more Development Rights are removed for transfer to a Receiving Parcel pursuant to the Transfer of Development Right provisions of this Chapter.

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

(60) Town. The Town of West Point, Columbia County, Wisconsin.

(61) Town Board. The Town of West Point Board of Supervisors.

(62) Town Clerk. The Clerk of the Town of West Point.

(63) Transfer of Development Rights. The permanent conveyance of Development Rights from a Sending Parcel to a Receiving parcel under the provisions of this Chapter.

(64) Waiver. A one-time site-specific exception from the normal requirements of this Chapter approved by the Town Board because of exceptional circumstances following the criteria and procedures provided under this Chapter.

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

(B) Interpretation. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

Section 6.03 General Provisions

(A) Title. This Chapter shall be officially known, cited and referred to as the "Town of West Point Land Division Ordinance."

(B) Statutory Authority. This Chapter is adopted pursuant to the authority granted under Wis. Stat. §§ 60.22, 61.34(1), 62.23 and 236.45.

(C) Public Provisions. This Chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute or other provision of law except as provided in these regulations. Where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, statute or other provision of law, the provision which is more restrictive or imposes higher standards shall govern.

(D) Private Provisions. This Chapter is not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive than such easement, covenant or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or other private agreement or restriction impose duties and obligations more restrictive than this Chapter, and the private provisions are not inconsistent with the provisions of this Chapter, the private provisions shall be operative and supplemental to these regulations and any determinations made under these regulations.

(E) Interpretation. As interpreted and applied, the regulations contained in this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly in favor of the Town to promote the purposes for which they are adopted.

(F) Wisconsin Statutes and Administrative Code. References to the "Wisconsin Statutes" or "Wis. Stat." mean the current Wisconsin Statutes at the time the provision with the reference was adopted and all amendments or renumbering thereto. References to the "Wisconsin Administrative Code" or "Wis. Admin. Code" mean the current Wisconsin Administrative Code at the time the provision with the reference was adopted and all amendments or renumbering thereto.

(G) Severability. If any part or provision of this Chapter or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of this Chapter or its application to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application that

is adjudged to be invalid.

(H) Repeal. All other chapters or ordinances, or parts thereof, of the Town inconsistent with or in conflict with the provisions of this Chapter are hereby repealed.

(I) Fees, Reimbursable Costs and Escrow. A person making any application under this Chapter shall pay fees to the Town related to the general administration costs incurred by the Town in processing an application or otherwise administering this Chapter. All fees shall be established by the Town Board, from time to time, by resolution. A schedule of such fees shall be maintained by the Town Clerk and made available to any member of the public upon request. In addition, the Land Divider, and if not the Owner, also the Owner, also shall enter into a pre- Development Agreement with the Town requiring the Land Divider/Owner to pay to the Town all reasonable costs for engineering, planning, legal, consultant and other expenses incurred by the Town in processing, reviewing, revising and approving conceptual, preliminary or final development plans in connection with any Land Division including, but not limited to, Lot Line Adjustment, Large Parcel Land Division, Existing Rural Residence Land Division and , Major and Minor Land Divisions, as well as processing, reviewing, revising, drafting and approving any agreements, easements, Restrictive Covenants or other documents associated with the proposed Land Division. Such costs shall include the costs of the Town's engineers, attorneys, inspectors, agents, subcontractors and employees as paid by the Town. The Town may also, by resolution, establish that the Land Divider shall pay, on terms and conditions established by the Town, an escrow to the Town to ensure that the costs incurred by the Town are paid by the Land Divider.

(J) Compliance. No Owner shall divide any land located within the Town which results in a Land Division, and no such Land Division shall be entitled to be recorded, or otherwise relied upon, including the issuance of a building permit, without compliance with all applicable requirements of this Chapter and the following:

(1) The provisions of Chapters 236 and 82 of the Wisconsin Statutes.

(2) All other applicable provisions of the Town Code of Ordinances.

(3) Applicable provisions of the County Code of Ordinances.

(4) The Town's Comprehensive Plan.

(5) All applicable state and local sanitary codes.

(6) The provisions of Wis. Admin. Code Chap. TRANS 233 for Land Divisions that abut a state trunk highway.

(7) The regulations of the Wisconsin Department of Natural Resources, Wisconsin

Department of Safety and Professional Services and any other applicable State agency relating to floodplain management, wetlands, Shorelands, sewers and septic systems and pollution abatement.

(8) All other applicable state and federal statutes and administrative rules.

(9) Any recorded deed or other restrictions, easements or other recorded documents running with the property limiting, among other things, access, zoning or land division rights.

(K) Jurisdiction. This Chapter shall apply to all lands within the political boundaries of the Town. Pursuant to Wis. Stat. §236.45(2)(am), this Chapter, in so far as it applies to divisions of land of less than 5 Parcels, shall not apply to:

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

(2) Lease Interests. Leases of less than ten (10) years, mortgages or easements; and

(3) Adjoining Property Transfer. Except as otherwise provided in Section 6.04 with respect to the determination of Development Rights and Section 6.07(A)(1) with respect to Lot Line Adjustments, the sale or exchange of Parcels of land between Owners of adjoining property if additional Lots or Parcels are not thereby created and the Lots or Parcels resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws and ordinances.

(L) Building Permits. The Town or its designee shall not issue any building permit relating to any Parcel of land forming all or any part of lands included in a Land Division originally submitted to the Town until the Land Divider has complied with all of the provisions and requirements of this Chapter.

(M) Applicability to Condominiums. This Chapter is expressly applicable to Condominiums within the Town's jurisdiction, pursuant to Wis. Stat. § 703.27(1) and as provided in Section 6.19. For purposes of this Chapter, a Condominium plat prepared under Chapter 703 of the Wisconsin Statutes which creates five (5) or more new units, including any associated limited common elements, shall, as applicable, be reviewed by the Town in the same manner as a Major Land Division. A Condominium plat prepared under Chapter 703 of the Wisconsin Statutes which creates four (4) or fewer new units, including any associated limited common elements, shall, as applicable, be reviewed by the Town in the same manner as a Minor Land Division.

(N) Land Suitability. No land shall be divided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board, upon the recommendation of the Plan Commission, for reasons of flooding, inadequate drainage, incompatible

surrounding land use, adverse soil or rock formation, severe erosion potential, unfavorable topography including steep slopes, adverse impacts on water resources, despoiling the scenic beauty of the bluffs, inadequate septic or sewage disposal capabilities, inadequate or inappropriate driveway access or location, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed division of land or Town generally. The determination of land suitability shall be evaluated based on the materials submitted to the Town by the Land Divider. The Town Board, should it determine the land is unsuitable for Land Division, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the Land Divider an opportunity to present evidence regarding such unsuitability if the Land Divider so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

(O) Existing Flora. Where land is being divided for residential, commercial or industrial use, the Land Divider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses and other non-noxious plants and non-invasive plants. Public Ways, building foundations, private driveways, waste disposal areas, paths, trails and all other improvements shall be located so as to preserve existing vegetation. The Land Divider shall protect and preserve such trees and other flora in accordance with sound conservation practices.

(P) Endangered Species. Where land is being divided for residential, commercial or industrial use, the Land Divider shall make every effort to protect threatened or endangered species identified by the Wisconsin Department of Natural Resources.

Section 6.04 Determination and Transfer of Development Rights with Respect to Land Divisions.

(A) Rights to be Determined. With respect to any proposed Land Division, including a Large Parcel Land Division, Lot Line Adjustment, or Existing Rural Residence Land Division, the applicable number of Development Rights shall be first determined taking into consideration the classification of land under the Town's Comprehensive Plan. The Land Divider shall be responsible for researching and documenting the applicable number of available Development Rights and presenting such documentation to the Town for review and approval. Section 6.04 does not apply to a parcel which is licensed as a Mobile Home Park under Chap. 9 of the Code. The maximum number of mobile homes within a Mobile Home Park shall be determined in accordance with s. 9.04 of the Code.

(1) Agricultural and Recreational Land. The following restrictions and standards for determining Development Rights apply to land designated and mapped for future land use as General Agriculture or Open Space, Agricultural Preservation Area, or Recreational in the Comprehensive Plan. Development Rights shall be evaluated and considered in connection with any Land Division as follows:

(a) Determination Date. If not already determined in connection with a prior Land Division, the number of Development Rights applicable to a Parent Parcel shall be determined as of April 14, 2005.

(b) Parent Parcels less than 35 acres. A Parent Parcel smaller than 35 acres shall only have a Development Right if zoned for residential use under the County Zoning Ordinance.

(c) Parent Parcels greater than or equal to 35 acres. For Parent Parcels 35 acres or greater, except as otherwise provided, Development Rights are calculated based on the following:

(1) Contiguous Single Ownership of 35 acres to less than 80 acres = 1 Development Right.

(2) Contiguous Single Ownership of 80 acres to less than 160 acres = 2 Development Rights.

(3) Contiguous Single Ownership of 160 acres to less than 240 acres = 3 Development Rights.

(4) Contiguous Single Ownership of more than 240 acres = 4 Development Rights.

(d) Excluded Land. For the purpose of calculating Development Rights applicable to a Parent Parcel, land on a Parent Parcel that may not be further divided pursuant to an existing deed restriction or other covenant, or which is zoned with an A-4 Agricultural Overlay, shall not be counted when determining the total number of acres under Contiguous Single Ownership.

(e) Existing Dwelling. An existing Dwelling on a Parent Parcel counts as the use of a Development Right. Therefore, each Existing Dwelling reduces by one the number of Development Rights applicable to the Parent Parcel.

(f) Restrictive Covenant. In connection with any Large Parcel Land Division, unless otherwise waived by the Town, a Restrictive Covenant shall be recorded with the County Register of Deeds, naming the Town as a beneficiary and in a form reviewed and approved by the Town as follows:

(1) If the Land Division involves land with Development Rights being transferred from the Parent Parcel to a newly-created Lot or Parcel, the Owner shall record a Restrictive Covenant identifying the total number of Development Rights attributable to the Parent Parcel and

the number of Development Rights transferred to the newly-created Lot or Parcel and demonstrating that the Land Division does not increase the total number of Building Sites. A Building Site shall not be created on the new Lot or Parcel unless a Development Right is available and is transferred from the Parent Parcel.

(2) When a Parent Parcel has multiple Development Rights, the Development Rights need not all be exercised at the same time. After each Development Right is exercised, the Owner of the Parent Parcel shall record a Restrictive Covenant identifying the number of Development Rights that remain with the Parent Parcel or the remaining portion of the Parent Parcel that still has Development Rights.

(3) If the Land Division does not involve the transfer of Development Rights or the creation of a new Building Site, the Owner shall record a Restrictive Covenant demonstrating that the Land Division has not increased the total number of Development Rights and shall identify the Lots or Parcels that retain Development Rights and those that do not.

(4) If the Land Division involves the sale of land and the land sold contains one or more Dwellings, the Owner shall record a Restrictive Covenant identifying the number of Development Rights transferred, identifying the number of Development Rights remaining with the Parent Parcel and demonstrating that the Land Division has not increased the total number of Building Sites.

(5) Upon exercising the last of the Development Rights applicable to a Parent Parcel, the Owner of the remainder of the Parent Parcel shall record a Restrictive Covenant stating that no further Development Rights exist on the remainder of the Parent Parcel.

(6) The location of each new Lot or Parcel created upon the exercise of a Development Right, and the location of the Building Envelope on such Lot or Parcel, shall be reviewed by the Town pursuant to the siting standards set forth in Section 6.06 and any other applicable Town or County Ordinances relating to site evaluation, taking into consideration that additional Development Rights may be exercised in the future. Where feasible, new Building Sites created from the same Parent Parcel shall be adjacent to one another, even if not created at the same time.

(2) Conservation Residential Area. The following restrictions and standards for

determining Development Rights apply to land designated and mapped for future land use as Conservation Residential Area in the Comprehensive Plan.

(a) Determination. Except in cases where the Land Divider has purchased additional Development Rights through the Transfer of Development Rights provisions as provided in Section 6.04(B), in the Conservation Residential Area the maximum number of Development Rights available and permitted for which a Dwelling may be constructed is one (1) per every one and one half (1-1/2) acres.

(b) Major Land Divisions:

(1) Conservation Design. All Major Land Divisions within the Conservation Residential Area designed for residential Lots must be developed as a Conservation Residential Development pursuant to the provisions of Section 6.18; or.:

(2) Restrictive Covenant. Unless expressly waived by the Town for any particular Lot, the Land Divider for each newly created Lot shall record a Restrictive Covenant, which has been approved by the Town, stating that the new Lots may not be further divided.

(c) Minor Land Divisions:

(1) Design. All Minor Land Divisions within the Conservation Residential Area designed for residential Lots are not required to utilize the provisions of Section 6.18 for Conservation Development, but such design criteria may be considered in connection with future planning if the Land Divider owns adjoining lands in the Conservation Residential Area.

(2) Restrictive Covenant. Unless expressly waived by the Town for any particular Lot, the Land Divider for each newly created Lot shall record a Restrictive Covenant, which has been approved by the Town, stating that the new Lots may not be further divided.

(d) Condominiums. Unless a Parcel is designated and mapped for future use as Multi-Family Residential in the Comprehensive Plan, the maximum number of Development Rights available and permitted in connection with a Condominium for which a Dwelling Unit may be constructed is identical in number as the determination under Section 6.04(A)(2)(a) of this Section. If the Parcel is designated and mapped for future use as Multi-Family Residential, the number of Development Rights available shall be determined in accordance with s. 6.04(B).

(B) Multi-Family Residential. With respect to a Parcel designated and mapped for future use as Multi-Family Residential in the Comprehensive Plan, the maximum number of Development Rights available and permitted for which a Dwelling Unit may be constructed is one (1) Development Right for the first one and one-third (1 1/3) acre plus one third (1/3) of an acre for each additional Development Right.

(C) Transfer of Development Rights. Pursuant to the Town's Comprehensive Plan, the Town has determined it would benefit by offering the opportunity to property owners to acquire and transfer Development Rights from land designated and mapped for future land use as General Agricultural or Open Space, Agricultural Preservation Area, or Recreational in the Comprehensive Plan (the Sending Parcel) to land designated and mapped as Conservation Residential Area (the Receiving Parcel). The purpose of such transfer of Development Rights Program is to encourage agricultural preservation, allow agricultural land owners a means of economic benefit without requiring residential development on the agricultural land, and to direct Dwelling Units to areas better suited for such development. The Town's Transfer of Development Rights program is entirely voluntary and, therefore, does not reduce the property rights of any owner of land within the Town. In the event that Owners within the Town wish to take advantage of the Transfer of Development Rights program, the Owners shall follow the following provisions:

(1) Recognition of Transfer of Development Rights. The Town will not recognize the transfer of Development Rights from a Sending Parcel to a Receiving Parcel for any purposes unless such transfer is first approved by the Town.

(2) Application for Approval. The Owners of the proposed Sending and Receiving Parcels shall jointly apply to the Town for approval of the transfer of Development Rights on forms provided by the Town. The application shall be referred to the Plan Commission for review and recommendation to the Town Board. The Plan Commission may, but is not required to, hold a public hearing in connection with its review and recommendation with respect to the Transfer of Development Rights.

(a) Development Rights Available for Transfer. If not already determined, the number of Development Rights applicable to the proposed Sending Parcel shall be determined pursuant to the provisions of this Chapter.

(b) Transfer of Development Rights. After the number of Development Rights available for transfer has been determined, the owner of the Sending Parcel may transfer and assign the Development Rights to the owner of the Receiving Area. All negotiations for the acquisition

of Development Rights, and the financial and other terms and conditions thereof, shall be handled solely by the Owners involved in the transfer approved by the Town.

(3) Effective Date. Any transfer of Development Rights approved by the Town shall not become effective until the Owners of the Sending and Receiving Parcels record a Restrictive Covenant naming the Town as a beneficiary, in the form reviewed and approved by the Town, with the Columbia County Register of Deeds. The Restrictive Covenant shall identify the number of Development Rights available to the Sending Parcel as approved by the Town, shall identify the number of approved Development Rights to be transferred to the Receiving Parcel which shall be legally described, and shall identify the number of Development Rights remaining with the Sending Parcel, if any.

(4) Increased Density of Conservation Development. Upon the recording of the Restrictive Covenant, the owner of the Receiving Parcel may increase in the development density of any proposed Conservation Development under Section 6.18 by the number of Development Rights acquired under these Transfer of Development Rights provisions, except that notwithstanding the transfer of Development Rights, the Town shall not be required to approve any Conservation Development where the residential Lot or Dwelling Unit density would exceed the provisions of this Chapter or the requirements of any other State requirements or County zoning ordinance provisions.

History Note: Section 6.04 amended 3/12/2026.

Section 6.05 Lot Sizes

(A) Large Parcel Land Divisions. Large Agricultural and Open Space Parcels located on land designated and mapped for future land use as General Agriculture or Open Space, Agricultural Preservation Area or Recreational in the Comprehensive Plan shall be a minimum of thirty-five (35) acres in Lot or Parcel Area.

(B) Rural Residence Lot. Residential Lots located on land designated and mapped for future land use as General Agriculture or Open Space, Agricultural Preservation Area or Recreational in the Comprehensive Plan shall be a minimum of two (2) acres and a maximum of five (5) acres of Lot or Parcel Area.

(C) Conservation Residential Development. Lots to be located on land designated and mapped for future land use as Conservation Residential Area in the Comprehensive Plan shall be no less than one (1) acre of Lot or Parcel Area whether or not additional Development Rights have been purchased.

(D) Multi-Family Development. Lots to be located on a Parcel designated and mapped for future use as Multi-Family Residential in the Comprehensive Plan shall be adequate to provide for off-street service and parking facilities and as otherwise required by the County Zoning Code.

(E) Commercial Development. Lots to be located on land designated and mapped for future land use as Commercial Area in the Comprehensive Plan shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated and as required by the County Zoning Code.

(F) Sewered Areas. In the event the Town is ever served by sanitary sewer service, a Land Divider may apply under Section 6.20 for a Modification of the normal Lot size requirement for the Lots to be served by sewer. In no case shall a Lot be approved that is smaller than the minimum lot size requirement of the County Zoning Code.

Section 6.06 Lot and Parcel Siting Requirements

(A) Designation of Building Envelopes. Except with respect to Large Agricultural and Open Space Parcels for which a Development Right is not being transferred or exercised, or unless excused by the Plan Commission in its sole discretion every other Lot or Parcel created under this Chapter shall have a designated Building Envelope approved by the Town. The Building Envelope shall be identified and established by a recorded Restrictive Covenant.

(B) Lot, Parcel Design and Building Envelope. Siting of any Lot or Parcel and the Building Envelope on the Lot or Parcel is subject to Town approval upon consideration of the following criteria:

(1) Configuration. Size, shape and orientation of any Lot, Parcel and the Building Envelope shall be appropriate for the topography of the land being developed, the type of sewage or septic system to be utilized, the land suitability determination in Section 6.03(N), and for the type of development contemplated. Building Envelopes shall assure conformance with required setbacks contained in the County Zoning Ordinance.

(2) Aesthetics. Each Lot, Parcel and the Building Envelope shall be designed to provide an aesthetically pleasing Building Site and a proper architectural setting for the Buildings contemplated.

(3) Disturbance. Building Envelopes shall be configured to minimize disturbance of woodlands, wetlands, grasslands, mature trees, or other significant native vegetation. However, when the objective is to preserve prime farmland and soils and large areas of contiguous land suitable for

agricultural uses, Building Envelopes may be located within these listed areas, except wetlands.

(4) Ridge Line Visibility. In areas designated and mapped as General Agricultural, Open Space, Agricultural Preservation Area or Recreational, Building Envelopes shall be located such that, whenever possible, the highest point of a proposed building shall be located below the tree line or the major ridge line, whichever is lower.

(5) Slope. Any Building Envelope shall be designed such that Buildings are located in areas separated from steep slopes of 20% or greater. In addition, no Building shall be located within 50 feet of the top of a slope that is 20% or greater. If the existing slope of 20% or greater is more than 50 feet in length, then the separation from the top of the steep slope shall be at least 75 feet. A storm water management plan approved by the Town Engineer may be considered in a site-specific modification of this requirement.

(6) Scale and Balance. Design of any Lot, Parcel and the Building Envelope shall maintain a balance of scale and proportion to natural landforms and landscaping.

(7) Building Visibility. In areas designated and mapped as General Agricultural, Open Space, Agricultural Preservation Area or Recreational in the Town's Comprehensive Plan, any Building Envelope shall be located such that, whenever possible, existing vegetation and topography shall be maintained to protect the Building from being seen from public roads in the summer.

(8) Lighting. Any Lot, Parcel and the Building Envelope shall be located such that, whenever possible, lighting shall be designed to minimize off-site visibility and glare.

(9) Site Preparation. Any Lot, Parcel and the Building Envelope shall be located such that, whenever possible, any required earthmoving or grading associated with the Building Envelope shall minimize removal of existing vegetation and preserve mature trees.

(10) Building Envelope Location for Agricultural Parcels. Building Envelopes located on agricultural land shall be located so as to interfere as little as possible with productive agricultural operations – i.e., on the least productive soil and/or the periphery of an agricultural field. Further, Building Envelopes shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers

between agricultural uses and the Dwelling.

(11) Strip Development. Residential strip development along streets or roads shall be avoided whenever possible. If several Building Envelopes must be located along the street or road, they shall be mitigated by requiring screenings and/or varying driveway lengths or setbacks.

(12) Lot Lines. Lot Lines shall be located to follow previously existing natural or man-made boundaries, such as streets, roads, fence rows, woods, waterways, streams or similar boundaries. If Lot Lines must cross agricultural fields because other boundaries are not possible, they shall be located so as to maintain the maximum size agricultural fields in one contiguous parcel.

(13) Presentation of Features. Building Envelopes shall be located so as to protect archeological sites and existing historic buildings.

(14) Rare and Endangered Species. To the extent possible, Building Envelopes shall avoid encroaching on rare plant communities or endangered species identified by the [WI DNR].

Section 6.07 Limited Review Land Divisions

(A) Limited Reviews. The Town finds that certain Land Divisions do not require the same level of information to be submitted by a Land Divider, involvement of the public, or review by the Town prior to any action on the application. Accordingly, the Town adopts streamlined provisions applicable only to the following Land Divisions.

(1) Lot Line Adjustments. The Town has determined that the lack of review of divisions of land between adjoining property Owners and also existing Parcel or Lot combinations creates the possibility that Lots or Parcels may come into existence which fail to meet rudimentary issues of public safety, access and environmental protection. Moreover, any Lot Line Adjustment requires the determination of and/or effect upon Development Rights as provided for in Section 6.04 which must also be taken into consideration. Nevertheless, the Town also finds that review of a Lot Line Adjustment or certain Parcel or Lot combinations ought not to involve the same level of review applicable to other Land Divisions and the Lot Line Adjustment procedures in this Section 6.07(A) are intended to balance the Town's protection functions with the right of an Owner to benefit from a Lot Line Adjustment or Lot and Parcel combination.

(a) Procedures. Whenever an Owner proposes to either alter existing property boundaries which does not result in the creation of additional Lots or Parcels or the dedication of public lands or right- of-ways or to combine

portions of an existing Lot or Parcel in such a manner so as to not create any additional Lots or Parcels, the Owner may divide the land by use of a Plat of Survey or CSM. The Plan Commission shall summarily review the proposed Plat of Survey or Certified Survey Map as follows:

(1) Mapping Requirements. The Land Divider shall submit fifteen (15) copies of a Plat of Survey or CSM to the Town Clerk. In addition to the information required by Wis. Stat. §236.34, the Plat of Survey or CSM shall show the following:

a. All existing structures, fences, driveways, and encroachments.

b. Utility and drainage easements.

c. Map date and any revision dates.

d. Graphic scale and north arrow.

e. Name and addresses of Owners and surveyor.

f. Monumentation of new lot corners in accordance with Wis. Stat. § 236.15.

g. Present zoning.

h. Lot or Parcel Area of each Lot or Parcel.

i. Setback or Building Lines in accordance with street setbacks and otherwise applied by the County Zoning Code.

j. Certification on the face of the Plat of Survey or CSM that the surveyor has complied with all of the provisions of this Section 6.07.

(2) Development Right Determination. In connection with its review of the Plat of Survey or CSM, for land designated and mapped for future land use as General Agriculture or Open Space, Agricultural Preservation Area or Recreation in the Comprehensive Plan, the Land Divider shall, if not previously determined, be required to provide information to the Town pursuant to Section 6.04 to allow the Town to determine the Parent Parcel and the Development Rights attributable to the land subject to the Lot Line Adjustment and the Parent Parcel generally and an appropriate Restrictive

Covenant shall be prepared, approved by the Town, and recorded.

(b) Map Review. The Town shall complete its review of whether the proposed Plat of Survey or CSM meets the criteria of this Section 6.07 within 45 days after its complete filing with the Town Clerk, unless extended by written agreement of the Land Divider. The Town may, at its discretion, decide whether or not notification of neighboring property owners and a public hearing will be required. The Town's review shall be generally confined to ensuring that any Lot Line Adjustment as depicted upon the Plat of Survey or CSM meet the standards of Wis. Stat. § 236.34 and the provisions of this Section 6.07. The Land Divider shall not be required to comply with the requirements of Sections 6.12, 6.14 and 6.15 otherwise applicable to Minor Land Divisions. If a proposed Plat of Survey or CSM meets these standards, the Town shall approve the map. If the proposed Plat of Survey or CSM fails to meet these standards, the Town shall deny or otherwise approve the map conditioned upon compliance with these standards.

(c) Building Envelopes. If the Lot Line Adjustment or Parcel or Lot Combination establishes a Lot or Parcel upon which a Building may be constructed, unless excused by the Plan Commission in its sole discretion, the Land Divider shall also be required to establish a Building Envelope pursuant to Section 6.06 of this Chapter.

(d) Certification and Recording. Upon approval by the Town, the Town shall certify on the face of the Plat of Survey or CSM that the Town has reviewed and approved the Plat of Survey or CSM pursuant to this Section 6.07 and the Owner shall be required to file the Plat of Survey with the County or, in the case of a CSM, record it in the same manner as otherwise provided in this Chapter with respect to all other CSMs.

(2) Large Parcel Land Division. Whenever a Land Divider proposes to create one or more Large Agricultural and Open Space Parcels, each of which is in excess of thirty-five acres (35), the following provisions and procedures shall apply and be followed as opposed to those otherwise applicable to Major or Minor Land Divisions requiring the use of a Final Plat or CSM.

(a) Initial Conference. Before proceeding with the Large Parcel Land Division, the Land Divider may arrange to meet with the Plan Commission to discuss the applicable procedures for the Large Parcel Land Division, including submittal and map requirements.

(b) Development Rights and Plats of Survey. After the initial conference, the Land Divider shall have prepared a Plat of Survey that shall include all lands under Contiguous Single Ownership comprising the Parent Parcel (if

not previously determined and mapped). The Plat of Survey shall show any existing Dwellings on the Parent Parcel. Along with the Plat of Survey, the Land Divider shall prepare a schedule determining the number of total Development Rights attributable to the Parent Parcel, pursuant to Section 6.04 of this Chapter, and how many, if any, of the Development Rights have been previously used. The Plat of Survey shall also depict and separately describe each Large Agricultural and Open Space Parcel for which approval is being sought and in conjunction therewith shall indicate each Parcel that shall be allocated one of more Development Rights.

(c) Survey Review. Upon completion of the Plat of Survey, the Land Divider shall submit fifteen (15) copies of a Large Parcel Land Division application prepared by the Town to the Town Clerk who shall thereafter transmit the application to the Plan Commission for review and action. The Plan Commission shall thereafter promptly review and recommend approval, conditional approval or rejection of the Plat of Survey to the Town Board. As part of its review, and prior to its recommendation, the Plan Commission may, but is not required to, schedule an informational public hearing. If a public hearing is held, it shall be noticed pursuant to the procedures utilized for public hearings in connection with Minor Land Divisions. Any recommendation for approval shall be conditioned upon a Restrictive Covenant being approved by the Town with respect to Development Rights and any other limitations imposed by the Town.

(d) Additional Information. The Town reserves the right, in its sole discretion, to require the Land Divider to provide some or all of the additional information that would otherwise be required of a Land Divider in the event of a Minor Land Division pursuant to Sections 6.12, 6.14 and 6.15. If requested, the Owner or Land Divider shall promptly provide the additional requested information to the Plan Commission or Town Board for its review and consideration as part of the overall limited review process.

(e) Town Board Action. Upon receipt of the recommendation of the Plan Commission the Town Board shall thereafter promptly review the proposed Plat of Survey and approve, conditionally approve, or reject the Plat of Survey and the form of Restrictive Covenant, including the identity and establishment of any Building Envelope.

(f) Filing of Plat of Survey and Recording of Restrictive Covenant. Upon approval of the Plat of Survey and any Restrictive Covenant by the Town, the Land Divider shall be required to file the Plat of Survey with the County and shall record the Restrictive Covenant.

(3) Existing Rural Residence Land Division. Whenever a residence already exists on a Parcel of at least 35 acres, designated and mapped as General Agricultural or Open Space, Agricultural Preservation Area or Recreation in the Comprehensive Plan, and the Owner of the residence desires to separate the residence from the larger Parcel, the following limited review and approval provisions and procedures shall apply:

(a) Determination of Parent Parcel and Development Rights. The Parent Parcel and Development Rights shall be determined and Restrictive Covenant recorded as provided in Section 6.04. The existing Dwelling shall count as a Development Right and a Development Right shall be allocated in every instance to the Lot upon which the Dwelling is located.

(b) CSM Preparation and Review. The Owner shall have prepared a CSM for the Lot containing the existing Dwelling and, if the remnant land supporting the Dwelling is less than 35 acres, the remnant Parcel as well. The Town finds that since the Dwelling already exists, many of the provisions of this Chapter do not need to be applied to the CSM review including, but not limited to, Section 6.06 relating to siting review and establishment of a Building Envelope, Section 6.09 with respect to all of the supplemental information and documents to be provided by the Land Divider, and Section 6.15. Except as otherwise required by this Section 6.07, the CSM shall be reviewed and approved, conditionally approved, or rejected pursuant to the applicable procedures for Minor Land Divisions in Section 6.12, except that no public hearing shall be required in connection with the CSM.

(c) Approval Contingent upon Lot Rezoning. If the Lot containing the existing Dwelling is being rezoned under the County Zoning Code, recording of the CSM shall be contingent upon such rezoning.

Section 6.08 Initial Application Process for Major Land Divisions

(A) Initial Conference. Before submitting an initial application for a Major Land Division, the Land Divider shall meet with the Plan Commission to discuss the procedure for review of the Major Land Division, including submittal requirements and design standards.

(B) Initial Application. After the initial Plan Commission meeting the Land Divider shall submit ten (10) copies of the initial application checklist prepared by the Town and a series of maps and descriptive information to the Town Clerk according to the criteria set forth below. Mapping for the initial application may be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.

(1) Inventory and Mapping of Existing Resources. The Land Divider shall include the following mapped at a scale of no less than one inch = 50 feet:

(a) Topographic contours at 2-foot intervals.

(b) United States Department of Agriculture, Natural Resource Conservation Service soil locations and identification of soil characteristics such as agricultural capability, depth to bedrock and water table as indicated in the soil survey, and suitability for wastewater disposal systems. Identification of hydric soils (wetland soils) should be mapped. Type and stability of bedrock should also be noted, particularly in areas with high potential for ground water contamination due to fractured bedrock or the presence of arsenic and mercury.

(c) Hydrologic characteristics, including surface water bodies, groundwater recharge and discharge areas (using existing data from local, state and federal sources; *i.e.*, no new field work is required), wetlands, natural swales, drainage ways, and slopes of 20% or greater.

(d) Land cover on the site, according to general cover type (pasture, woodland, farmland, etc.), and stand-alone trees with a caliper of more than 24 inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation. Woodlands shall be classified as deciduous, coniferous, or mixed. Use Wisconsin land or comparable cover type classifications and do on-site cover type analysis.

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

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

(g) Mapping of offsite adjacent ecological, hydrological, recreational and cultural resources.

(h) Unique geological resources, such as rock outcrops, glacial features, hedgerows, or rock or boulder fences or walls.

(i) Other natural or cultural elements of the site that have enough significance or value to be spared from clearing, clearing, grading or development.

(j) Burial sites categorized under Wis. Stat. § 157.70, Indian Mounds, national and state register listed properties, and locally designated historic

properties.

(2) Development Analysis. The Land Divider shall identify the number of Development Rights available, if residential development is proposed, for the development, the number of Lots or Parcels and, if applicable, those Lots or Parcels upon which Dwellings may be constructed in the proposed Major Land Division and any proposed rezonings.

(3) Initial Plan Commission Review. After considering the land suitability provisions of Section 6.03(N), and, if residential development is proposed, the Conservation Residential Development requirements of Section 6.18, as well as the factors which follow, the Town has the discretion to determine whether that the number of Lots or Parcels allowed in the Major Land Division may be fewer than otherwise allowed under the provisions of Sections 6.04 and 6.05.

The additional factors the Town may consider in deciding what type of development and density it will accept include, but are not limited to:

(a) The inventory of existing resources provided under Section 6.08(B)(1;)

(b) The purposes of this Chapter, including Section 6.18, and the types of development the Town wishes to promote and that would be compatible with the Comprehensive Plan.

(c) Any Town transportation needs or transportation plans including consideration of location and connectivity of Town roads, bike paths and walking paths.

(d) Consumer demand for each type of development.

(e) Compatibility with the surrounding area.

(f) Other information provided by the Land Divider or by citizens.

(4) Site Analysis and Concept Plan. Using the inventory provided in (B)(1) above, the development analysis provided in (B)(2) above, and applying the design standards specified in Section 6.13, and, if applicable, Section 6.18, the Land Divider shall then submit a concept plan including at least the information set forth below. The concept plan shall be prepared at a scale of no less than one inch = 50 feet. The concept plan shall be submitted as an overlay to the inventory map and include, as applicable, the following information:

(a) Open Space area indicating which areas are to remain undeveloped, areas for interior open space, and trail location.

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

(c) Number and type of Dwellings proposed or type of commercial or industrial use contemplated.

(d) Proposed methods for and location of water supply, storm water management (*e.g.*, best management practices) and sewage treatment.

(e) Inventory of preserved and disturbed natural features and prominent views.

(f) Preliminary Building Envelopes showing areas for lawns, pavement, buildings, and grading or primary commercial or industrial development.

(g) Open spaces indicating parks, easements, trail routing and drainage easements.

(h) Proposed methods for ownership and management of Open Space.

(i) Concepts for landscaping.

(5) General Location Map. The Land Divider shall submit a map showing the general outlines of existing Buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the proposed land division. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

(6) Evidence of Ownership and Survey Required. The Land Divider shall submit a report of title from a title company acceptable to the Town showing current ownership of the property proposed to be developed and all encumbrances, (easements, covenants, liens and any other encumbrances), defects or clouds on the title appearing in the public record or known to the Land Divider and shall provide copies of all encumbrances and a land survey by a registered land surveyor showing the encumbrances. A copy of the report of title, copies of encumbrances, and survey shall be delivered to the Town Attorney and the Town Engineer.

(7) Phase I Environmental Site Assessment. The Land Divider shall have a Phase 1 Environmental Site Assessment in compliance with ASTM Standard E1527-00 “Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process” and shall provide a copy of the assessment to the Town. All costs incurred for this assessment shall be the responsibility of the Land Divider.

(8) Modifications and Waivers. The Land Divider shall identify any Modifications or Waivers that may be required in connection with the concept plan and shall provide suitable written justification for the granting of each Modification or Waiver pursuant to the provisions of Section 6.20, which written justification shall be part of the initial application under this Section. It is the responsibility of the Land Divider, and not the Town, to identify and request any necessary Modifications or Waivers that are necessary in connection with the proposed concept plan.

(9) Restrictive Covenant. A Land Divider shall identify the proposed restrictions and covenants applicable to the proposed concept plan.

(C) Review of and Approval of Initial Application.

(1) The Plan Commission, in consultation with the Town Engineer and Town Attorney as applicable, shall make the determination of whether the initial application is complete. Within 60 days following the filing of a complete initial application, the Plan Commission shall meet with the Land Divider to review the initial application. As a condition of further review of the initial application, the Land Divider shall and hereby does grant permission for Town officials, employees and agents to enter upon the property sought to be developed in furtherance of their official duties.

(2) Staff from appropriate county and state agencies may also be requested by the Town to review the initial application.

(3) The Town Engineer shall schedule a visit to the property sought to be developed with the Land Divider. The Town Engineer shall notify the Plan Commission of the site visit and time and Plan Commission members may attend. This visit shall be to review the existing features of the site and the concept plan. The visit shall occur prior to or as part of the meeting referenced in paragraph (1).

(4) Within 30 days following the review referenced in paragraph (1), the Plan Commission shall provide a written report informing the Land Divider of any additions, changes, or corrections to the concept plan submitted as part of the initial application.

(a) Any required additions, changes or corrections to the initial application, concept plan, or proposed Modifications and Waivers shall be submitted by the Land Divider before the Plan Commission finalizes its review and recommendations on the initial application, concept plan, and Modifications and Waivers to the Town Board.

(b) After determining that no additions, changes or corrections are required, the Plan Commission shall make its recommendation to the Town Board to accept or reject the initial application, concept plan, and any required

Modifications or Waivers.

(c) Following receipt of the recommendations of the Plan Commission, the Town Board shall review the initial application concept plan, and any recommended Modifications and Waivers, and shall take action to accept, conditionally accept or reject the initial application, concept plan, and some or all of the Modifications and Waivers. Such action by the Town Board is not binding upon the Town in connection with its review of any Preliminary Plat application by the Land Divider but is intended and understood to provide direction to the Plan Commission and Land Divider with respect to the preparation and development of the Preliminary Plat.

Section 6.09 Preliminary Plat Review and Approval Procedure for Major Land Divisions

(A) Preliminary Plat Review and Approval. Following the acceptance or conditional acceptance of the initial application concept plan and any Modifications or Waivers by the Town Board, before submitting a Final Plat for approval, the Land Divider shall prepare a Preliminary Plat and an application consistent with the accepted or conditionally accepted initial application, concept plan, and Modifications or Waivers. The Land Divider shall submit 20 copies of the Preliminary Plat and accompanying application materials, prepared in accordance with this Chapter. The Land Divider shall file copies of the Preliminary Plat and the application with the Town Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall submit copies of the Preliminary Plat to the Plan Commission, Town Engineer and Town Attorney for review. The Town Engineer and Town Attorney shall promptly submit to the Plan Commission a written report of their recommendations and reactions regarding the proposed Preliminary Plat.

(B) Preliminary Plat Requirements. The Preliminary Plat shall be prepared by a licensed land surveyor or engineer at a convenient scale not less than one (1) inch equals one hundred (100) feet. A preliminary plat shall be prepared in accordance with applicable state statutes, the County Code of Ordinances and this Chapter. More than one (1) sheet may be used to present the required information set forth below:

(1) Name of the Proposed Land Division. The proposed name of the Land Division shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in the County.

(2) Project Ownership and Development Information.

(a) Name, address, and telephone number of the Owner of the Parent Parcel and, if applicable, agent of the property.

(b) Name, address, and telephone number of the professional person(s)

responsible for land division design, for the design of public improvements, and for surveys.

(c) Date of preparation.

(3) Existing Site Conditions. Provide this information along with a property survey map.

(a) Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the Land Divider.

(b) Location, width, and names of all existing platted streets and rights-of-way to a distance of 300 feet beyond the site.

(c) Show the type, width and condition of street improvements; railroad or major utility rights-of-way, parks and other public open spaces, location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures to a distance of 300 feet beyond the site, if any.

(d) Location, widths, and names of all existing public and private easements to a distance of 300 feet beyond the site.

(e) Identify by name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.

(f) A preliminary soils report, including a map, listing the types of soils in the proposed Preliminary Plat, their effect on the Preliminary Plat and a proposed soil testing and investigation program. Pursuant to the land suitability considerations described in Section 6.03(N), if not previously required in connection with the initial application and concept plan process, the Town may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the proposed Preliminary Plat will not be served by public sanitary sewer, the Land Divider shall delineate areas with three foot and six foot ground water and bedrock levels.

(g) Topographic data including contours at vertical intervals of not more than 2 feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey, if applicable for that parcel, and should also be so noted on the plat.

(h) Significant natural resource features on the site, including: jurisdictional

wetlands, floodplains, watercourses, existing wooded areas, slopes of 15% or greater, drainage ways, rare, threatened and endangered species, all environmental corridors as mapped by the County and official mapping on file with the County, and other natural resource features, views and other prominent visual features. Where steep slopes may be present, the Town may require an additional survey be prepared by a Registered Land Surveyor of the areas containing slopes. This survey shall be referenced to the proposed cross-section of the adjacent road.

(i) Burial sites categorized under Wis. Stat. § 157.70, Indian mounds, national and state register listed properties, and locally designated historic properties.

(j) Existing soil classifications including identification of poor, hydric soils.

(k) Legal description of the property.

(l) Existing zoning classifications for land in and abutting the Preliminary Plat. If any zoning changes are contemplated, the Land Divider shall submit the proposed zoning plan for the area, including dimensions.

(m) Total acreage of the proposed Preliminary Plat.

(n) Provide graphic scale, north arrow, and date.

(o) Conservation Easements and any deed restrictions or other existing covenants and restrictions.

(4) Preliminary Plat Supporting Documents. Submit the following information, in preliminary form, with the Preliminary Plat.

(a) Four (4) complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility (size, location and grade), drainage facilities (size and location), traffic patterns, typical street cross sections, erosion control measures, pavement design and other improvements necessary in the Preliminary Plat.

(b) Layout of proposed streets, showing right-of-way widths, pedestrian walkways, types of improvements, street surface widths, proposed street names and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed Preliminary Plat when requested. All elevations shall meet the approval of the Town Board.

(c) Locations and type of proposed public easements (i.e., drainage, utility, pedestrian, public access to waterways, etc.); and all Conservation Easements.

(d) Layout of proposed Blocks and Lots within the Preliminary Plat.

(e) Basic data regarding proposed and existing (if applicable) Lots and Blocks, including numbers, dimensions, area.

(f) Minimum front, side and rear yard building setback lines for all Lots.

(g) A statement of the proposed use of Lots indicating, as applicable, the number of proposed Dwellings and/or types of business or industry intended to reveal the effect of the development on traffic, fire hazards and congestion of population.

(h) Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources.

(i) Location and size of all proposed and existing storms sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other storm water facilities within the Preliminary Plat and to a distance of 100 feet beyond the proposed development.

(j) In connection with any Conservation Residential Development, identifying the Open Space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for use by the Owners of the Lots in the development, including the size of such area or areas in acres and provide information on the conditions, if any, of the dedication or reservation.

(k) Proposed preservation, if any, of historical buildings and structures.

(l) Building Envelopes showing areas for grading, lawns, pavement and Buildings.

(m) If applicable, proposed maintenance and management plan for restoration and long-term management of any Open Space areas as required by Section 6.18.

(n) A draft of any proposed Restrictive Covenants and any Homeowner's Association documents.

(o) Where the Land Divider owns or has a contract to purchase property adjacent to that proposed for the Major Land Division which may be developed in the future, the Plan Commission or Town Board may require that the Land Divider submit a concept plan for the remainder of the property to show the possible relationships between the proposed Preliminary Plat and future Major or Minor Land Division, and that the Preliminary Plat relates with any existing or potential adjacent Major or Minor Land Divisions.

(p) A preliminary erosion control and storm water management plan which complies with Chapter 7, Erosion Control and Storm Water Runoff, of the Town's Code of Ordinances and Wis. Admin. Code Chapter NR 216.

(q) An owner's policy of title insurance on a current ALTA form issued by an insurer licensed to write title insurance in Wisconsin, dated within thirty (30) days of the Preliminary Plat application, which shall be in a form acceptable to the Town Attorney.

(5) If, in connection with the preparation of the Preliminary Plat, the Land Divider has newly identified any additional or revised Modifications or Waivers that were not part of the Town Board's original initial application review and acceptance or conditioned acceptance, the Land Divider shall make application for any additional or revised Modifications or Waivers under Section 6.20 as part of the Preliminary Plat supporting documents.

(6) Site Plan. The Land Divider shall provide a preliminary site plan that details the Building Envelopes on each Lot or Parcel, including the appropriate location and approximate footprint of Buildings within each Building Envelope.

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

(8) Draft of Development Agreement. The Land Divider shall provide a preliminary draft of a Development Agreement between the Land Divider and the Town.

(C) Referral to Other Agencies

(1) Clerk Submissions to Agencies. The Town Clerk shall, within two days of filing, transmit two copies to any sanitary or utility district, four copies to the County PZ, two copies to the Wisconsin Department of Administration [WI DOA], as well as two additional copies to the WI DOA for each of the state agencies required to review the Plat including, but not limited to, two copies for the Wisconsin Department of Transportation [WI DOT] if the Preliminary Plat abuts a state trunk

highway or connecting highway, the WI Department of Safety and Professional Services [WI DSPS] if the Preliminary Plat is not served by public sanitary sewer or provision for such service has not been made, and the WI DNR if the lands included within the Land Division lie within 500 feet of the OHWM of any navigable stream, lake or other body of navigable water or if land in the proposed Preliminary Plat involves lake or stream shore lands referred to in Wis. Stat. § 236.16. The County PZ, the WI DOA, the WI DOT, the WI DSPS and, if applicable, the WI DNR, and any other state agency having jurisdiction over the proposed Preliminary Plat, shall hereafter be treated as objecting agencies under Wis. Stat. § 236.12. The Land Divider shall transmit to the Town Treasurer all fees required for state agency reviews at the time of application, and the Town Treasurer shall retransmit the fees to the proper state agency. If the proposed Preliminary Plat lies within the extraterritorial plat approval jurisdiction of another municipality, the Land Divider shall be responsible for providing copies to said municipality and to take all steps necessary to obtain the municipality's approval.

(2) Additional Clerk Submissions. The Town Clerk shall, within two days of filing, transmit two (2) copies to the Fire District, Ambulance or EMS district, Lake District, School district or other jurisdictions that may be affected by the development.

(3) Objecting Agencies. Within 20 days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Wis. Stat. § 236.12 shall notify the Land Divider and all approving or objecting authorities of any objection based upon failure of the Preliminary Plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections are satisfied, it shall so certify on the face of a copy of the Preliminary Plat and return that copy to the approving authority from which it was received. The Preliminary Plat shall not be approved or deemed approved until any objections are satisfied. If the objecting agency fails to act within the 20-day limit, it shall be deemed to have no objection to the Preliminary Plat except that the WI DOA has 30 days to object. Sanitary districts within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the Land Division.

(4) Alternative Referral Procedure. In lieu of the procedure identified in paragraphs (1) and (2) above, the Land Divider or the Land Divider's agent may submit the Preliminary Plat to the WI DOA which shall forward two (2) copies to each of the agencies authorized to object. The WI DOA shall have the required number of copies made at the Land Divider's expense. Within twenty (20) days of the date of receiving the copies of the Preliminary Plat, any agency having authority to object under shall notify the Land Divider, and all agencies having the authority to object, of any objection based upon failure of the Preliminary Plat to comply with the statutes or rules which its examination is authorized to cover, or, if there

is no objection, it shall so certify on the face of a copy of the Preliminary Plat and return that copy to the WI DOA. After each agency and the WI DOA have certified that they have no objection or that their objections have been satisfied, the WI DOA shall so certify on the face of the Preliminary Plat. If an agency fails to act within twenty (20) days from the date of the receipt of copies of the Preliminary Plat, and the WI DOA fails to act within thirty (30) days of receipt of the original Preliminary Plat it shall be deemed that there are no objections to the Preliminary Plat and, upon demand, it shall be so certified on the face of the Preliminary Plat by the WI DOA.

(D) Plan Commission Review.

(1) The Plan Commission shall review the Preliminary Plat and give its recommendation to approve, conditionally approve or reject the Preliminary Plat to the Town Board in as prompt a manner as practicable to give the Town Board sufficient time to review the Preliminary Plat and take action within the time period prescribed in subsection (E). The Plan Commission shall include its recommendations on any additional or revised Modifications or Waivers. If the Plan Commission fails to make a recommendation within sixty (60) days from filing of the Preliminary Plat, absent the grant of extension of time by the Land Divider, the Town Board may take action on the Preliminary Plat without the Plan Commission's recommendation.

(2) Prior to making its final recommendations to the Town Board, the Plan Commission shall instruct the Town Clerk to schedule a public hearing on the Preliminary Plat and, if rezoning is required, the proposed rezoning before the Plan Commission. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat and/or rezoning by listing it as an agenda item in the Plan Commission's meeting notice and by separate box notice in the official Town newspaper or newspapers. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 500 feet of the boundaries of the Preliminary Plat shall receive written notice of the public hearing (1000 feet if rezoning involved), a short description of the Preliminary Plat, any change in the zoning, and instructions on where to acquire additional details regarding the proposal.

(E) Town Board Action.

(1) The Town Board shall, after receiving the recommendation of the Plan Commission, conduct its own review of the Preliminary Plat, and negotiate with the Land Divider on any changes deemed advisable and the kind and extent of public improvements which are necessary. The Town Board shall, within ninety (90) days of the date the Town Clerk acknowledges receipt of the Preliminary Plat and all completed application documents including but not limited to those

identified in Section 6.06 of this Chapter, approve, conditionally approve, or reject the Preliminary Plat and any requested Modifications or Waivers. The Town Clerk shall provide written notice to the Land Divider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within ninety (90) days of filing, or within the agreed upon extended review period, shall constitute approval of the Preliminary Plat, unless an objecting agency files an objection or unless the review period is extended by mutual written agreement between the Land Divider and Town. Notwithstanding that a public hearing has been conducted by the Plan Commission, the Town Board shall have the right to hold another public hearing as part of its review process if deemed necessary and in the best interests of the Town.

(2) Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that, unless an extension is granted by the Town Board, if the Final Plat is submitted within thirty six (36) months after the last required approval of the Preliminary Plat, conforms substantially to the Preliminary Plat, meets the conditions of Preliminary Plat approval, and conforms to all applicable ordinances, the Final Plat shall be entitled to approval with respect to such layout.

Section 6.10 Final Plat Review and Approval Procedure for Major Land Divisions

(A) Final Plat Submission. Unless an extension of time has been granted by the Town Board, the Land Divider shall submit twenty (20) copies of the Final Plat within thirty six (36) months of the final approval or conditional approval date of the Preliminary Plat. If the Final Plat is not submitted within said thirty six (36) months, or an extension of time granted, the Preliminary Plat approval is deemed void. The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat that the Land Divider proposes to record at that time. The following additional items shall be filed with the Final Plat:

(1) A title insurance commitment current to within one week prior to filing, showing title or control in Land Divider.

(2) Six (6) copies of the final plans and specifications of public improvements required by this Chapter.

(B) Referrals and Review.

(1) Clerk Submissions. The Town Clerk shall, within two (2) days of filing, transmit copies as required for Preliminary Plats under Section 6.07(C). The Town Clerk shall also provide a copy of the Final Plat to the telephone and power and other utility companies. The title insurance commitment shall be referred to the Town Attorney for examination and report. The Town Attorney may require further title

evidence as deemed necessary. The Town Clerk shall refer the Final Plat and the final plans and specifications of public improvements to the Town Engineer for review.

(2) Review and Recommendations. The Final Plat and final plans and specifications shall be reviewed and examined by the Plan Commission, Town Engineer, Town Attorney or other qualified staff to determine whether the Final Plat conforms substantially to the Preliminary Plat and satisfies all of the conditions imposed on the Preliminary Plat at the time of approval. The conclusions and recommendations of the Plan Commission, Town Engineer, Town Attorney or other qualified staff shall be made within thirty (30) days of the filing of the Final Plat and shall be made part of the record of any meeting at which the Final Plat is considered.

(3) Objecting Agencies. The objecting agencies shall, within twenty (20) days (thirty (30) days for the WI DOA) of the date of receiving their copies of the Final Plat, notify the Land Divider and all other approving and objecting agencies of any objections in the same manner noted for Preliminary Plats under Section 6.07(C) of this Chapter.

(C) Notice to Municipality. If the Final Plat lies within 1,000 feet of any incorporated municipality, the Town Clerk shall give at least fifteen (15) days prior written notice to such municipality of the meeting at which the Final Plat is scheduled for final action by the Town Board.

(D) Town Board Final Action. The Town Board shall, within sixty (60) days of the date of the filing the Final Plat with the Town Clerk, approve or reject the 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 meeting and a written statement of the reasons sent to the Land Divider by the Town Clerk. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Final Plat that copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days (thirty (30) days for the WI DOA) or, if filed, have been met. Failure of the Town Board to act within sixty (60) days of filing, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the Final Plat.

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

(F) Additional Clerk Notification. The Town Clerk shall, as soon as possible after Final Plat

approval, notify the Fire District, Ambulance or EMS District, Lake District, School District and Utility or Sanitary District of the Final Plat approval.

(G) Execution of Plat. After the Town Board approves the Final Plat and required improvements are either installed or a Development Agreement insuring their installation is filed, the Town Clerk shall execute the certificate inscribed upon the Final Plat attesting to such approval and return the Final Plat to the Land Divider for recording with the County Register of Deeds along with the Restrictive Covenants and any other recordable instruments.

Section 6.11 Replat Procedure

(A) Dedication. Except when an assessor's plat is ordered pursuant to Wis. Stat. § 70.27(1), when it is proposed to Replat a recorded Plat, or part thereof, so as to alter areas dedicated to the public, the Land Divider or person wishing to Replat shall vacate or alter the recorded Plat as provided in Wis. Stat. § 236.40 through 236.445 or 66.1003, as applicable.

(B) Review Process. The Land Divider shall then proceed, regardless of whether the Replat is by way of a Plat or CSM, utilizing the procedures for a Major or Minor Land Division, including a public hearing.

Section 6.12 Minor Land Division Procedure

(A) When Permitted. Except as otherwise provided in this Chapter, when a Land Divider proposes to divide land into two (2) or no more than four (4) Lots, or when a Land Divider proposes to divide a Block, Lot or Outlot into not more than four (4) Lots within a recorded Plat without changing the boundaries of said Block, Lot or Outlot, the Land Divider may subdivide by use of a CSM, prepared in accordance with Wis. Stat. § 236.34 and this Chapter. For purposes of this Section 6.12, any remnant Parcel regardless of size not included within the CSM shall be deemed a Lot for determining whether the Minor Land Division procedures apply.

(B) Submission and Review.

(1) A Land Divider seeking Town approval of a Minor Land Division shall submit a completed Town application form, 15 copies of the required supporting information, and 15 copies of the proposed Minor Land Division CSM to the Town Clerk. At a minimum, the following supporting information is required:

a. Required fees and a pre-development agreement covering reimbursement of costs for Town engineering and legal review (s. 6.03(1)).

b. Existing and proposed zoning (s.6.14(B)(6)).

c. Copies of official documents for existing easements, rights-of-way, and covenants, conditions, and restrictions.

d. Development analysis identifying the number of development rights available (s. 6.04 and s. 6.08(B)(2)).

e. Any proposed new or revision to restrictive covenants, conditions, and restrictions for the proposed CSM. (s. 6.l 4(E)(l)).

f. Site plan showing general location, existing buildings, boundary lines, topography, acreage, building setback lines, and proposed building envelopes. (s. 6.06(A), ss. 6.09(3) and (4), ands. 6.14(E)(2)).

g. Evidence of ownership in accordance with the requirements of s. 6.08(B)(6) ands. 6.14(E)(3).

h. Documentation describing and supporting any modifications and waivers being requested as part of the proposed CSM (s. 6.08(8)(8) and 6.09(8)(5)).

i. The Plan Commission, at its sole discretion, may require any of the information required by Sections 6.08 and 6.09 of this Chapter (s 6.14(E)(4)).

(2) The CSM, supporting documents, and any requested Modifications or Waivers shall be reviewed and approved, conditionally approved, or rejected by the Town Board after receiving a recommendation by the Plan Commission.

(3) Prior to making its final recommendations to the Town Board, the Plan Commission shall instruct the Town Clerk to schedule a public hearing on the CSM. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the CSM by listing it as an agenda item in the Plan Commission's meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. Adjacent property owners shall receive written notice of the public hearing, a short description of the CSM, and instructions on where to acquire additional details regarding the proposal.

(C) Driveways. A CSM shall not be finally approved unless a driveway access permit has been issued to or will be issued to the Land Divider for each Lot or Parcel without an existing private access pursuant to Chapter 12, Roads and Driveways, of the Town's Code of Ordinances. The Land Divider shall submit a copy of the permit or permits necessary for each Driveway, or a letter from the Town Engineer that permits are issuable for each Lot or Parcel at such time as the CSM is submitted for final approval.

Unless a shared private access and Driveway are permitted, the Driveway serving each Lot or Parcel must be constructed in such a manner as to begin at the Lot or Parcel's required public road frontage, and shall at all times remain within the mapped boundaries of the Lot or Parcel.

(D) Board Action. As required by Wis. Stat. § 236.34(1)(f), the Town Board shall approve, approve conditionally, or reject the CSM after following the applicable procedures of Section 6.09.

Section 6.13 Technical Requirements for Plats

(A) Preliminary Plat.

(1) General. The Preliminary Plat shall be based upon a survey by a registered land surveyor and prepared on paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(a) Plat Name. The name under which the proposed Preliminary Plat is to be recorded, which shall not duplicate the name of any Plat already recorded in the County.

(b) Location of Plat. Location of proposed Preliminary Plat by government lot, recorded private claim, quarter-quarter section, section, township, range, county and state noted immediately under the name of the proposed Preliminary Plat.

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

(d) Information. Names, addresses and phone numbers of the Owner, Land Divider and land surveyor preparing the Preliminary Plat.

(e) Contiguous Land. Entire area contiguous to the Preliminary Plat owned or controlled by the Owner or Land Divider, even if only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter.

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

(a) Benchmarks. Exact location of the proposed Preliminary Plat 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 Land Division is situated and a corner established in U.S. Public Land Survey that establishes one end of this line and a description of the material of which the corner marker is composed and exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the Preliminary Plat.

(b) Contour Information. Contours at vertical intervals of not more than two feet. Areas where the slope exceeds 20% should be appropriately shaded. Elevations shall be marked on such contours based on U.S. Geological Survey datum.

(c) High Water Elevations. OHWM elevation of all lakes, streams, ponds, flowages and wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the Preliminary Plat or located within 100 feet therefrom.

(d) Rights-of-Way. Location, right-of-way width and names of all existing streets, alleys or other Public Ways, Easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the Preliminary Plat or immediately adjacent thereto.

(e) Adjoining Land Information. Location and names of any adjacent plats, parks, and cemeteries, and Owners of record of abutting unplatted lands.

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

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

(h) Boundaries and Features. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops,

wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(i) Streets. Location, width and names of all proposed streets and Public Ways. Street names shall not duplicate names of existing streets within the Town.

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

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

(l) Curve Data. Approximate radii of all curves.

(m) Zoning Information. Existing zoning on and adjacent to the proposed Preliminary Plat.

(n) Boundary Limits. Town and corporate limit lines within the exterior boundaries of the Preliminary Plat or immediately adjacent thereto.

(o) Water Access. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed Preliminary Plat in relation to the access.

(p) Water Improvements. Any proposed lake and stream improvement or relocation, and notice of application for WI DNR approval, where applicable.

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

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

(s) Building Envelopes. Unless a Modification or Waiver is requested as to all of the Lots and accepted, the proposed Building Envelopes and distances to the Lot or Parcel Lines shall be shown on a separate property exhibit for

inclusion in a Restrictive Covenant. For review purposes only, include the approximate footprint and location of all Buildings that will be constructed within the Preliminary Plat.

(B) Final Plat.

(1) General. A Final Plat prepared by a registered land surveyor shall be required for all Major Land Divisions and shall comply in all respects with the drafting requirements of Wis. Stat. § 236.20 and this Chapter.

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

(a) Streets Centerline. Exact length and bearing of the centerline of all streets.

(b) Street Width. Exact street width along the line of any obliquely intersecting street.

(c) Railroads. Railroad rights-of-way within and abutting the Plat.

(d) Reserved Land. All lands reserved for future public acquisition or reserved for the common use of property owners within the Final Plat.

(e) Planting Strips. Special restrictions required by the Town Board relating to access control along Public Ways or to the provision of planting strips.

(f) Streetlights. Exact location and description of street lighting and lighting utility Easements.

(g) Drainage Arrows. Drainage arrows at all Lot Lines showing the direction of all drainage upon final grading of the land.

(3) Supporting Documents. As applicable, the Land Divider shall submit the following documents in final form when filing the Final Plat:

(a) Restrictive Covenants. All Restrictive Covenants for the Final Plat.

(b) Homeowner's Association. The legal instrument(s) creating a Homeowner's Association for the ownership and/or maintenance of any required improvements or Open Space in the Final Plat.

(c) Building Envelopes. Unless waived, the required Building Envelopes and distances to Lot or Parcel Lines shall be mapped and depicted on a

separate property exhibit for inclusion in a Restrictive Covenant.

(d) Certificates. All certificates required by Wis. Stat. § 236.21; in addition, the surveyor shall certify full compliance with all of the provisions of this Chapter.

(e) Title Evidence. Endorsement of previously submitted title evidence, certified within seven (7) days, to establish current ownership interests and required signators on the Final Plat.

(f) Plans. Six (6) copies of final plans and specifications of public improvements required by this Chapter.

(g) Development Agreement. Six (6) copies of the Development Agreement to be executed between the Land Divider and the Town.

(h) Storm Water Management Plan. Three (3) copies of the storm water management plan proposed pursuant to all applicable provisions of the Town's Code of Ordinances.

(4) Survey Requirements

(a) Examination. The Town shall examine the Final Plat and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.

(b) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the Final Plat shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four second of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

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

by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

(d) Plat Location. Where the Final 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. Stat. § 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 Final Plat is tied shall be indicated on the Final 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 Final Plat.

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

Section 6.14 Technical Requirements for Certified Survey Maps

(A) General. Unless otherwise provided, pursuant to Section 6.07, when a Land Divider proposes a Minor Land Division, the Land Divider shall submit a CSM prepared by a registered land surveyor in accordance with Wis. Stat. § 236.34 and this Chapter.

(B) Additional Information. The CSM shall also show the following information correctly on its face. If any of this information is prohibited by state law or County ordinance from appearing on a CSM, the applicant may provide the information on a separate exhibit.

(1) Land Features. All existing Buildings, watercourses, drainage ditches and other features pertinent to property division, including the location of water wells, dry wells, drain fields, and pipes, culverts and existing roads.

(2) Future Land. All lands reserved for future acquisition.

(3) Date. Date of the CSM.

(4) Scale. Graphic scale of 1” = 100’.

(5) Directory Information. Name, address, and phone number of the Owner, Land Divider and surveyor.

(6) Zoning. Existing zoning on and adjacent to the proposed CSM.

(7) Lot Size. Square footage for each Lot or Parcel.

(8) Elevations. Elevation markings of the parcel, in 2’ intervals, with areas with

gradients greater than 20% shaded, utilizing U.S.G.S. datums.

(C) Information Required on the Signature Page. A CSM shall include in its certifications, in addition to the information required by Wis. Stat. § 236.34, the following:

(1) A legal description of the boundaries of the CSM; surveyor's signature; and a statement from the surveyor that the surveyor has fully complied with all of the provisions of this Chapter.

(2) The Owner's name, address and signature.

(3) Signature lines and dates for approval by the Town Chairperson and Town Clerk.

(D) Certificates.

(1) The surveyor shall certify on the face of the CSM full compliance with all of the applicable provisions of this Chapter. The Town Board, upon approval of the CSM following the procedures of this Chapter, shall certify its approval on the face of the CSM.

(2) In addition, dedication of streets and other public areas shall require the Owner's certificate and the mortgagees' certificate in substantially the same forms required by Wis. Stat. § 236.21 (2)(a).

(E) Supporting Documents. The Land Divider shall submit the following documents when filing the CSM.

(1) Restrictive Covenants. Any Restrictive Covenants for the proposed CSM.

(2) Building Envelopes. Unless a Modification or Waiver has been requested as to all of the Lots and accepted, the required Building Envelopes and distances to Lot or Parcel Lines shall be mapped and depicted on a separate property exhibit for inclusion in a Restrictive Covenant. For review purposes only, include the appropriate footprint and location of all Buildings that will be constructed within the CSM.

(3) Title Evidence. In the discretion of the Town, endorsement to previously submitted title evidence, certified within seven (7) days, to establish current ownership interests and required signatures on the CSM and Restrictive Covenants.

(4) Additional Documents. The Town Board, Town Plan Commission or Town Engineer may require additional supporting documents as are required for Preliminary Plats pursuant to Section 6.09(B)(4).

(F) Recordation. The Land Divider shall record the CSM with the County Register of Deeds within six (6) months of last approval of the CSM by the Town or any necessary rezoning by the County. Failure to do so shall necessitate a new review and re-approval of the CSM by the Town.

(G) Land Division Created by Successive Divisions. When it is not practicable to require that a Final Plat of a Major Land Division 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. Stat. § 70.27, and may assess the cost thereof as provided in such Section, or to the Land Divider. Regardless of the type of Plat filed, any such Major Land Division shall comply with all provisions of this Chapter to the extent that they may reasonably apply.

History Note: Section 6.14 amended 3/12/2026.

Section 6.15 Required Improvements for Major and Minor Land Divisions

(A) In General.

(1) Improvements Required. The improvements prescribed in this Chapter are required, as applicable in the sole determination of the Town, as a condition of approval of any Major or Minor Land Division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the Land Divider. In the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.

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

(3) Street Improvements in Minor Land Divisions. For a Minor Land Division, the Town Board shall determine, after considering the recommendation of the Town Engineer, whether the street improvements set forth herein are necessary for public health, safety, and welfare. If the Town Board determines that street improvements are not necessary, the Land Divider is still subject to, and must comply with Chapter 12, Roads and Driveways, of the Town's Code of Ordinances.

(B) Development Agreement.

(1) Contract. If applicable, as a condition of the approval, and prior to the recording of the Final Plat or CSM, the Land Divider shall enter into a Development Agreement with the Town requiring the Land Divider to furnish and construct said improvements at the Land Divider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the Town Engineer, and the payment of all additional fees and expenses incurred by the Town.

(2) Financial Guarantees.

(a) Prohibition on Construction of Improvements. No construction or installation of improvements shall commence until the Final Plat or CSM has been approved by the Town Board, the Town Engineer has given written authorization, a Development Agreement has been entered into, if necessary, and any and all other conditions for the approval of the Preliminary Plat or CSM have been met.

(b) Surety. Prior to commencing construction, the Land Divider shall supply the Town with cash or an irrevocable letter of credit approved by the Town Board and the Town Attorney in an amount equal to 120% of the Town Engineer's estimate of the cost of such improvements and other fees, including the Town's cost of inspection. No security or performance bonds will be accepted as financial security. The Town Engineer may, from time to time, adjust the amount of estimated costs of and reasons for said improvements and within thirty (30) days of written notice of said change, the Land Divider shall increase the financial security by that amount or any other amount acceptable to the Town Board. Reduction of the financial security for any purpose shall only be made after the written recommendation of the Town Engineer and approval of the Town Board. As the required improvements are installed and accepted, upon recommendation of the Town Engineer, the Town Board may authorize reductions of the financial security and the amount deemed appropriate. If the required improvements are not completed within the specified period, the Town may draw against the financial security and apply the funds to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the Land Divider. The Town Board, at its sole option, may extend the time to complete the required improvements and the financial guarantee for additional periods not to exceed one year for each period.

(c) Phasing. The Land Divider may construct the project in such phases as the Town Board approves, which approval shall not be unreasonably withheld. If the project is approved to be constructed in phases, the cash or irrevocable letter of credit to be supplied to the Town shall be limited to

the phase of the project that is currently being constructed. The Development Agreement shall address the time by which the cash or irrevocable letter of credit shall be provided, which time shall be no sooner than is reasonable necessary before the commencement of the installation of the improvements.

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

(e) Completion of Improvements. The time for completion of the work and the several parts thereof shall be determined by the Town Board upon the recommendation of the Town Engineer after consultation with the Land Divider. The completion date shall form part of the Development Agreement.

(C) Construction Plans: Inspections.

(1) Engineering Reports, Constructions Plans, and Specifications. Preliminary engineering reports and plans shall be submitted with the initial application and the filing of the Preliminary Plat or, if applicable, the CSM. At the Final Plat stage, and, if applicable, prior to the approval of the CSM, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the Land Divider's expense by a professional engineer registered in the State of Wisconsin under said engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for approval and for estimation of the total cost of the required improvements; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the Final Plat with the Town Clerk or, if applicable, prior to the approval of the CSM, the Land Divider shall furnish copies of the construction plans and specifications for the following public improvements, with a copy sent to any sanitary district:

(a) Street Plans. Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(b) Sewer Plans. If applicable, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities. Where public sewer is not provided, results of percolation tests and any other information required by the Town Engineer to ensure each Lot can properly dispose of expected wastewater discharges.

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

(d) Water Main Plans. If applicable, water main plans and profiles showing the locations, sizes, elevations and materials of required facilities. Where public water is not provided, any information required by the Town Engineer to ensure each Lot has clean drinking water available to it and that the development will have no adverse effects on groundwater quality.

(e) Erosion Control and Storm Water Management Plans. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with Chapter 7, Erosion Control and Storm Water Runoff, of the Town's Code of Ordinances.

(f) Steep Slope Plans. Plans showing that buildings are set back 75 feet from slope gradients steeper than 20% where the length of the slope is greater than 50 feet, and showing that buildings are set back 50 feet from slope gradients steeper than 20% where the length of the slope is less than 50 feet, to minimize erosion.

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

(h) Additional Plans or Information. Additional special plans or information as required by Town officials.

(2) Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent 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.

(3) Construction and Inspection.

(a) Authorization to Commence Work. Prior to starting any of the work covered by the plans approved above, the Land Divider shall obtain written authorization to start the work from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. The Town shall issue no building permits until all improvements required by this Chapter are satisfactorily completed, inspected, and accepted by the Town.

(b) Required Completion Date. Construction of all improvements required by this Chapter shall be completed as required in the Development Agreement, but in all events within two (2) years of the recording of the Final Plat or CSM, unless the Land Divider demonstrates good cause for the Town Board to grant an extension.

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

(4) "As Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the Land Divider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The Land Divider's presentation of the as built plans shall be a condition of final acceptance of the improvements and release of the financial security assuring their completion. The Town shall retain two copies and forward one copy of such record plans to the appropriate sanitary district.

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

(1) Street Construction Standards. The design and construction of all roads, streets

and alleys in the Town shall fully comply with the requirements and specifications of Sections 6.16(B) and (C) of this Chapter.

(2) Grading.

(a) Final Drawings. With the submission of the Final Plat or CSM, the Land Divider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the Final Plat or CSM.

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

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

(d) Existing Right-of-Way Grading. In cases where an existing street right-of-way is made a part of the Final Plat or CSM, or abuts the Final Plat or CSM, the Land Divider shall grade that portion of the right-of-way between the existing pavement and the property line.

(e) Subgrade Elevation Grading. The Land Divider shall grade the bed for the roadways in the street rights-of-way to subgrade elevation.

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

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

(3) Street Construction. After any sanitary sewer, storm sewer, water, and other required utilities have been installed, the Land Divider shall construct, as part of the Final Plat or CSM, the streets and, if applicable, curbs and gutters. The Land Divider shall surface roadways to the widths prescribed by Sections 6.16(B) and (C). Construction shall meet Town standard specifications for street improvements.

(4) Completion of Street Construction.

(a) Completion of Improvements before Building Permit. Prior to issuance of any building permits by the Town for lands adjacent to streets, all street construction except final surfacing shall be completed by the Land Divider in accordance with Section 6.13, approved by the Town Engineer and accepted by and dedicated to the Town Board. Financial security, in accordance with Section 6.15(B)(2), will be maintained to secure the cost of final road repairs and paving.

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

(c) Procedure for Waiver. The Land Divider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall detail which improvement requirements are temporarily waived and for what period of time.

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

(6) Bicycle and Pedestrian Pathways. The Town Board may require bicycle and pedestrian pathways, upon the recommendation of the Town Engineer, in locations where necessary for safe and adequate bicycle and pedestrian circulation. Whenever possible, pathways shall be planned for possible connection with pathways outside of the Final Plat or CSM.

(E) Sanitary Sewage.

(1) Requirement of Sanitary Sewer. The Land Divider shall provide a sanitary sewage system in conformity with a master plan of sewers as approved by the Town Board and/or sanitary or utility district, if any. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by any sanitary district.

(2) Private Sewage Disposal. If public sewer facilities are not available (within 1,000 feet), the Land Divider shall assure that adequate sewage disposal systems will be available to each Lot within the Final Plat or CSM as specified or allowed in

applicable ordinances, statutes, or state regulations, and the County Sanitation Ordinance. Private sewage disposal on a centralized basis is encouraged but not required.

(3) Cost of Sanitary Sewer System. The Land Divider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the Lots within the Final Plat or CSM in question as well as providing all sanitary sewer work within the Final Plat or CSM. 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.

(4) Size of Sewer Pipe. The minimum size for public sanitary sewers shall be eight inches in diameter.

(F) Water Supply.

(1) Adequate Water Supply. When a community water supply is required, the Land Divider shall make adequate domestic water supplies available, and pay for such improvements, for each Lot within the Final Plat or CSM.

(2) Design of System. The Land Divider shall construct water mains in such a manner as to make adequate water service available to each Lot within the Final Plat or CSM. The size, type, and installation of all public water mains proposed to be constructed shall comply with plans and specifications approved by the appropriate sanitary district. Water service laterals shall be provided to all Lots.

(3) Size of Water Main. The minimum size for public water mains shall be six inches in diameter.

(G) Storm Water Drainage.

(1) Adequate Facilities. The Land Divider shall provide storm water management facilities designed in conformity with Chapter 7, Erosion Control and Storm Water Runoff, of the Town's Code of Ordinances, any other applicable ordinances and Wis. Admin Code Chapters, which may include curb and gutter, catch basins and inlets, storm sewers, infiltration devices, ponds and detention basins, road ditches and open channels, as are necessary.

(2) Sizing Facilities. Storm sewers shall be of adequate size and grade to hydraulically accommodate the ten year frequency storm; culverts shall be designed to accommodate the ten year frequency storm and shall be sized so that the 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the recommendation of the Town Engineer, storm water swales and ditches

may be required to be sized for from 25 to 100 year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall comply with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the Land Divider; however, the cost of oversizing above a 24 inch diameter storm sewer shall be paid by other users connecting to the system by special assessment. The Town Board may, upon recommendation of the Town Engineer, require the Land Divider to construct a storm water pond or detention basin large enough to handle runoff from offsite properties, if necessary for public safety and health reasons to protect the Final Plat or CSM.

(H) Other Utilities.

(1) Installation of Required Utilities. The Land Divider shall cause gas, electric power, telephone and cable facilities to be installed in such a manner as to make adequate service available to each Lot in the Final Plat or CSM. Easement for such purposes shall be no less than ten (10) feet in width directly adjacent to, but not within the public right-of-way. All new electrical distribution, television cables and telephone lines from which Lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

(a) Physical Land Limitations. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or

(b) Existing Overhead Lines. The Lots to be served by said facilities can be served directly from existing overhead facilities.

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

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

(J) Erosion Control During Construction. To minimize erosion during construction, the Land Divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that

erosion, siltation, sedimentation and washing are prevented. The Land Divider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems and complies with Chapter 7, Erosion Control and Storm Water Runoff, of the Town's Code of Ordinances.

(K) Fences Adjacent to Agricultural Lands. When the land included in a Final Plat or CSM abuts upon or is adjacent to land used for farming or grazing purposes, the Land Divider shall, unless written agreement is reached with the adjoining landowner in a form satisfactory to the Town, 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 Restrictive Covenant binding the Land Divider and, if not the Owner, the Owner, their grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property Owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or CSM. The Town Board may waive the initial installation of the fence upon terms and conditions acceptable to the Town Board, which terms and conditions shall be incorporated into a Restrictive Covenant.

(L) Easements.

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

(2) Drainage Easements. Where a Final Plat or CSM is traversed by a watercourse, drainage way, channel or stream:

(a) Watercourse.

1. The Land Divider shall provide a storm water Easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or

2. The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water Easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will

be adequate for the purpose and may be necessary to comply with this Section.

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

(3) Easement Locations. Such Easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across Lots or alongside of rear Lot Lines. Such Easements should preferably be located along rear Lot Lines. Evidence shall be furnished to the Town Board that Easements and any Easement provisions incorporated in the Plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(M) Streetlights. The Town Board may require streetlights, after considering the recommendation of the Town Engineer, in locations where necessary. Such lights shall be compatible with the neighborhood and type of development proposed. Such lights shall be placed at each street intersection and at such interior Block spacing as the Town Board requires. Streetlights shall be “sharp cutoff luminaries” designed to limit light pollution.

(N) Sidewalks. The Town Board may require sidewalks, after considering the recommendation of the Town Engineer, in locations where necessary for safe and adequate pedestrian circulation.

Section 6.16 Design Standards

(A) Purpose and Requirements.

(1) Purpose.

(a) The purpose of Final Plat or CSM design is to create a functional and attractive development, to minimize adverse effects on persons, land and the environment, and to ensure that a Final Plat or CSM will be an asset to the Town.

(b) To promote this purpose, all Preliminary Plats and CSMs as applicable in the sole determination of the Town, shall conform to the standards of this Section.

(2) General Design Standards.

(a) Design shall comply with the Comprehensive Plan and shall take into consideration existing and proposed developments in the surrounding areas.

(b) Design shall be based on a site analysis. To the maximum extent practicable, as determined by the Town, the design shall:

1. Preserve the natural features of the site.

2. Avoid areas of environmental sensitivity.

3. Avoid adverse effects on ground water and aquifer recharge.

4. Avoid unnecessary impervious cover.

5. Prevent flooding.

6. Minimize adverse effects of shadow, noise, odor, traffic, drainage, artificial light and utilities on the site and on neighboring properties.

7. Minimize negative impacts on and alteration of natural features and adverse effects of cutting and filling.

8. Avoid risk of harm to persons and land.

9. Provide adequate access to lots.

(c) Topsoil stripped from within the Final Plat or CSM may not be removed until final land contours, topsoil finishing and seeding is successfully completed.

(d) A soil evaluation shall be done to determine suitability for an on-site wastewater treatment system for a dwelling on a single lot, or a complete site and design evaluation for suitability of state approved common on-site wastewater treatment systems that serve more than one dwelling.

(e) The Town may require that sensitive areas of the proposed development

area be placed outside of Building Envelopes and be further offered for dedication or protected by a Conservation Easement or Restrictive Covenant dealing with use and management of these areas.

(B) Street Design

(1) Compliance with Statutes. In laying out a Major or Minor Land Division, the Land Divider shall conform to the provisions of Chapter 236 and all applicable Town regulations. All streets and roads shall comply with Wis. Stat. § 82.50. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236 or § 82.50, the more restrictive provision shall apply.

(2) Dedication. The Land Divider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety. The Final Plat or CSM shall be designed to provide each Lot with satisfactory access to a public street or road and shall comply with the provisions of s. 6.16(D)(5).

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

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

(5) Reserve Strips. Reserve strips are prohibited on any Final 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.

(6) 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 Final Plat or CSM with existing layout or the most advantageous future development of adjacent tracts. The use of dead-end streets should be avoided where possible. All dead-end streets must end in a Cul-de-sac as required at subsection (17).

(7) 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.

(8) Frontage Roads. Where a Final Plat or CSM abuts or contains an existing or proposed Major Thoroughfare, the Town Board may require a frontage road, non-access 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.

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

(10) 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).

(11) Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and Collector Streets. On all roads, a tangent at least 100 feet long shall be provided between the curve and any intersection.

(12) Street Grades

(a) Maximum Grades. 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 10% or as otherwise recommended by the Town Engineer.

Pedestrian ways: 12 percent unless steps of acceptable design are provided. The grade of any street shall in no case exceed 11 percent or be less than 1/2 of 1 percent.

(b) Grade Establishment. Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of groundcover and trees, and general leveling of the topography.

(c) Grade Connection. 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 streets and thirty times the difference for local streets. Major streets shall conform to "A Policy of Geometric Design of Highways and Streets," latest edition, of the AASHTO.

(13) 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 150 feet or as otherwise recommended by the Town Engineer. Curves should be provided when centerline deflections exceed one degree in rural areas and in urban areas when deflection exceeds three degrees.

(14) Half Streets. Where an existing dedicated or platted half-street is adjacent to the Final Plat or CSM, the Land Divider shall dedicate the other half-street. The dedication of half-streets should be avoided where possible.

(15) Intersections.

(a) Street Radius. Property lines at street intersections of Major Thoroughfares shall be rounded with a radius of fifteen feet or greater where the Town Engineer considers it necessary.

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

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

(16) 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.

(17) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length in a Final Plat and 1000 feet in length in a CSM. All Cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet

and a minimum 45 foot edge of pavement radius, or the equivalent.

(18) Major Thoroughfare and Railroad Right-of-way Treatment. Whenever the Final Plat or CSM contains or is adjacent to a Major Thoroughfare or railroad right-of-way, the design shall provide the following treatment:

(a) Lots. When Lots within the proposed Final Plat or CSM back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip of at least 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 Final Plat or CSM: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited."

(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 150 feet.

(c) Streets Parallel to a Major Thoroughfare. Streets parallel to a Major Thoroughfare or railroad right-of-way, when intersecting an Arterial Street or Collector Street which crosses said railroad or highway, shall be a minimum distance of 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.

(C) 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.

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

(c) Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Town, the Land Divider shall notify the Town Clerk, who will arrange an on-site meeting attended by the Town Engineer and the Land Divider. 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 Land Divider shall contact the Town Engineer for required inspections during the following phases of construction by the Land Divider:

1. Sub-base grading;

2. Crushed aggregate base course;

3. Bituminous surface course; and

4. Shouldering.

5. Erosion Control and Storm Water Management facilities.

6. Water and sewer installation.

7. Curb and gutter.

8. Final grading and landscaping.

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

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

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

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

(a) Right-of-Way Width.

1. Arterial Streets: Minimum of 80 feet.

2. All other streets and roads: Minimum of 66 feet.

3. Cul-de-sacs and bulb radius: Minimum of 60 feet radius.

4. Pedestrian ways: Minimum of 10 feet.

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

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

(d) Roadway Base Thickness.

1. Residential and rural roads and streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course meeting the specification of Base Aggregate Dense 1 1/4-inch.

2. On commercial, arterial or other heavy-use roads, as determined by the Town Board, a base course of ten inches compacted shall be constructed upon an inspected and approved subgrade, with the bottom six inches of base meeting the specification of Base Aggregate Dense 3-Inch and the top four inches of base meeting the specification of Base Aggregate Dense 1 ¼-inch.

3. 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.

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

5. 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 sub-cut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer.

(f) Pavement Width. Minimum of 22 feet pavement edge to pavement edge for local residential streets, Collector Streets or streets serving commercial or industrial areas shall be designed for the proposed traffic volume, 22 feet for rural roads, and wider when required by the "Town Road Standards" as noted in Wis. Stat. § 82.50, or by this Chapter, the more restrictive of which shall apply.

(g) Pavement Thickness.

1. Residential and rural roads shall have a minimum of three inches thick compacted hot mix asphalt pavement placed in two layers – a binder course of 1-1/2 inches thick and a surface course of 1-1/2 inches. The final layer shall not be placed before at least seventy-five percent (75%) of the Building construction within the development served by the new street is completed.

2. Commercial, arterial or other heavy-use roads shall have a minimum of 3-1/2 inches of bituminous pavement, placed in two layers – a binder course of two inches thick and a surface course of 1-1/2 inches. The final layer shall not be placed before at least seventy-five percent (75%) of the Building construction within the proposed development served by the new street is completed.

3. The hot mix asphalt pavement shall meet the specification of HMA Pavement Type E-0.3. 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. Stat. § 82.50.

(i) Shoulder Thickness. Minimum of 3 inches of compacted in-place crushed aggregate base course - Base Aggregate Dense 3/4-inch over a minimum of eight inches of compacted in-place crushed aggregate base course.

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

(k) Driveway Culverts. The Land Divider must obtain a driveway access permit from the Town pursuant to Chapter 12, Roads and Driveways, of the Town's Code of Ordinances and all driveway culverts must be sized and installed in accordance therewith.

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

(m) Drainage Improvements. In the case of all new roads and streets, the Town Board may require the Land Divider to construct storm water detention areas and storm sewers to provide for proper drainage.

(D) Block and Lot Design Standards.

(1) Block Design. The lengths, widths and shapes of Blocks shall be appropriate for the topography and the type of development contemplated, but Block length in residential areas shall not exceed 1,200 feet nor have insufficient width to provide for two tiers of Lots of appropriate depth between street lines. Except in extraordinary circumstances, Blocks shall be no less than 500 feet in length. A Block may have a single tier of Lots where it adjoins a railroad, Major Thoroughfare, river or park.

(2) Bicycle and Pedestrian Pathways. Bicycle and pedestrian pathways shall meet the following standards:

(a) A right-of-way width of not less than 20 feet may be required where deemed necessary by the Town to provide adequate bicycle and pedestrian circulation or access to schools, parks, shopping

centers, open spaces, churches, and other places of public assembly or transportation facilities.

(b) A bicycle and pedestrian pathway shall be constructed with 10 to 12 feet of paved or limestone surface and a 5- to 4-foot buffer on each side.

(c) Bicycle and pedestrian pathways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs and other vegetation, and to preserve the natural beauty of the area. Adverse impacts to wetlands shall be avoided.

(3) Lot Design. Siting of any Lot or Parcel and the Building Envelope are subject to Town approval upon consideration of the criteria in Sections 6.05 and 6.06.

(4) Lot Sizes. Lot sizes shall be determined according to the standards and restrictions set forth in Section 6.05.

(5) Lot Frontage. Every Lot shall front or abut for a distance of at least sixty-six (66) feet on a public street, or at least thirty (30) feet on a Cul-de-sac. Where a shared access and shared driveway has been otherwise permitted, the requirements that the narrow strip of land (flag) connecting the main area of the Lot with the public road be suitable for access and driveway purposes in accordance with the Chapter 12, Roads and Driveways, of the Town's Code of Ordinances and that said flag actually be used for access and driveway purposes shall be waived for all Lots except the one Lot actually providing access on a shared basis for all other Lots.

(6) Lot Width. Width of Lots shall conform to the requirements of the Columbia County Zoning Code, but in no case shall a Lot be less than ninety (90) feet in width at the building setback line as established by the County Zoning Code or other applicable ordinance. Each Lot shall be located only within one (1) zoning district.

(7) Lots on Major Arteries. Residential Lots fronting on Arterial Streets and Major Thoroughfares shall be platted with extra depth or design to alleviate the effect of major street traffic on residential occupancy.

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

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

(10) Lots with Slope Gradient 20% or Higher. Lots with slope gradients of 20% or higher will require any Building to be setback a minimum of 50 feet from the top of the 20% gradient to reduce erosion issues pursuant to the provisions of Section 6.06(B)(5).

(11) Preservation. In any Final Plat or CSM, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(12) Remnants Plan. All remnants of Lots below minimum size left over after subdividing of a larger tract must be added to adjacent Lots or as an Outlot together with a plan showing future use rather than allowed to remain as unusable parcels.

(E) Landscape Screening and Buffer Area.

(1) Purpose.

(a) Landscaping and buffer requirements are established to promote aesthetically pleasing developments that will protect and preserve the appearance, character, health, safety and welfare of the Town.

(b) These standards are intended to: increase compatibility with adjacent land uses by requiring a buffer or screen between uses, minimize the harmful impact of noise, dust, debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use; and preserve scenic views and/or otherwise enhance the rural landscape as seen from perimeter roads.

(c) These landscaping and buffer standards apply to new commercial and industrial development, new residential development adjoining and across from commercial or industrial development, other new residential development where the Town Board determines a landscape screening and buffer area is necessary, new Conservation Development and any unique circumstances identified by Developer's Agreements.

(d) The buffer area shall be landscaped to screen any commercial or industrial lot that abuts or is across from any area that is not commercial, industrial or other incompatible development.

(2) Application.

(a) A landscaped buffer is required in the following locations:

1. Along perimeter road rights-of-way/pavements. A landscape buffer at least ten (10) feet in width shall abut the road right-of-way/pavements for at least half of the road right-of-way frontage. If only new plantings are used, the landscaped buffer shall include a hedge of native shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth requirements of the species for the hedge to attain 80 percent (80%) opacity at maturity and shall not exceed a height of 4 feet. No landscaped buffer over two (2) feet in height that might block any driver's view shall be permitted within the vision clearance triangle of a driveway access or road/railroad intersection. The landscaped buffer may include berms, fences or walls.

2. Around the perimeter of parking lots or pavements. A landscaped buffer at least ten (10) feet in width shall abut the perimeter of parking lots/pavements. If an area is newly planted, the landscaped buffer shall include plants with a minimum height of eighteen (18) inches at the time of planting. If plants are preserved they must be native grasses, shrubs or trees in order to count toward the requirement. The buffer shall attain 80 percent (80%) opacity at maturity.

3. Along property lines abutting residential development or other incompatible uses. A landscaped buffer at least ten (10) feet in width and at least six (6) feet in height at time of planting shall abut the neighboring use. The landscaped buffer shall attain 80 percent (80%) opacity at maturity.

4. If development is permitted on a ridge top or hilltop, landscaping shall be utilized to preserve the viewshed for the surrounding areas.

(b) Unless otherwise indicated, the landscaped buffer area requirement is a minimum of eighty (80) plants per area of land ten (10) feet in width by one hundred (100) feet in length.

(c) A combination of preserved plants or installed plants may be used. If plants are preserved they must be shrubs or trees in order to count toward the requirement.

(3) General Standards.

(a) The buffer shall consist of an area of land located within and along the outer perimeter of a lot or boundary line. The buffer may overlap drainage and/or utility easements; however, plantings should not impede the flow of water within a drainage easement nor should they be located on any portion of an existing or dedicated public road or right-of-way.

(b) Landscaping within the buffer area shall consist of native plant species. It should include a mix of trees and shrubs and can also include herbaceous materials such as grasses, vines, aquatic plants, wild flowers and other vegetative materials.

(c) Where space allows, landscape plantings shall be placed in an informal, random pattern to create a naturalized landscape.

(d) The landscape plantings shall include low-maintenance, drought and salt tolerant species.

(e) Preserving existing healthy, native, non-invasive vegetation should always take precedence over planting new vegetation and should be encouraged by crediting such preservation toward these landscaping requirements.

(f) Existing healthy trees and shrubs shall be properly protected from construction activities in accordance with sound conservation practices.

(g) The landscaped buffer area may contain any combination of preserved natural vegetation or newly installed plantings. It may include berms, fences, or walls.

(h) If a berm, fence or a wall is used, it shall be visually dominated by planted vegetation and attain 50 percent (50%) opacity/coverage within twelve (12) months of planting. The newly planted vegetation should be growing on the residential.

1. If berms are used to supplement or replace some of the planting requirements, the width of the buffer area must be adequate to accommodate the size of the berm, based on the berm slope, crown, height and form. However, the Land Divider shall demonstrate that any reduction in required new plantings shall not reduce the effectiveness of the buffer area screen.

2. Berms shall contain side slopes not exceeding four feet of horizontal distance to one foot of vertical distance (4: 1) with a maximum height of six (6) feet and shall be natural in appearance and undulating wherever possible.

(i) The Town may waive part or all of the landscaping requirements where there is an opportunity to preserve a unique native landscape such as a native prairie, oak savannah or woodland.

(j) If a hedge or hedge/berm combination is used, the shrubs shall be at least three (3) feet in height at time of planting. Shrubs of sufficient screening density shall be spaced according to growth needs of the species for the hedge to attain at least six (6) feet in height and 80 percent (80%) opacity at maturity.

(k) The Town may permit alternative landscape treatments, which shall have a buffering or screening capacity equal to or greater than the requirements set forth herein.

(4) Landscaping Plan.

(a) A landscaping plan for the buffer area(s) shall be provided by a licensed landscape architect and approved by the Town. It shall include and address:

1. Existing vegetation that will be preserved.

2. Quantity, size, species and root condition of proposed plant materials.

3. Proposed locations for plant materials.

4. Planting method and schedule.

5. An ongoing ownership and maintenance plan for the landscape plantings and existing vegetation.

6. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in a Developer's Agreement.

7. Appropriate financial assurances shall be required to cover the cost of installation of plant materials and replacement of all dead, dying, defective or diseased plant material for a period of eighteen (18) months.

(5) Landscape Materials.

(a) All plant materials must meet the minimum standards set by American Hort.

(b) Landscape species shall be native to the region or proven adaptable to the climate, but shall not be invasive on native species.

(c) Plant materials shall comply with the following standards:

1. Landscape materials shall be tolerant of specific conditions, including but not limited to heat, drought and salt.

2. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets minimum plant size specified in the table above.

3. Landscape materials shall be of a size that allows growth to the desired height and opacity.

(6) Installation.

(a) Areas to be landscaped shall be prepared, improved and planted as specified by current WI DOT standards.

(F) Storm Water Management System.

(1) Drainage System Required. The Town Board shall not approve a Final Plat or CSM until the Land Divider has submitted, as necessary or applicable, plans, profiles and specifications for storm water management prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.

(2) Storm Water Management Plan.

(a) Preliminary Plat/Report. The Land Divider shall submit to the Town at the time of filing a Preliminary Plat or CSM, a preliminary erosion control and storm water management plan in accordance with the Chapter 7, Erosion Control and Storm Water Runoff, of the Town's Code of Ordinances. The Storm Water Management Plan shall address erosion control and storm water management during and after construction of the required improvements.

(b) Grading Plan. A grading plan for the streets, Blocks and Lots shall be submitted by the Land Divider for the area within the Land Division.

(c) Design Criteria. The design criteria for storm drainage systems shall be based upon information concurred upon by the Town Engineer.

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

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

(a) Right-of-Way. The Land Divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

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

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

2. 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.

3. Draining across rear or side Lot Lines may be permitted subject to a drainage easement and provided drainage can be confined to such easement.

(4) Drainage System Requirements. The Land Divider shall install all the storm drainage facilities approved by the Town Board as a condition of approval of the Final Plat or CSM.

(a) Street Drainage. All streets shall be provided with an adequate storm drainage system. All drainage crossing streets shall be conveyed in an underground storm sewer system. On urban streets, maximum inlet spacing shall be 600 feet. 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. No storm water shall be permitted to be run into the sanitary sewer system within the proposed Land Division.

(b) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the Land Division and shall be extended to

a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right- of-way, the Land Divider shall make provisions for dedicating an Easement of the Town to provide for the future maintenance of said system. Easements shall be at least twenty (20) feet wide, but the Town may require larger Easements if more area is needed due to factors such as topography, or size of watercourse.

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

(G) Sanitary Sewer and Water System. The Land Divider shall comply with the design standards specified for the development's sanitary sewer and water system by the WI DNR and WI DSPS.

(H) Standards for Non-Residential Major or Minor Land Divisions.

(1) General.

(a) Zoning Considerations. If a proposed Final Plat or CSM includes land that is zoned for commercial or industrial purposes, the layout with respect to such land shall be consistent with the objectives of the Comprehensive Plan.

(b) Additional Requirements. A non-residential Final Plat or CSM shall also 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 standards established by the Comprehensive Plan and the County Zoning Code.

(2) Standards. In addition to the principles and standards in this Chapter, the Land Divider shall demonstrate to the satisfaction of the Town Board that the street, parcel and Block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The Land Divider shall observe the following principles and standards:

(a) Adequate Streets. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.

(b) Suitable Area. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(c) Special Street Provisions Allowed. Special requirements maybe imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.

(d) Special Public Utility Provisions Allowed. Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sanitary sewer and storm water drainage.

(e) Protection of Adjoining Lands. 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.

(f) Limitations on Street Extensions. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Section 6.17 Dedication Requirements

(A) General Public Land Dedication Requirements.

(1) Dedication Requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools, may be equitably apportioned on the basis of additional need created by the land division development, each Land Divider of a residential related Major or Minor Land Division shall dedicate land for park or other public uses.

(2) General Design. In the design of a Final Plat or CSM, the Land Divider shall, as may be appropriate taking into account the size and location of the development, make provision for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites shall be shown on a Preliminary Plat, Final Plat and CSM, and shall comply with the Comprehensive 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.

(B) Land Dedication.

(1) Dedication Calculation. All Final Plats or CSMs shall be required to dedicate

developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of .05 acres per Dwelling. “Dwelling” shall include a unit of a Condominium. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designed in the Comprehensive Plan is embraced, all or in part, in the tract of land to be subdivided, this land shall be included in the required land dedication. The Town Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(2) Shoreland.

(a) Lake and Stream Shore Plats. All Final Plats 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 mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the WI DNR, 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. Establishment of the public access does not require the Town to improve such access.

(b) Land to be Included. The lands lying between the meander line, established in accordance with Wis. Stat. § 236.20(2)(g), and the water’s edge, as determined by the OHWM, shall be included as part of the public access in any Final Plat abutting a lake or stream.

(3) Access to Dedicated Land. All dedicated land shall have frontage on a public street.

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

(C) Reservation of Additional Land. When public parks and sites for other public areas as shown on the Comprehensive Plan lie within the proposed area for development and are greater in area than required by Section 6.17(B)(1), the Owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year after Final Plat approval unless extended by mutual agreement.

(D) Dedicated Parkland Development.

(1) Land Divider Requirements. When parklands are dedicated, the Land Divider is required to:

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

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

(c) Groundcover. Cover areas to be seeded with a minimum of four inches of quality topsoil, and seed, fertilize and mulch as specified by the Plan Commission. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

(2) Certification of Compliance. The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the Major or Minor Land Divider.

(3) Timing of Park Development. Development of parklands shall be completed as soon as ten (10) percent of the planned Lots in the Final Plat or CSM are sold or as otherwise determined by the Town Board.

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

(E) Fees in Lieu of Land Dedication.

(1) Method of Calculation.

(a) Determination to Accept Fee. The Town Board, after considering the recommendation of the Plan Commission, shall determine whether to require dedication of land or payment of money from any Land Divider. If the Town Board has determined to require payment of money in lieu of dedication of land, such money shall be paid to the Town Treasurer prior to recording of the Final Plat or CSM in the amount per residential Lot or Parcel within the Plat or CSM or Dwelling Unit within a condominium or multi-family development.

(b) Large Parcel Land Division. In the event that any Large Agricultural and

Open Space Parcel has available one or more Development Rights, as a condition of final approval of the Large Parcel Land Division, the Land Divider shall pay the fee in lieu of land dedication for each Development Right that could be exercised for a Dwelling Unit, even if not intended to be immediately used.

(c) Fee Establishment. The fee per Development Right/Dwelling Unit is $900.00. Commencing January 1, 2021, the fee shall be adjusted annually as of January 1st of each year by the Town Board utilizing the Consumer Price Index – All Urban Consumers – Midwest Size Class D prepared by the United States Department of Labor, or any replacement index. In no event, however, shall the fee be reduced below $900.00.

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

(3) Exemption. No payment may be required for a Lot or Parcel created under this Chapter on which a Dwelling already exists, or which is not intended for construction of a Dwelling. Where a Lot for which payment has once been made is further divided, the Land Divider shall pay only for the additional Lots on which a Dwelling may be constructed or created.

Section 6.18 Conservation Residential Developments

(A) When Applicable.

Major Land Divisions intended for residential or Condominium use shall be designed as Conservation Residential Developments pursuant to the provisions of this Section. All other provisions of this Chapter not in conflict with this Section 6.18 shall also apply to any Conservation Development.

(B) Conservation Residential Development Design.

Conservation Residential Development design requirements are intended to preserve the rural character of the Town by assuring that the preservation of important landscape elements are considered in the design of the development consistent with the Town's Comprehensive Plan. Among those landscape elements are woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shore lands, prairies, ridgetops, steep slopes, critical species habitat, and productive farmland. In designing

the development, the Land Divider and the Town shall consider the following:

(1) Preserving scenic views by minimizing the visibility of new development from existing roads.

(2) Preserving prime agricultural land by concentrating development on lands that have low agricultural potential.

(3) Providing commonly-owned Open Space for recreational use by residents of the Conservation Residential Development or the community at large or preserving land for agricultural use.

(4) Providing buffering between residential development and non-residential uses.

(5) Protecting and restoring environmentally sensitive areas and biological diversity, minimizing disturbance to existing vegetation and maintaining environmental corridors.

(6) Preserving significant archeological sites, historic buildings and their settings.

(7) Meeting demands for housing in a rural setting.

(8) Enhancing the ability to locate and coordinate appropriate areas for development and conservation on the development parcel.

(9) Providing transportation corridors for connectivity to present or future roads, bike paths, walking paths and recreational trails.

(C) Layout and Design.

The layout and design of streets and lots for all Major Land Divisions shall be consistent with the following principles:

(1) The land division shall be designed to be consistent with the natural topography, drainage patterns, and natural features of the area being developed.

(2) To the extent practically feasible, the natural topography and natural features of the area shall be preserved.

(3) Straight line streets laid out in a grid pattern shall be avoided or minimized.

(4) Valuable trees shall be preserved to the extent feasible in the street layout, the

design of lots and the designation of building envelopes.

(D) Ownership or Maintenance of Open Space, Common Facilities, and Conservation Easements. If a Conservation Residential Development includes Open Space, Common Facilities, or Conservation Easements, the following applies.

(1) Alternatives. Open Space, Common Facilities, or Conservation Easements shall be owned and managed by one or a combination of the following subject to Town Board approval:

(a) A Homeowner's Association.

(b) A Condominium Association established in accordance with Chapter 703 of the Wisconsin Statutes.

(c) A recognized Non-Profit Conservation Organization.

(d) The Town or another governmental body approved by the Town.

(e) An individual approved by the Town, including the Land Divider, that has a binding legal responsibility to the Town.

(2) Conservation Easement. If Open Space or Common Facilities are subject to a Conservation Easement, the easement shall be conveyed to a qualified holder as defined in 6.18 (D).

(3) Homeowner's Association. A Homeowner's Association shall be established if Open Space, Common Facilities, or Conservation Easements are owned or managed by a Homeowner's Association. Membership in the association shall be mandatory for all Lot Owners in the Conservation Residential Development.

The Homeowners' Association bylaws, guaranteeing continuing ownership or management of Open Space, Common Facilities, or Conservation Easements and the declaration of covenants, conditions and restrictions of the Homeowner's Association shall be submitted for approval by the Town as part of the information required for the Preliminary Plat. The Homeowner's Association bylaws and applicable Restrictive Covenants obligating the Homeowner's Association shall contain at least the following information:

(a) The legal description of the Open Space;

(b) The legal description of any Conservation Easements;

(c) A description of Common Facilities;

(d) A description of maintenance responsibilities of the Homeowners Association as described in Section 6.18 (D) 8.

(e) The restrictions placed upon the use and enjoyment of the Open Space, Common Facilities, or Conservation Easements;

(f) Persons or entities entitled to enforce the restrictions:

(g) A mechanism to assess and enforce the common expenses for the Open Space, or Common Facilities, or Conservation Easements including maintenance, upkeep, and management expenses, real estate taxes and insurance premiums;

(h) A mechanism to implement restoration, maintenance and management of the Open Space, Common Facilities, or Conservation Easements;

(i) A mechanism for resolving disputes among the Homeowners Association members;

(j) The conditions and timing of the transfer of ownership and control of Open Space, Common Facilities, or Conservation Easements to the Homeowners Association;

(k) Any other matter the Conservation Residential Development Land Divider or the Town deems appropriate.

(4) Condominium Association. If the Open Space, Common Facilities, or Conservation Easements are to be held by a Condominium Association, the condominium instruments and any Restrictive Covenants shall identify the restrictions placed upon the use and enjoyment of the Open Space, Common Facilities, or Conservation Easements. The condominium instruments and any Restrictive Covenants shall be submitted for approval by the Town as part of the information required for the Preliminary Plat and shall include the information specified under Subsection (B)(3) above. All Open Space, Common Facilities, or Conservation Easements shall be part of the “common elements” as defined in Wis. Stat. § 703.02(2).

(5) Non-Profit Conservation Organization. If the Open Space, Common Facilities, or Conservation Easements are to be held by a Non-Profit Conservation Organization, the organization must be acceptable to the Town. The conveyance of Open Space, Common Facilities, or Conservation Easements to the Non-Profit Conservation Organization must contain appropriate provisions for reversion or succession to a subsequent Non-Profit Conservation Organization or other

acceptable entity in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

(6) Public Dedication of Open Space. The Town, at its sole discretion, may accept the dedication of a Conservation Easement or fee title to the Open Space, Common Facilities, or Conservation Easements, provided that:

(a) The Open Space, Common Facilities, or Conservation Easements are as accessible to the residents of the Town as they are to members of the general public.

(b) The Town agrees to and has access to maintain and manage the Open Space, Common Facilities, or Conservation Easements

(7) Separate Ownership. An individual may hold fee title to the land while a Non-Profit Conservation Organization or other qualified organization holds a Conservation Easement prescribing the acceptable uses and obligations for the Open Space, Common Facilities, or Conservation Easements.

(8) Management Plan. As applicable, a Conservation Residential Development that includes Open Space, Common Facilities, or Conservation Easements shall include a plan that provides a means to properly manage the Open Space, Common Facilities, or Conservation Easements and the long-term means to properly manage and maintain all Open Space, Common Facilities, or Conservation Easements. Preserving and protecting agricultural land for agricultural use is a form of management plan for such Open Space. The plan shall be approved by the Town in conjunction with the Development Agreement prior to or as a continuing condition of Final Plat approval and shall be in the format as set by resolution of the Town Board from time to time. The plan shall include at least the following:

(a) Designate the ownership of the Open Space, Common Facilities, or Conservation Easements in accordance with subsection (D)(1) above.

(b) Establish necessary regular and periodic operation and management responsibilities.

(c) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

(d) Include a land Management Plan specifically focusing on the long- term management of Open Space, Common Facilities, or Conservation Easements. The Management Plan shall include a narrative, based on the site analysis required in Section 6.18(D):

1. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape. This baseline documentation of existing site conditions shall be agreed upon at the time of execution of the Conservation Easement.

2. The proposed end state for each Open Space, Common Facilities, or Conservation Easement area; and the measures proposed for achieving the end state.

3. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.

4. The operations needed for managing the stability of the resources, including but not limited to: mowing schedules; weed control; planting schedules; assessment schedule; and clearing and cleanup. At the Town's discretion, the applicant may be required to place in escrow sufficient funds for the management and operation costs of the Open Space, Common Facilities, or Conservation Easements for a maximum of five (5) years.

5. Education component for educating Lot Owners of the Lots on the Management Plan and status of the Open Space, Common Facilities, or Conservation Easements, other than preserved agricultural lands. The holder of the Conservation Easement shall determine the content of the educational component; however, the holder shall hold an educational meeting with the homeowners at least annually after the annual assessment is conducted.

6. Any Management Plan of an abutting Conservation Development that has a Management Plan in place and addressing any impact that Management Plan may have on the proposed Conservation Development.

(e) If ownership is vested in a Homeowner's Association or a Condominium Association, then the Association must contract with a competent contractor, such as a Professional Ecological Service, as approved by the Town to oversee and sustain the plan. The Town's approval shall not be unreasonably withheld.

(f) Any Management Plan that incorporates burning as a means of managing Open Space, Common Facilities, or Conservation Easements shall be in accordance with DNR rules and regulations. The Conservation Residential

Development Land Divider or its successors and assigns shall be responsible for complying with any applicable Town Ordinances regarding burning and for reimbursing the Town for costs related to attendance, by the Fire Department, during any approved open burning, to ensure safety of persons and property.

(g) Management Plans may be amended upon application to and approval of the Town Board.

(h) The Town may require the Open Space, Common Facilities, or Conservation Easements to be inspected and assessed annually by the holder of the Conservation Easement or an independent professional ecologist or may contract with an independent individual, organization, or business, for a periodic assessment of the Open Space, Common Facilities, or Conservation Easements of the development to ensure compliance with the Management Plan. The cost for this periodic assessment of the Open Space, Common Facilities, or Conservation Easements shall be specially assessed equally against the Owners of the Lots that have the right of enjoyment of the Open Space, Common Facilities, or Conservation Easements and shall become a lien on said Lots if not paid.

(9) Failure to Properly Manage.

(a) In the event that the organization established to own and manage the Open Space, Common Facilities, or Conservation Easements, or any successor organization, fails to manage all or any portion of the Open Space, Common Facilities, or Conservation Easements in reasonable order and condition in accordance with the Management Plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the benefitted Owners of the Lots, setting forth the manner in which the organization has failed to manage the Open Space, Common Facilities, or Conservation Easements in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Chapter, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action.

(b) The costs of corrective action by the Town shall be assessed ratably, in accordance with tax assessments, against the Owners of the Lots that have the right of enjoyment of the Open Space, Common Facilities, or Conservation Easements and shall become a lien on said Lots. The Town,

at the time of entering upon such Open Space and/or common facilities for the purpose of management, shall file a notice of such lien in the office of the County Register of Deeds upon the Lots affected by such lien.

(c) The penalties identified herein are in addition to those identified in Section 6.21.

Section 6.19 Condominiums

(A) Purpose.

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

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

(3) Findings to Support Chapter Application. Thus, the Town Board hereby finds that new Condominium 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) Population. Additional population density.

(b) Land Suitability. Possibility of use of particular land in a manner unsuitable to the land's characteristics.

(c) Demands on Public Resources. Additional demands upon Town area parks, recreation areas, utility facilities and schools.

(d) Traffic. Additional traffic and street use.

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

(1) General Provisions. Section 6.03.

(2) Determination of Development Rights. Section 6.04.

(3) Lot Size. Section 6.05

(4) Initial Application, Concept Plan, and Modifications and Waivers. Section 6.08 relating to the initial application, concept plan, and requested Modifications and Waivers.

(5) Procedures of Approval. Section 6.09 relating to Preliminary Plat approval. This stage of approval shall be the only approval required for a Condominium. The technical requirements for Plats set forth in Section 6.13 of this Chapter shall not apply, since Condominiums have separate technical standards set forth in Chapter 703 of the Wisconsin Statutes.

(6) Required Improvements. Section 6.15, relating to required improvements.

(7) Design Standards. Section 6.16, relating to design standards for improvements.

(8) Dedication Requirements. Section 6.17, relating to dedication requirements.

(C) Exceptions. This Chapter shall not apply to the following Condominiums:

(1) Prior Condominium. Any Condominium Plat recorded prior to the effective date of this Chapter.

(2) Conversion Condominium. 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.

Section 6.20 Modifications or Waivers

(A) Application and Standards.

(1) Where, in the judgment of the Town Board, after considering the recommendation of the Plan Commission, it would be inappropriate to strictly apply the provisions of this Chapter because an exceptional circumstance exists, the Town Board may waive or modify any requirements to the extent deemed just and proper.

(2) Application for any such Modification or Waiver shall be made in writing by the Land Divider at the time when any application is filed for consideration, stating fully all facts relied upon by the Land Divider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis

of the proposed project.

(3) Before the Town Board may act on a request for Modification or Waiver, the application and all supporting materials must be first presented to the Plan Commission for its review and recommendation based on the factors set forth below. The Town Clerk shall, within forty-five (45) days of receipt of the application for a Modification or Waiver, place the matter on a Plan Commission agenda for review and action.

(B) Findings Necessary to Support Modification or Waiver. The Plan Commission and the Town Board shall consider the following factors, in addition to any other factors deemed relevant by the bodies:

(1) Whether granting the request for a Waiver or Modification is consistent with the general intent of this Chapter and the Comprehensive Plan and the County Zoning Ordinance.

(2) Whether granting the request for a Waiver or Modification is not detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(3) Whether granting the request for a Waiver or Modification benefits the Land Divider's division of land in a way that is not inconsistent with the Town's interests.

(4) Whether the Land Divider is otherwise in full compliance with other applicable ordinances and agreements with the Town.

(5) Whether the conditions upon which the request for a Waiver or Modification are based are unique to the situation or property for which the Modification or Waiver is sought and are not applicable generally to other situations or property.

(C) Approval and Notice of Exception. The Town Board, if it approves a Modification or Waiver, shall do so by motion or resolution and instruct the Town Clerk to notify the Land Divider.

(D) Voting Requirements. A majority vote of the entire membership of the Town Board shall be required to grant any Modification or Waiver of this Chapter, and the reasons shall be entered in the minutes of the Board.

(E) Placement of Monuments/Surety. The Town Board may waive the placing of monuments, required under Wis. Stat. § 236.15(b), (c) or (d), for a reasonable time on condition that the Land Divider provide appropriate surety to insure the placing of such monuments within the time required.

Section 6.21 Enforcement, Penalties and Remedies

(A) Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any division of land within the jurisdiction of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

(B) Penalties.

(1) Fine. Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture shall be imprisoned in the Columbia County jail until the payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.

(2) Improper Recordation. Improper recordation has penalties provided in Wis. Stat. § 236.30.

(3) Conveying Unrecorded Lots. Conveyance of Lots or Parcels in an unrecorded Land Division has the penalties provided in Wis. Stat. § 236.31.

(4) Disturbance of Monuments. Monuments disturbed or not placed has penalties provided in Wis. Stat. § 236.32.

(C) Appeals. Any person aggrieved by an objection to a Final Plat or CSM or a failure to approve a Final Plat or CSM may appeal therefrom, as provided in Wis. Stat. §§ 236.13(5) and 62.23(7)(e)(10), (14) and (15), within 30 days of notification of the rejection of the Final Plat or CSM.

Adopted: Amended Chapter 6 – Land Division on October 13, 2022