

TOWN OF SPRING PRAIRIE

CHAPTER XVII

LAND DIVISION CONTROL

SECTION 17.00. INTRODUCTION.

17.01. Authority. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

17.02. Purpose. The purpose of this chapter is to regulate and control the division of land within the limits of the Town of Spring Prairie, Walworth County, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics and general welfare of the Town and its environs.

17.03. Intent. It is the general intent of this chapter to regulate the division of land consistent with the Master Plan for the Town of Spring Prairie: 2020 which has been adopted by resolution of the Town Plan Commission on November 29, 2000, and the Town Board on December 11, 2000, as amended from time to time, and so as to:

- a. Obtain the wise use, conservation, protection and proper land development of the Town's soil, water, wetland, woodland and wildlife resources;
- b. Lessen congestion in the streets and highways;
- c. Further the orderly layout and appropriate use of land;
- d. Secure safety from fire, panic and other dangers;
- e. Provide adequate light and air;
- f. Facilitate adequate provision for housing, transportation, water supply, storm water, waste water, schools, parks, playgrounds and other public facilities and services;
- g. Secure safety from flooding, water pollution, disease and other hazards;
- h. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

- i. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- j. Preserve natural vegetation and cover and promote the natural beauty of the Town;
- k. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
- l. Regulate the further division of larger tracts into smaller parcels of land;
- m. Ensure adequate legal description and proper survey monumentation of subdivided land;
- n. Provide for the administration and enforcement of this chapter;
- o. Provide penalties for its violation; and
- p. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans, neighborhood plans, adopted plan components, zoning ordinance and the Town Building Code.

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

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

17.06. Title. This chapter may be referred to as the "Land Division Ordinance, Town of Spring Prairie, Walworth County, Wisconsin".

#### SECTION 17.10. GENERAL PROVISIONS.

17.11. Jurisdiction. Jurisdiction of these regulations shall include all unincorporated lands within the Town of Spring Prairie, Walworth County, Wisconsin. The provisions of this chapter as it applies to divisions of tracts of land shall not apply to:

- a. Transfers of interests in land by will or pursuant to court order.
- b. Leases for a term not to exceed ten (10) years, mortgages, or easements.
- c. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances.
- d. Cemetery plats made under Wisconsin Statute 157.07.
- e. Assessors' plats made under Wisconsin Statute 70.27, but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

17.12. Compliance. No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor land division, or replat as defined herein, and no such subdivision, minor land division, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- a. Walworth County Land Division Ordinance.
- b. Chapter 236, Wisconsin Statutes.
- c. Rules of the Wisconsin Department of Industry, Labor and Human Relations, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by public sewer and provisions for such services have not been made.
- d. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- e. Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection setting water quality standard preventing and abating pollution, and regulating development within flood land, wetland and shore land areas.
- f. The Master Plan for the Town of Spring Prairie: 2020, as amended from time to time.

- g. Any other duly approved comprehensive plan or comprehensive plan component of the Town of Spring Prairie, Walworth County, Wisconsin.
- h. All other applicable local and county ordinances and regulations.

17.13. Dedication and Reservation of Lands. Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of a public street, drainage way, or other public way which has been designated on a duly adopted Town or regional master or comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in this chapter.

17.14. Improvements. Before final approval of any final plat located within the jurisdiction limits of this chapter, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Town Attorney or a certified check in an amount equal to one hundred twenty-five percent (125%) of estimated cost of the improvements -- said estimate to be made by the Town Plan Commission after review and recommendation by the Town Engineer -- as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than two (2) years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Town Engineer.
- b. Survey monuments: Before final approval of any plat within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

17.15. Variances. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Chapter shall be granted unless the

Town Board finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a. Exceptional circumstances: There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Control Chapter should be changed).
- b. Preservation of property rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- c. Absence of detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

A simple majority vote of the Town Board shall be required to grant any such variance to the provisions of this chapter.

The Town Board may waive the placing of monuments, required under Section 236.15(1)(b), (1)(c), and (1)(d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by the Town.

17.16. Land Suitability. No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Town. In addition:

- a. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (i.e.: septic tank or mound system) system shall include flood lands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
- b. Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites

which are to be served by on-site soil absorption sewage disposal systems.

- c. Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sewage disposal systems.
- d. Lands having bedrock within six (6) feet of the natural, undisturbed surface shall not be divided into building sites to be served by on-site solid absorption sewage disposal systems.
- e. Lands having groundwater within six (6) feet of the natural, undisturbed surface shall not be divided into building sites to be served by on-site solid absorption sewage disposal systems.
- f. Lands covered by soils having an unsatisfactory percolation rate as determined by the Town Engineer in accordance with applicable chapters of the Wisconsin Administrative Code shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- g. Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems unless the location of such system is first approved by the Town Engineer who shall have the right to require drain tile to be relocated and rerouted as a condition of such approval.

The Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if they so desire. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

17.17. Violations. It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this chapter or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a building permit by the Town authorizing the building on or improvement of any subdivision, minor land division, or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

17.18. Penalties and Remedies. Any person, firm, or corporation who violates or fails to comply with the provision of this chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

- a. Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- b. Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- c. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

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

#### SECTION 17.20. SUBDIVISION PROCEDURE.

17.21. Pre-Application Conference. It is recommended that, prior to the filing of a conceptual plan or preliminary plat, the subdivider consult with the Town Plan Commission in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible adverse effects on the neighborhood and

community. The subdivider will gain a better understanding of the subsequently required procedures.

17.22. Conceptual Plan. It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider submit ten (10) copies of a conceptual plan of the proposed land division prepared in accordance with this chapter for review and comment by the Town Plan Commission and Town Engineer. The conceptual plan is intended to provide an early opportunity to review policy issues relating to the development and its possible adverse effects on the adjacent neighborhood and community.

17.23. Preliminary Plat Review. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat with supporting data and a letter of application. The preliminary plat and supporting data shall be prepared in accordance with this chapter, the Walworth County Land Division Ordinance and Wisconsin law and the subdivider shall file an adequate number of copies of the plat with supporting data and the application with the Walworth County Planning and Zoning agency together with all necessary fees at least thirty (30) days prior to the meeting of the Town Plan Commission at which first consideration is desired.

- a. The preliminary plat and supporting data shall then be reviewed by the Town Plan Commission and Town Engineer for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components and neighborhood plans and shall make a recommendation to the Town Board.
- b. The Town Board shall, within sixty (60) days of the date of filing of a preliminary plat and supporting data with the Town Clerk, approve, approve conditionally, or reject such plat. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Town's permanent file.
- c. Failure of the Town Board to act within sixty (60) days shall constitute an approval of the plat as filed.
- d. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as

indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat and supporting data shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Town Plan Commission at the time of its submission.

17.24. Final Plat Review Within the Town. The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Walworth County Planning and Zoning agency at least forty-five (45) days prior to the meeting of the Town Board at which action is desired.

- a. If permitted by the Town Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a "phase" or addition to the approved preliminary plat.
- b. The Town Plan Commission and Town Engineer shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval or rejection of the plat to the Town Board.
- c. If the final plat is not submitted within two (2) years of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.
- d. The Town Board shall, within sixty (60) days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
- e. Failure of the Town Board to take action on the plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- f. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the

certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds.

- g. The subdivider shall file five (5) copies of the approved final plat as recorded with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected departments for their files.

17.25. Replat. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in section 17.20.

17.26. Covenants. The Town Board or the Town Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision, and otherwise protect the proposed development. The Town Attorney shall review all covenants and shall approve covenants as to form.

17.27. Deed Restrictions. The Town Board may require that deed restrictions be filed with the final plat.

Section 17.30. MINOR LAND DIVISION-CERTIFIED SURVEY MAP.

17.31. Certified Survey Map Required. A certified survey map prepared by a registered land surveyor shall be required for all "minor land divisions" when it is proposed:

- To divide land into at least two (2) but not more than four (4) parcels or building sites, any one of which is less than fifteen (15) acres in size; or
- To create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot, or outlot.

17.32. Approval Procedure for Certified Survey Map. The certified survey map shall be prepared in accordance with the requirements of this chapter and Section 236.34 of the Wisconsin Statutes as amended from time to time. Five (5) copies of the map and the letter of application shall be filed with the Town Clerk.

- a. The Town Clerk shall, within five (5) normal work days after filing, transmit the copies of the map and letter of application to the Town Plan Commission and Town Board.
- b. The Town Clerk shall transmit a copy of the map to the Town Engineer and all affected Town boards, commissions, or officials for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission and Town Board within twenty (20) days from the date the map is filed. The map shall be reviewed by the Town Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components and neighborhood plans.
- c. The Town Plan Commission shall, within forty-five (45) days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Town Board. Failure to act within the forty-five (45) day period shall constitute a recommendation for approval unless the time to act is extended by consent of the land divider and Plan Commission.
- d. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within seventy-five (75) days from the date of filing of the map unless the time is extended by agreement with the land divider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the land divider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the land divider.
- e. The land divider shall record the approved map with the Walworth County Register of Deeds after approval by the Town Board and any other agency for which approval is required.
- f. The land divider shall file five (5) copies of the certified survey map as recorded with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected Town officials for their files.

17.33. Certified Survey Map Information. The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- a. All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
- b. Setbacks or building lines required by the Town Plan Commission or other ordinances.
- c. Utility and/or drainage easements.
- d. All lands reserved for future acquisition.
- e. Existing contours when required by the Town Engineer at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (mean sea level) as available. This requirement may be waived if the parcel(s) are fully developed.
- f. Proposed lot drainage as may be required by the Town Engineer or Town Plan Commission.
- g. Date of map, graphic scale and north arrow.
- h. Name and address of the owner, subdivider and surveyor.
- i. Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural, undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- j. Location of soil percolation tests where required by the Wisconsin Administrative Code, conducted in accordance with applicable provisions of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

17.34. State Plane Coordinate System. Where the map is located within a U.S. Public Land Survey quarter-section, the corners of which have been

relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village, or Town, the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

17.35. Certificates. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

Section 17.40. MINOR LAND DIVISION-PLAT OF SURVEY.

17.41. Plat of Survey Required. A plat of survey prepared by a registered land surveyor shall be required for all "minor land divisions" when a certified survey map is not required.

17.42. Plat Requirements. The plat of survey shall meet the following requirements:

- a. "Plat of survey" shall be printed on the plat in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted.
- b. The sheets thereof shall be numbered consecutively, shall contain a notation giving the total number of sheets in the plat of survey and shall show the relationship of that sheet to the other sheets.
- c. The plat of survey of shall set forth the following:
  - Date of the plat of survey
  - Graphic scale
  - Name and address of owner and surveyor
  - Names of streets, highways, streams, lakes and wetlands

- Flood land and shore land boundaries
- d. A certificate by the surveyor or surveyed, divided and mapped the land with the following information:
- A clear and concise legal description of the land surveyed, divided and mapped, and each parcel therein, and of all lands being dedicated for public use, including but not limited to highways and easements.
  - A statement that the map is a correct representation of all exterior boundaries of the land surveyed and the division of that land.

Section 17.50. REQUIRED LAND IMPROVEMENTS.

17.51. General. No division of land by final plat or certified survey map shall be approved or construction or installation of improvements begun without receiving a statement signed by the Town Chairman and Town Clerk certifying that the improvements described in the subdivision's plans and specifications, together with agreements, meet the minimum requirements of all ordinances and design standards of the Town.

17.52. Street Plans, Improvements and Standards. The division of land, including the arrangement, character, extent, width, grade and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the county jurisdictional highway system plan, comprehensive plans or plan component, or neighborhood unit development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- a. Street or private driveway improvements are required to be constructed in conformity with the Design Standards adopted by the Town.
- b. Final surface for public streets should be delayed to avoid premature damage of final surface course. Final surface course should be installed after approximately fifty percent (50%) of the lots have experienced construction, as determined in the "Contract for Subdivision or Development Improvements", but not more than three (3) years.
- c. All minimum standards established are intended to be construed solely as minimums. Additional standards may be required

depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the Design Standards established by the Town. The Town Engineer may recommend and the Town Plan Commission may require standards beyond the minimums set forth when geological conditions dictate the necessity for additional standards.

- d. All right-of-way widths shall conform to the dimensions shown in Design Standards adopted by the Town.
- e. Minor streets shall be so laid out that their use by non-local traffic will be discouraged, without impairing overall traffic or utility efficiency.
- f. Alleys in residential districts are not permitted, except where deemed necessary and at the discretion of the Town Board.
- g. Where an existing, dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- h. Temporary termination of the streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection, 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.
- i. No street names may be used which will duplicate, or be confused with the names of the existing streets. Existing street names must be projected wherever possible. Each street name shall be approved by the Town Board.
- j. Provisions should be made for serving lots abutting primary, major and arterial streets and highways by the use of restriction of access only to internal subdivision streets. Frontage streets should be avoided.
- k. Streets are the preferred routing of the overland emergency floodway.
- l. An approval letter from the jurisdiction controlling driveway access shall be provided.

- m. Streets should intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
  - 1. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
  - 2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between the intersections shall not be less than 1,200 feet.
  - 3. Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjointment across the major or collector street is continuous; and a jog is avoided.

17.53. Easements. Easements, when required for Town or utility district owned and/or maintained utilities, shall be at least twenty (20) feet wide and shall include a provision prohibiting the installation of trees, shrubs, hedges, bushes, playground equipment, fences, sheds, or other buildings and any other type of structure or building other than those owned by the Town or utility district. All other easements provided for non-municipally owned utilities shall meet the requirements of the individual company.

- a. The Town may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, side and rear yard drainage and other utility lines.
- b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width needed to straighten, or for maintenance access, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.
- c. Easements shall be added when storm water from public or other private areas drain to a publicly or privately owned and maintained (de)(re)tention area such that a perpetual right to drain is established and the Town retains the right to enter the easement

and perform any necessary maintenance if the private property owner fails to adequately maintain the privately owned area.

17.54. Lot and Block Standards.

- a. The lengths of blocks should, as a general rule, not be less than 600 feet or more than 1,500 feet.
- b. No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.
- c. Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles; all in accordance with applicable Walworth County ordinances and codes.
- d. The minimum lot dimensions for residential development shall be pursuant to the County Zoning Ordinance at the established building line. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building set back lines on both streets.
- e. Building lines shall conform to the front yard provisions of the Zoning Ordinance, and in no instance, shall the building lines be less than 25 feet from the street line.
- f. Double frontage lots are discouraged except where lots back upon a primary street (major thoroughfare) and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional rear yard depth of at least 20 feet in order to allow for a protective screen planting.
- g. Lots abutting a limited access highway, railroad, watercourse, drainage way, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the Zoning Ordinance for front, rear and side yards.

17.55. Public Sites and Open Spaces. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for drainage ways and other public purposes. If designated

on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

17.56. Hydrology and Soils. Direction shall be included in both the plans and special provisions in sufficient detail to define what physical measures the developer shall perform to eliminate the effects of soil erosion (refer to Wisconsin Construction Site Best Management Practice Handbook), mud tracking and the resultant sedimentation problems both on and off the site. Control of erosion shall be required both during and following construction, until the soils are stabilized and expiration of the required maintenance bond.

17.57. Sewerage Disposal. A subdivision plat shall in no case be approved which shall be dependent upon individual septic systems and private wells, except where lots therein contain not less than 40,000 square feet each and shall not be less than 150 feet in width. Any utility district maintained utilities shall be placed within dedicated rights-of-way and approved easements and, specifically, those utilities shall not be placed upon private properties except for condominium or planned developments in which alternate agreement(s) are entered into by the Town and the developer.

17.58. Public Utilities-Subdivisions. All existing utility lines, conduits, or cable for electric, telephone, cable television and other communication services should be placed in a minimum of 24 inches underground within the easements or within 10 feet of the right-of-way line of dedicated public ways as recommended by the Town Engineer and as approved by the Town Board in conjunction with the approval of any final plat of subdivision, condominium, or planned unit development. All transformer boxes shall be located so as not to be hazardous to the public.

17.59. Landscaping, Street Signs and Survey Monuments.

- a. Landscaping shall be required to be constructed in accordance with any Design Standards adopted by the Town from time to time.
- b. Maintenance of the parkway area, defined as that area adjacent to any lot or parcel between the property line and any street shoulder, shall be the responsibility of the property owner of said lot or parcel including, but not limited to:
  1. Mowing of grass or ground cover.

2. Private driveway approaches.
  3. The flare from the pavement edge extended, for a private driveway approach.
  4. Tree trimming and watering to assure a healthy, well-shaped appearance and maintaining adequate roadway clearances, as approved by the building inspector.
  5. Keeping culvert opening free of debris.
  6. Mailboxes and support structures.
- c. Each subdivider or subdivision owner shall provide for the adequate lighting of public streets within the proposed subdivision in accordance with any standards and requirements established by the Town Engineer in accordance with the provisions of this chapter and subject to the approval of the Town. It shall be the responsibility of the subdivider or subdivision owner to pay the installation cost of all such lighting.
  - d. The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.26 of the Wisconsin Statutes and as may be required by the Town Engineer.
  - e. Street signs and guard rails shall, at the option of the Town Board, be obtained by the Town and placed where necessary by the Town and the cost of the same shall be paid for by the subdivider.

Section 17.60. ACCEPTANCE PROCEDURE.

17.61. Substantial Completion. Upon written request of the subdivider, and after all the required improvements have been substantially completed, the Town Engineer shall make an inspection of the work.

- a. The Town Engineer shall then prepare a Substantial Completion Certificate and Punchlist for correction of items which do not comply with the approved drawings and specifications for Design Standards of the Town which need immediate attention. Upon completion of all items listed in the punchlist, the subdivider shall sign and return the Substantial Completion Certificate.
- b. If all punchlist items are found to be completed, the Town Engineer shall notify the town Clerk in writing that the project has been substantially completed.

- c. If items required for substantial completion are not taken care of in a timely manner, the Town Board reserves the right to make a claim on the developer's bond or letter of credit to complete the necessary work, or withhold building and occupancy permits.

17.62. Final Acceptance. Upon written request of the subdivider, after all the required improvements have been completed and record drawings have been submitted, the Town Engineer shall make a final inspection of the completed work.

- a. The Town Engineer shall then prepare a Final Completion Certification and Final Punchlist for correction of items which do not comply with the approved drawings and specifications or Design Standards of the Town. Upon completion of all items listed in the final punchlist, the subdivider shall request, in writing, a reinspection. If all punchlist items are found to be completed, the Town Engineer shall notify the Town Clerk, in writing, of his recommendation for approval and acceptance of the work. The Town Clerk shall schedule the acceptance for the next regular Town Board meeting.
- b. Prior to final acceptance of the public improvements, the subdivider shall pay any outstanding invoices and submit five percent (5%) maintenance bond for the full value of the public improvements as estimated by the subdivider's engineer and verified by the Town Engineer. Said maintenance bond shall be the developer's guarantee against defects of the public improvements and shall terminate one (1) year after acceptance of maintenance of the public improvements by the Town Board.
- c. Upon acceptance by the Town Board, the balance of the public improvements construction guarantee, cash, or letter of credit and any deposited fees remaining shall be released to the subdivider.

17.63. Building Permit. No building permit shall be issued by any governing official for the construction of any building, structure, or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this chapter have been fully complied with, nor will any permit for any temporary or permanent facilities or structures be issued until all roadways are capable to support emergency equipment.

17.64. Occupancy Permit. No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting and replatting until required utility facilities have been installed and made ready to service the property, and that roadways

providing access to the subject lot or lots have been substantially completed, excluding final surface course. In case of corner lots, this shall include both streets upon which the property is located.

#### SECTION 17.70. DEVELOPERS OR SUBDIVIDERS AGREEMENTS.

17.71. General. Prior to improving the property, a final plat must be filed for record and be accompanied by the following:

- a. An opinion of probable cost of all public improvements prepared by a professional engineer licensed in the State of Wisconsin.
- b. Construction plans and specifications for such improvements previously approved by the Town Engineer.
- c. Agreements executed by the Town and the subdivider wherein they agree to make and install the improvements, in accordance with the plans and specifications accompanying the final plat.
- d. Letter of credit in a form approved by the Town in the amount of one hundred twenty-five percent (125%) of the Town Engineer's opinion of probable cost of the installation of such improvements with good and sufficient surety thereon, to be approved by the Town Board, conditioned upon the installation of the required improvements within two (2) years of the approval of the final plat.
- e. Maintenance bond in an amount not less than five percent (5%) of all public improvements, approved by the Town Engineer, providing guarantee of workmanship and materials. The maintenance bond shall be delivered to the Town and shall guarantee for a period of one (1) year from the project's final acceptance the public improvements items and improvements of a public nature that are constructed in a private development, including but not limited to streets, ditches, sewer mains and street lights.
- f. The work schedule for each major phase of work to be performed under this agreement, with estimated starting and completion dates.

17.72. Reduction of Letter of Credit. The letter of credit can be periodically reduced by the Town Clerk upon recommendation of the Town Engineer.

- a. The subdivider may submit to the Town Engineer a list of completed items and their cost along with copies of waivers of lien for the completed items. Upon review of these submittals, the Town Engineer shall recommend to the Town Clerk the reduction in

the value of the letter of credit to be approved. Each reduction shall not be more than the value of items estimated in the letter of credit guarantee amount.

- b. The twenty-five percent (25%) contingency shall be held as retainage and not released until acceptance of the project and receipt of the five percent (5%) maintenance bond as specified herein.

17.73. Insurance. The subdivider's contractor shall provide and maintain comprehensive general liability insurance which will protect the Town and each of its officers, employees, agents and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable.

- a. Comprehensive general liability insurance shall provide coverage in the amounts reasonably acceptable to the Town.
- b. The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Town Clerk and Town Engineer.
- c. The policies of insurance so required by this paragraph to be purchased and maintained shall:
  - 1. With respect to comprehensive general liability insurance, include as additional insureds the Town and Town Engineer, all of whom shall be listed by name as additional insureds, and include coverage for the respective officers and employees of all such additional insureds;
  - 2. Remain in effect at least until final payment and at all times thereafter when the subdivider may be correcting, removing, or replacing defective work in accordance with this chapter, and
  - 3. With respect to completed operations insurance, shall remain in effect for at least two (2) years after final payment (and the subdivider shall furnish the Town and any other additional insured to whom an insurance policy has been furnished, evidence satisfactory to the Town and any such additional insured of continuation of such insurance at final payment and one (1) year thereafter).

## SECTION 17.80. DEFINITIONS.

17.81. General Definitions. For the purposes of this chapter, the following definitions shall be used. 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.

### 17.82. Specific Words and Phrases.

#### Alley

A special public way affording only access to abutting properties.

#### Arterial Street

A street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

#### Block

A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters and municipal boundaries.

#### Building Line

A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.

#### Collector Street

A street used or intended to be used to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

#### Community

A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.

#### Comprehensive Plan

The extensively developed plan, also called a master plan, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

#### Conduit

A buried pipe for the installation of wires or cables or the conveyance of gas, water, storm water, or sewage.

Contractor

An individual, company, firm, or other party or organization who contracts to physically construct all or a portion of a project for either a subdivider or the Town.

Crosswalk

A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-Sac

A local street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Easement

A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Flood Protection Elevation.

An elevation two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above maximum flood of record.

Flood Lands

Those lands, including the channels, flood ways and floodplain fringe of any given reach, which are subject to inundation by a flood with a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a one percent [1%] probability of occurring in any given year) is generally used for zoning regulation. Other flood events used in this chapter are the 50-year recurrence interval flood (or that flood having a two percent [2%] probability of occurring in any given year) and the 10-year recurrence interval flood (or that flood having a ten percent [10%] probability of occurring in any given year). Where detailed flood data is not available, the maximum flood of record is used.

Frontage Street

A minor street auxiliary to and located on the side of any arterial street for control of access and for service to the abutting development.

High Water Elevation (Surface Water)

The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the

water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

#### Lot

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in this and County ordinances.

#### Minor Land Division

Any division of land not defined as a "subdivision". Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot; or the division of any number of parcels greater than five (5) acres in size (thus not constituting a "subdivision" as defined in this chapter) into parcels less than thirty-five (35) acres in size.

#### Minor Street

A street used or intended to be used primarily for access to abutting properties.

#### Outlot

A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be dedicated to the public, redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

#### Parkway

That area of a street right-of-way between the pavement edge and the right-of-way line intended for use primarily by pedestrian traffic or roadside ditches and developed in a park-like character.

#### Public Way

Any public road, street, highway, walkway, drainage way, or part thereof.

#### Record Drawings

Design drawings checked in the field and which are revised to show as-construction location, elevation, grading and specification of material for improvements and utilities.

#### Replat

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

Street

An area of land which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.

Street, Public

All primary, secondary and minor streets which are shown on the subdivision plat and are to be dedicated for public use.

Street, Major

A street for interurban continuity or regional importance; that provides reasonably continuous routes through the whole or major portion of the Town, or any street which carries volume greater than 12,000 vehicles per day.

Street, Secondary

Those which carry volume between 5,000 and 12,000 vehicles per day and act as main feeders or connector streets between major streets, serving as major trafficways for heavy traffic flow between the various residential districts and areas in and surrounding the Town.

Street, Commercial and Industrial

Those which, as feeders to commercial and industrial districts from and between major secondary streets, serving as major trafficways for heavy vehicle and truck traffic regardless of volume.

Street, Major Residential

Those carrying 1,000 to 5,000 vehicles per day from minor streets within residential development areas, to secondary or major streets.

Street, Residential

Those having limited continuity and carrying up to 1,000 vehicles per day which are used primarily for access to abutting properties, or to meet the local traffic flow needs of a neighborhood or community.

Subdivider

Any person, firm, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division or replat, responsible for preparing and recording the plats of the subdivision and for complying with these requirements. The term "developer" may be used interchangeably with subdivider for the purpose of these standards.

### Subdivision

The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive division within a period of five (5) years.

### Surety Bond

A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

### Town Engineer

The individual or firm appointed or contracted by the Town who is licensed to practice professional engineering in the State of Wisconsin and is responsible for reviewing subdivision plans on behalf of the Town, recommends changes from time to time to these Design Standards and performs other duties as directed by Town Ordinance.

### Wetlands

Those lands which are partially or wholly covered by marshland flora and generally covered with shallow, standing water or lands which are wet and spongy due to a high water table.

### Wisconsin Administrative Code

The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.