

CHAPTER 29: SUBDIVISION AND PLATTING

SECTION 29.01 INTRODUCTION

A. AUTHORITY.

These regulations are adopted under the authority granted by Wis. Stat. § 236.45.

B. PURPOSE.

The purpose of this chapter is to regulate and control the division of land within the Town of Baraboo in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Town and its environs.

C. INTENT.

It is the general intent of this chapter to regulate the division of land so as to:

1. Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
2. Lessen congestion in the streets and highways.
3. Further the orderly layout and appropriate use of land.
4. Secure safety from fire, panic and other dangers.
5. Provide adequate light and air.
6. Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services.
7. Secure safety from flooding, water pollution, disease, and other hazards.
8. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
9. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
10. Preserve natural vegetation and cover and promote the natural beauty of the Town.
11. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.
12. Facilitate the further division of larger tracts into smaller parcels of land.

13. Ensure adequate legal description and proper survey monumentation of subdivided land.
14. Provide for the administration and enforcement of this chapter.
15. Provide penalties for violations of this chapter.
16. Implement those Town, County, watershed, or regional comprehensive plans or their components adopted by the Town; in general, to facilitate enforcement of Town development standards, as set forth in the adopted regional, County, and Town comprehensive plans, adopted plan components, the Zoning Code, the Official Map and the Building Code of the Town.
17. Maintain the quality of the environment and protect the groundwater from contamination and pollution.
18. Maintain the orderly layout and use of land and prevent undue concentration of population using private sanitary systems, to insure the best possible environment for human occupation, and to prevent urban sprawl in areas not served by public sanitary sewer service.

D. ABROGATION AND GREATER RESTRICTIONS.

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

E. 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.

F. NONLIABILITY.

The Town does not guarantee, warrant, or represent that those soils listed in the Sauk County Soil Survey Map as being unsuited for specific uses are the only unsuitable soils in the Town. Furthermore, the Town does not guarantee, warrant, or represent that only those areas designated as flood-lands will be subject to periodic inundation. The Town hereby asserts that there is no liability on the part of the Town, its agencies or its employees for sanitation problems, structural damage, or flood damages that may occur as a result of reliance upon, and conformance with, this Chapter.

G. TITLE.

This chapter shall be known as, referred to or cited as the "Subdivision and Platting Code, Town of Baraboo, Sauk County, Wisconsin."

SECTION 29.02 GENERAL PROVISIONS.

A. JURISDICTION.

Jurisdiction of these regulations shall include all lands within the Town of Baraboo. The provisions of this chapter, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to the following:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages, or easements.
3. 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.
4. Cemetery plats made and recorded according to current Wis. Stat. § 157.07.
5. Assessors' plats made and recorded in accordance with current Wis. Stat. §§ 70.27; 236.15(1)(a) to (g); and 236.20(1) to (2)(e).
6. Transportation project plats made and recorded in accordance with current Wis. Stat. § 84.095.

B. COMPLIANCE.

No person, firm or corporation shall divide any land located within the Town of Baraboo which shall result in a subdivision, minor land division, or replat, as defined herein, without complying with the provisions of current Wis. Stat. Ch. 236, and the requirements of this Chapter, whichever are more restrictive. This Chapter shall apply to Condominiums created under current Wis. Stat. Ch. 703, where an actual subdivision or minor land division results. No subdivision, minor land division, or replat shall be entitled to be recorded and no street shall be laid out nor building permit issued where a subdivision, minor land division, or replat results without compliance with the provisions of current Wis. Stat. Ch. 236, and the requirements of this Chapter, whichever are more restrictive. All subdivisions, minor land divisions, and replats shall further comply with the following:

1. The rules and regulations contained in the Wis. Admin. Code and the Wisconsin Statutes for land divisions not served by public sanitary sewer system, except the minimum lot or parcel size requirements of this Chapter shall control for lots or parcels not served by a public sanitary sewer system.
2. The rules of the Division of Highways, Wisconsin Department of Transportation contained in the Wis. Admin. Code for Subdivisions and minor land divisions relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned and controlled by the **sub-divider** abuts on a state trunk highway or connecting street.

3. The rules of the Wisconsin Department of Natural Resources contained in the Wis. Admin. Code setting water quality standards preventing and abating pollution and regulating development within flood-land, wetland, and shoreland areas.
4. Comprehensive plans or components of such plans prepared by state, county, or municipal agencies, duly adopted by the Town Board of the Town of Baraboo.
5. All applicable local and county regulations, including zoning, sanitary, building, and official mapping ordinances, except the sub-divider shall comply with the minimum lot or parcel size requirements of this Chapter, for lots not served by a public sanitary system.
6. A developer's or sub-divider's agreement between the Town and the developer or sub-divider.
7. Except to the extent expressly set forth in this Chapter, all applicable regulations contained in the Wis. Admin. Code not listed in this subsection.
8. The requirements of Town departments, as determined during review of the subdivision or minor land division.
9. The Town's sewer and water rules and regulations concerning sewer and water installations and services. These rules, and the Town's sewer use ordinances, are incorporated herein by reference and made a part hereof as though fully set forth herein.
10. Except for lots and parcels not served by a public sanitary sewer system, minimum lot size and width requirements shall conform to the area and width requirements prescribed for the zoning district in which the property is located.
11. The Town of Baraboo Master Plan, Official Map, or Comprehensive Plan, or components thereof:
 - a. Whenever a parcel to be subdivided embraces any part of a street, highway, or green way, designated in said Master Plan, Official Map, or Comprehensive Plan, such part of such proposed public way shall be platted and dedicated by the sub-divider in the location and width indicated along with all other streets in the Subdivision.
 - b. When a proposed school site, or other public grounds shown on the Master Plan, Official Map, or Comprehensive Plan of the Town of Baraboo, is located in whole or in part within the proposed subdivision or minor land division, such proposed public ground or park may be dedicated to the public, or reserved for a period of five years from the date of approval of the final plat or minor land division, for the acquisition by the Town, the municipality in which it is located, or any other appropriate agency having the authority to purchase said property. The Town, or agency having authority to purchase said property, and the sub-divider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five-year period.

C. DEDICATION AND RESERVATION OF LANDS.

1. Streets, Highways and Drainageways. Whenever a tract of land to be divided encompasses all or any part of an arterial street, public drainageway, or other public way which has been designated in the General Plan, Plan Component, or on the Official Map of the Town, said public way shall be made a part of the plat, and dedicated or reserved by the sub-divider in the locations and dimensions indicated on said plan or component, and as set forth in sec. 29.07 of this chapter. Should the Town require less dedication than is specified by sec. 29.07 of this chapter or by the Official Map, the excess right of way shall be reserved for future acquisition by the Town.

2. Other Public Sites. Whenever a proposed park or other public land other than streets or drainageways designated in the comprehensive plan, the Official Map, or adopted plan components of the Town is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the Town by the sub-divider at the rate of 0.04 acre for each proposed dwelling units or 5% of the land area being subdivided, whichever is greater.

D. IMPROVEMENTS.

1. Before final approval of any plat, the sub-divider shall:

a. Enter into an agreement with the Town to install the required improvements;

(1) The improvements may be installed after approval of a preliminary plat or certified survey map, but not later than as specified in the sub-divider's agreement.

(2) If the completion date of the improvements is not set forth in the sub-divider's agreement, the improvements shall be completed within one year of the date of the recording of the final plat, except that the surface course of asphalt shall be completed after one freeze-thaw cycle but no later than July 1 after the freeze-thaw cycle.

b. File with the sub-divider's agreement an irrevocable letter of credit, or other appropriate sureties meeting the approval of the Town Attorney, equal to the estimated cost of the improvements.

2. Improvement cost estimates must be made by the developer, reviewed by the Town Engineer, and approved by the Board to be acceptable under this Chapter.

3. Plans and specifications for all improvements shall be reviewed and approved by the Town Engineer, in writing, prior to commencement of construction and the submission of the final plat for review.

4. The sub-divider may submit an interim final plat with the improvement plans; however, review and approval of a final plat shall not be initiated until the improvement plans have been reviewed, approved, and the sub-divider's agreement has been fully executed.

5. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights of way, as well as the contractors and subcontractors providing such work, shall be subject to the prior written approval of the Town Engineer, in accordance with Town standards and specifications.

6. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

7. Before final approval of any plat within the Town, the sub-divider shall install survey monuments placed in accordance with the requirements of current Wis. Stats., including § 236.15, and as may be required by the Town Engineer.

8. Prior to the acceptance of a final plat, the sub-divider shall furnish, when required by the Town, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services, and all other utilities, which shall be in a form approved by the Town Attorney, pursuant to current Wis. Stats., including §§ 66.0701-66.0703, and shall be recorded in the office of the Register of Deeds in the same manner as a Lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Board.

E. VARIANCES.

1. Granting of Variances. Where, in the judgment of the Town Board, after report and recommendation by the Plan Commission, it would be inappropriate, owing to special conditions, to apply literally the provisions of sub. F, below, and Sections 29.07 and 29.08 of this Chapter, and/or the lot size, minimum yard dimensions, or maximum lot coverage, because an unnecessary hardship would result, the Town Board may waive or modify any such requirement to the extent deemed just and proper so that substantial justice may be done and the public interest served.

2. Application for Variances. Application for a variance shall be made in writing, by the sub-divider to the Town Clerk, at the time the preliminary plat or certified survey map is filed for consideration. The application shall include:

a. A statement with supporting evidence showing that the proposed variance shall conform to the standards set forth in this subsection;

b. Such additional information deemed necessary to determine and provide for the enforcement of this Chapter, as may be required by the Plan Commission, the Town Board, or officers of the Town; and

c. The prepayment of a fee as provided in Section 29.10 of this Chapter.

3. Public Hearing. Upon receipt of the required fee, application and supporting materials, the Plan Commission shall hold a public hearing at such time and place as shall be established by the Plan Commission.

a. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official Town newspaper at least one week before the date of the hearing.

b. Notice of the time, place and purpose of such public hearing shall also be sent to the subdivider, and to the property owners of records, as listed in the office of the Town Assessor, who are owners of each tax parcel situated, in whole or in part, within 100 feet of the boundaries of the site.

c. This notice shall be mailed by first class mail at least 10 days prior to the date of such public hearing to the address of each owner, as shown in the Town Assessor's records, for each affected tax parcel.

d. Failure to comply with the foregoing publication and/or notice provisions or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action on the variance.

e. The party requesting the variance shall carry the burden to prove, to a reasonable certainty and to the satisfaction of the Plan Commission, that the facts and circumstances of the application establish:

(1) An unnecessary hardship exists due to unique physical characteristics of the property; and

(2) The granting of the variance will neither harm the public interest nor undermine the purposes of the Town Codes.

f. In order to prove unnecessary hardship, all of the following three standards must be proven:

(1) Compliance with the strict letter of the applicable restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Under this standard, the Plan Commission must judge what is a feasible use for the property as a whole, and a variance is not warranted if the physical character of the property will allow the owner to build or develop the property in compliance with the applicable Codes;

(2) The hardship or difficulty is related to the unique physical characteristics of the property. The hardship or difficulty must be peculiar to the property in question, different from that of other parcels, and not one which affects all parcels similarly. The hardship cannot be self-imposed or due solely to the desires of, or conditions

personal to, the applicant, such as the desire to increase the value or income potential of the property; and

(3) The granting of a variance would not harm the public or undermine the purposes of the Town Codes. The Plan Commission shall protect the interests of the public at large and shall preserve the enjoyment of substantial property rights possessed by other properties in the same district and vicinity. A lack of local opposition shall not, in itself, mean that a variance will not harm the public interest.

4. Report. After conducting the public hearing, the Plan Commission shall make a written report and recommendation to the Town Board. After receiving the Plan Commission's report and recommendation, the Town Board may grant such variances to the extent and upon such terms as deemed just and proper, such that the spirit of the Codes is observed; public safety and welfare secured; and substantial justice done.

5. No Hearing Before Board. Unless otherwise expressly directed by the Town Board, no public hearing shall be held before the Town Board to consider the granting or denial of a variance under this Chapter.

F. LAND SUITABILITY.

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

1. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the sub-divider an opportunity to present evidence regarding such unsuitability if the sub-divider so desires. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

G. MINIMUM LOT OR PARCEL SIZE FOR LOTS OR PARCELS NOT SERVED BY PUBLIC SANITARY SEWER SYSTEM.

In order to maintain the quality of a subdivision or minor land division; the orderly layout and use of land; to prevent undue concentration of population using private sanitary systems; to protect the groundwater and the environment; and to insure the best possible environment for human occupation, it is necessary in the public health, safety, and welfare to establish minimum lot or parcel sizes for any lot or parcel not served by a public sanitary sewer system.

1. The minimum lot or parcel size, for a lot or parcel to be used for residential purposes and where the lot or parcel is not served by a public sanitary sewer system, shall be 1.5 acres per dwelling unit.

2. The minimum lot or parcel size for a lot or parcel to be used for a commercial, business, or industrial use where the lot or parcel is not served by a public sanitary sewer system shall be 1.5 acres.
3. The minimum lot or parcel size requirements of this subsection shall not apply to a lot or parcel used exclusively for agricultural purposes.
4. The minimum lot size requirements for a lot served by a public sanitary system shall be in accordance with the zoning requirements as set forth in the Town's Land Use Plan.
5. The provisions of this subsection shall supersede and control the minimum lot size requirements set forth in Section 29.07(6) of this Chapter.

H. 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 the current Wis. Stats., including §§ 62.23(7)(e) and 236.13(5), within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

SECTION 29.03 LAND DIVISION PROCEDURE

A. PREAPPLICATION.

Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the sub-divider consult with the Plan Commission or the Town Engineer in order to obtain their advice and assistance. This consultation is intended to inform the sub-divider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, duly-adopted Town plans, and to otherwise assist the sub-divider in planning development. In so doing, both the sub-divider and the Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the town. The sub-divider will also gain a better understanding of the subsequent required procedures.

B. PRELIMINARY PLAT REVIEW.

1. Submission of Plats. Before submitting a final plat for approval, the sub-divider shall prepare a preliminary plat, a letter of application, and a land division application.
 - a. The preliminary plat shall be prepared in accordance with this chapter.
 - b. The sub-divider shall comply with the procedures of the current Wis. Stats., including §§ 236.11-236.12, and shall file an adequate number of copies of the plat and application with the Town Clerk, at least 25 days prior to the meeting of the Plan Commission at which action is desired.

c. The Clerk shall transmit copies, as appropriate, to agencies specified in current Wis. Stats., including § 236.13, and 2 copies, each, to the Plan Commission, Town Board, Town Engineer, and Town Attorney.

2. Review of Plats. The Plan Commission, hereby designated as recommending authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected boards, commissions, departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction.

a. Their recommendations shall be transmitted to the Plan Commission within 60 days from the date the plat is filed.

b. The preliminary plat shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, general plan, and general plan components which affect it.

C. PRELIMINARY PLAT APPROVAL.

The objecting agencies shall, within 60 days of the date of receiving their copies of the preliminary plat, notify the sub-divider and all other approving and objecting agencies of any objections. If there are no objections, (the delete) they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within 60 days, it shall be deemed to have no objection to the plat. In addition:

1. The Plan Commission shall, within 60 days of the date of filing of a preliminary plat with the Town Clerk, recommend, conditionally recommend, or reject such plat unless an extension of the review period is mutually agreed upon in writing to the Town Board. The Town Board shall within 90 days of the date of filing of a preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat unless an extension of the review period is mutually agreed upon in writing. One copy of the plat shall thereupon be returned to the sub-divider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Plan Commission meeting minutes setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

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

3. 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 6 months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in Wis. Stat. § 236.11(1)(b), the final plat shall be entitled to approval.

D. FINAL PLAT REVIEW.

1. The sub-divider shall submit a final plat and a letter of application in accordance with this chapter and Wis. Stat. §§ 236.11 and 236.12, and shall file an adequate number of copies of the plat and the application with the Town Clerk at least 20 days prior to the meeting of the Plan Commission at which review is desired. In addition:

2. The Clerk shall transmit copies, as appropriate, to agencies specified in Wis. Stat. § 236.12, Wis. Stats., and shall transmit the original final plat and 10 copies to the Plan Commission. A copy shall also be submitted to the fire department.

3. The Plan Commission 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, general plan and general plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the governing body.

4. Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the sub-divider proposes to record at that time.

5. Partial Platting. Should be required to have a CSM recorded for the entire sub-division being requested.

E. FINAL PLAT APPROVAL.

The objecting agencies shall, within 60 days of the date of receiving their copies of the final plat, notify the sub-divider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 60 days, it shall be deemed to not have any objection to the plat.

1. Submission. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Board may reject the final plat in writing, with reasons given.

2. Plan Commission Recommendation. The Plan Commission shall, within 30 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Board.

3. Notification. The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Board and at least 10 days prior to any action of the Board, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.

4. Board Approval or Rejection. The Board shall, within 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 sub-divider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal shall be forwarded to the sub-divider. The Board may not approve the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.

5. Timely Board Action Required. Failure of the Board to take action on the final plat within 60 days, and time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

6. Consent and Waiver. Prior to the acceptance of a final plat, the sub-divider shall furnish, when required by the Town, a consent and waiver of the statutory provisions for special assessment for the installation of all required street and utility improvements as detailed in the developer agreement approved by the Town Board, which will be in a form approved by the Town Attorney pursuant to Wis. Stat. § 66.0701, and shall be recorded in the office of the Register of Deeds in the same manner as a *Lis pendens*. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Board.

7. Recordation. After the final plat has been approved by the 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 shall further cause the plat to be recorded within 30 days of its approval by the Board. The sub-divider shall be responsible for the recording fee.

8. Plat Copies. The sub-divider shall file 10 certified copies of the final plat with the Clerk for distribution to appropriate local agencies and offices.

F. REPLAT.

When it is proposed to replat a recorded subdivision, or part thereof, the sub-divider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stat. §§ 236.36 through 236.445. The sub-divider or person wishing to replat shall then proceed as specified in subs. A through C above. Court vacations of plats are required when areas dedicated to the public are altered. The Clerk shall schedule, within the time period specified in sub. C above for the Plan Commission to take action upon the plat, a public hearing before the Plan Commission when a preliminary plat or a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

G. MINOR LAND DIVISIONS.

1. All minor land divisions shall be subdivided by use of a Certified Survey Map. The owner or sub-divider shall prepare the Certified Survey Map in accordance with this Chapter and shall file 10 copies of the map and the letter of application with the Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired.

2. The Clerk shall, within 2 working days after filing, transmit the copies of the map and letter of application to the Plan Commission.

3. The Plan Commission shall transmit a copy of the map to all affected boards, commissions, departments and all affected public utility companies for their review and recommendations

concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, general plan, and general plan components which affect it. The Plan Commission shall, within 30 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 Board.

4. The Board shall approve, approve conditionally or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the sub-divider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement supplied to the sub-divider. If the map is approved, the Board shall cause the Clerk to so certify on the face of the original map and return the map to the sub-divider.

5. Recordation. The Town Clerk shall record the map with the County Register of Deeds within 10 days of its approval. The sub-divider shall be responsible for the recording fee.

6. Copies. The sub-divider shall file 10 certified copies of the certified survey map with the Clerk for distribution to appropriate local agencies and offices.

SECTION 29.04 PRELIMINARY PLAT

A. GENERAL REQUIREMENTS.

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a Registered Land Surveyor. The plat shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

1. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat within Sauk County unless it is an addition to a previously recorded plat and is so stated on the plat.
2. Property location of a proposed subdivision by government lot, quarter section, Town range, County and State.
3. Date, graphic scale and north arrow.
4. Names and addresses of the owner, sub-divider and land surveyor preparing the plat.
5. Entire area contiguous to the proposed plat owned or controlled by the sub-divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

B. PLAT DATA.

All preliminary plats shall show the following:

1. Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
2. Existing contours at vertical intervals of not more than 2 feet. Elevations shall be marked on 10' major contours based on U.S.G.S. datum.
3. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.
4. Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.
5. 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 plat or immediately adjacent thereto.
6. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally-established centerline elevations, all to U.S.G.S. datum.
7. Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting un-platted lands.
8. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electrical and communication facilities, whether aerial or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the tract, 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.
9. Locations of all existing property boundary lines, corporate limit lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.
10. Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in sec. 29.07.G of this chapter.
11. Location, width and names of all proposed streets and public rights of way such as alleys and easements.

12. Approximate dimensions and area of all lots together with proposed lot and block numbers.
13. Location and approximate dimensions and size of any sites within the plat to be reserved or dedicated for parks, open space, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring creation of new lots.
14. Approximate radii of all curves.
15. Existing zoning on and adjacent to the proposed subdivision.
16. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
17. Any proposed lake and stream improvement or relocation.

C. UTILITY PLANS AND GRADING PLANS AND PROFILES.

The sub-divider shall provide preliminary utility and street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension or to the established grades of future streets and shall be subject to the approval of the Town Engineer. The elevation, location, and description of at least three permanent benchmarks shall be shown on the Plan.

D. TESTING.

The Town Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depths to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Wis. Adm. Code NR 141 shall be complied with and the appropriate data submitted with the preliminary plat.

E. COVENANTS.

The Plan Commission may require submission of a list of covenants with which the sub-divider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

F. AFFIDAVIT.

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

SECTION 29.05 FINAL PLAT

A. GENERAL REQUIREMENTS.

A final plat prepared by a Professional Land Surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.20.

B. ADDITIONAL INFORMATION.

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

1. Exact length and bearing of the center line and center line curves of all streets.
2. Exact street width along the right of way line of any obliquely intersecting street.
3. Railroad rights of way within and abutting the plat.
4. Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 29.07.G of this chapter.
5. Utility and/or drainage easements.
6. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
7. Special restrictions required by the Plan Commission relating to access control along public ways, delineation of flood-land limits, or to the provision of planting strips.

C. DEED RESTRICTIONS.

The Plan Commission may require that deed restrictions imposed by the subdivider be filed with the final plat.

D. PLAT RESTRICTIONS.

The Plan Commission shall require that plat restrictions intended to reflect Town plans and ordinances be placed on the face of the plat.

E. SURVEY ACCURACY.

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a Professional Land Surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. All minimum survey requirements shall be in accordance with Wis. Stat. Ch. 236, Wis. Admin. Code A-E 7.01, and this Chapter.

F. RELOCATED QUARTER CORNERS.

Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the County, 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 (where State plane coordinates are available) of the monument making the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

G. BOARD REVIEW.

The Developer shall not initiate review of the final plat until the Board has received written verification from the Town Engineer that the plans and specifications for the improvements are approved, the Board has received written verification from the Town Engineer that the final plat has complied with all requirements under state and Town law, any development agreement is executed, including the appropriate security for any uncompleted improvements pursuant to section 29.02.D and the Town Attorney has approved of the restrictive covenants.

H. SURVEYING AND MONUMENTING.

All final plats shall meet all the surveying and monument requirements of Wis. Stat. § 236.15.

I. STATE PLANE COORDINATE SYSTEM.

All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates (where State plane coordinates are available) of the monument, marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. E, above, for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

J. CERTIFICATES.

All final plats shall provide all the certificates required by Wis. Stat. § 236.21, and, in addition, the surveyor shall certify that the surveyor has fully complied with all the provisions of this chapter. The sub-divider's certificate shall be fully executed prior to Board approval.

K. RECORDATION.

The final plat shall be recorded with the County Register of Deeds only after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Board, of the surveyor and those certificates required by Wis. Stat. § 236.21, are placed on the face of the plat. The Town Clerk shall record the plat within 10 days of its approval by the Board. The sub-divider shall, however, be responsible for the payment of the recording fee.

L. DUPLICATE PLAT AND AS-BUILT PLANS TO BE FILED.

An identical reproducible copy of the final plat, on stable drafting film at least 4 mils thick, along with the recording data, shall be placed on file with the Town Engineer, along with similar reproducible files for all as-built street and utility work for the subdivision.

SECTION 29.06 CERTIFIED SURVEY MAP

A. GENERAL REQUIREMENTS.

A certified survey map prepared by a Professional Land Surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.34. The minor subdivision shall comply with the design standards and improvement requirements set forth in sec. 29.07 and 29.08 of this chapter.

B. REQUIRED INFORMATION.

The map shall show correctly on its face, in addition to the information required by Wis. Stat. § 236.34, the following.

1. All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
2. Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in sec. 29.07.G of this chapter.
3. Utility and/or drainage easements.
4. Date of the map.
5. Map floodplain limits at the elevation of the 100-year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.
6. Graphic scale not to exceed 500 feet to an inch and north arrow.
7. Name and address of the owner, sub-divider and surveyor.
8. Title: Certified Survey Map No. _____.
9. General location (legal description, Section, Govt. Lot, etc. at top).
10. Basis for bearings statement.
11. Ties to two (2) U.S. Public Land System corners by bearing and distance.

12. Show high water mark of any water body.
13. Identify all adjoining lands (un-platted, CSM, subdivision, etc.).
14. Show “recorded as” bearing and distances if different.
15. Distance and bearing from meander line to high water line.
16. Meander line, length and bearing.
17. Identify type of easement, show width.
18. Identify U.S. Public Land System lines (section, forty, etc.).
19. Length and bearing of external boundary lines.
20. Length and bearing of interior lot lines.
21. Lot number.
22. Legend (identify irons and weights).
23. Identify all placed or found monuments.
24. Show adjacent streets and right angles widths.
25. Curve information, on curve or in table:
 - a. Radius
 - b. Chord length
 - c. Chord bearing
 - d. Central angle
 - e. Arc Length
 - f. Tangent bearing (optional)
26. Curve identifier.
27. Surveyor’s Certificate, owner’s and mortgagee’s if applicable.
28. Seal and Professional Land Surveyor responsible for the survey and map.

29. Name and address of owner, divider, and surveyor. (Delete on list twice)

29. Highway setback lines.

30. Existing tax parcel number.

31. Identify adjacent lands, platted or un-platted; by owner or others.

All lands under common ownership shall be shown.

C. STATE PLANE COORDINATE SYSTEM.

All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates (where State plane coordinates are available) of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. E above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be references to the Wisconsin Coordinate System, South Zone.

D. CERTIFICATES.

The surveyor shall certify on the face of the map that the surveyor has fully complied with all the provisions of this chapter, Wis. Admin. Code A-E 7.01, and Wis. Stat. Ch. 236. In addition, dedication of streets or other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Wis. Stat. § 236.21(2)(a).

E. APPROVAL.

No Certified Survey Map shall be approved by the Town Board until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved sub-divider's agreement.

F. RECORDATION.

The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Plan Commission or Board and the surveyor are placed on the face of the map. The Town clerk shall record the map within 10 days of its approval by the Plan Commission or Board.

SECTION 29.07 DESIGN STANDARDS

A. STREET ARRANGEMENT.

In any new Subdivision Plat or Certified Survey Map, the street layout shall conform to the arrangement, width and location indicated on the Official Map or General Plan of the Town. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and

proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

1. Arterial Streets. Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
2. Collector Streets. Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
3. Local Streets. Local streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
4. Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
5. Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting or an earth berm contained in a non-access reservation along the rear or side property line, or by the use of frontage streets.
6. Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by Wis. Stat. § 236.16(3).
7. Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Board under conditions approved by the Plan Commission.
8. Alleys. Alleys shall be provided in commercial and industrial areas for off street loading and service access if required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved. Alleys shall not connect to a major thoroughfare.

9. Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the Town and adjacent Municipalities and existing street names shall be projected wherever possible.

B. LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT.

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:

1. When lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth and/or an earth berm shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs, the building of structures and placement of longitudinal easements for utilities hereon is prohibited."

2. Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

3. Streets parallel to a limited access highway or railroad right of way, when intersecting an arterial street and highway or collector street which crosses said railroad or highway, shall be located at 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.

4. 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 DESIGN STANDARDS.

1. The minimum right of way and roadway width of all proposed streets and alleys shall be as specified by the General Plan, General Plan Component or Official Map of the Town, or if no width is specified therein, the minimum widths shall be as shown in Table 1 below. Cross sections for freeways, expressways, and parkways shall be based upon detailed engineering studies.

| TABLE 1 RECOMMENDED MINIMUM CROSS SECTIONS TOWN OF BARABOO, WISCONSIN | | |
|--|--------------------------------|--|
| System | Right of Way Width, in Feet | Pavement Width, in Feet |
| Arterial | 80 | 41 Minimum (face of curb to face of curb) No Parking |
| Collector | 66 No Parking One Side | 41 (face of curb to face of curb) |

| | | |
|-------------------------------------|----|--|
| Local | 66 | 36 (Face of curb to face of curb) |
| Local (rural section when approved) | 66 | 24 feet paved with 2-foot gravel shoulders |

2. The use of a cul-de-sac is discouraged. Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right of way radius of 66 feet and a minimum outside curb radius of 45 feet.

3. Street Grades. The grade of any street shall not be less than 1/2 of 1%. Unless necessitated by exceptional topography and subject to the approval of the Plan Commission, the maximum center line grade of any street or public way shall not exceed the following:

| | |
|--|---|
| a. Arterial Streets | 6% |
| b. Collector Streets | 8% |
| c. Local Streets, Alleys, and Frontage Streets | 10% |
| d. Pedestrian Ways | 12%, unless steps of acceptable design are provided |

4. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 30 times the algebraic difference in the rates of grade for all arterial and collector streets, and 1/2 this minimum for all other streets.

5. Radii of Curvature. When a continuous street center line deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

| | |
|----------------------------------|----------|
| a. Arterial Streets and Highways | 500 Feet |
| b. Collector Streets | 300 Feet |
| c. Local Streets | 100 Feet |

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

6. Half Streets. Where, on the date of original enactment of this chapter, 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 Sub-divider. The platting of half streets is not permitted.

D. STREET INTERSECTIONS.

Streets shall 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 2.
2. The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.
3. Intersections on local streets shall be offset at least 125 feet measured from the center lines of the 2 streets.
4. Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission, or shall be terminated by a straight line through the points of tangency of an arc having a radius of 15 feet.
5. Local streets shall not necessarily continue across arterial or collector streets; but, if the center lines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the joining of the streets, across the arterial or collector street, is continuous and a jog is avoided.

E. BLOCKS.

The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:

1. The length of blocks in residential areas shall not, as a general rule, be less than 400 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
2. Pedestrian ways are generally not desired and should be avoided; however, pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
3. The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off street service and parking required by the use contemplated and the area zoning restrictions for such use.
4. Utility easements. See sec. 29.07.I of this chapter.

F. LOTS.

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

1. Side lot lines shall be approximately right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
2. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
3. Every lot shall front or abut for a distance of at least 50 feet on a public right-of-way, or 80' at the building line, whichever is greater.
4. Area and dimensions of lots shall conform to the requirements of the Zoning Code and Land Use Plan except in areas not served by a public sanitary sewer system, the subdivision or minor land division shall conform to the minimum lot size requirements of Section 29.02.G. The type, design, installation and maintenance of a private sanitary system, where approved, shall meet the requirements of all state and local codes and regulations. Whenever a tract is subdivided into large parcels, each parcel shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this Chapter.
5. Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off street service and parking required by the use contemplated.
6. Width of lots shall conform to the requirements of the Zoning Code.
7. Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.
8. Lands lying between the meander line and the water's edge and any lands, which cannot otherwise be platted, which lie between a proposed subdivision and the water's edge shall be included as part of lots, out-lots or public dedications in any plat abutting a lake or stream.

G. BUILDING SETBACK LINES.

Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Plan Commission.

H. ELECTRICAL AND COMMUNICATIONS UTILITIES.

1. All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna

television cables and services, installed within a newly-platted residential area, mobile home park or planned residential development shall be underground unless the Plan Commission shall specifically find, after study, that:

- a. The placing of such facilities underground would not be compatible with the planned development, or
 - b. Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable
2. Associated equipment and facilities which are appurtenant to underground electric and communications systems such as, but not limited to, substations, pad mounted transformers, pad mounted sectionalizing switches and above grade pedestal mounted terminal boxes may be located above ground.
3. The Subdivider or the Subdivider's agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground, as required by this section, as a condition precedent to approval of the Final Plat or Certified Survey Map.
4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subpar. 1.a and b, above.
5. All aerial facilities for new electric distribution lines (excluding lines of 15,000 volts or more), all new telephone lines from which lots are individually served, community antenna television cables and services, installed subsequent to the approval of this chapter shall be placed in utility easements within a newly-platted, residential area, mobile home park, or planned residential development, unless waived by the Plan Commission.

I. EASEMENTS.

1. Electrical and Communication Facilities.

- a. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easements shall be noted as "Utility Easements" on the Final Plat or Certified Survey Map. Prior to approval of the Final Plat or Certified Survey Map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

b. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the sub-divider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.

c. Where the electric and/or communications facilities are to be installed underground a note shall be placed on the final plat or certified survey map stating that the final grade established by the sub-divider on the utility easements shall not be altered by more than 6 inches by the Sub-divider, the Sub-divider's agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

2. Distribution gas mains and appurtenances, except service laterals, shall be installed in street right of way, normally in the area between sidewalk and curb. However, the Plan Commission may, at the request of the utility, or where deemed necessary or desirable, require easements of adequate width for the intended purpose along lot lines or across lots for such installations and such easements shall be noted on the Final Plat or Certified Survey Map as "Utility Easements."

3. Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream or storm sewer, an adequate drainageway or easement shall be required subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith.

a. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for installation of electrical and communications facilities. Such easements shall be noted as "Utility Easements" on the Final Plat or Certified Survey Map. Prior to approval of the Final Plat or Certified Survey Map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the Final Plat or Certified Survey Map.

J. DEDICATION AND RESERVATION OF LAND.

1. Streets and Drainageways. Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designated in the adopted comprehensive plans, official map or adopted plan components, such public way shall be made a part of the plat by the Sub-divider in the locations and dimensions indicated on such plan. Such dedications shall become effective upon the approval and recording of the final plat.

2. Land Abutting Lakes and Streams. Whenever feasible, all public access to the low watermark of navigable lakes and streams required by Wis. Stat. § 236.16(3) shall be at least 100 feet wide and contain land characteristics acceptable to the Plan Commission. The land lying between the

meander line established in accordance with Wis. Stat. § 236.20(2)(g), and the water's edge, and any lands, which otherwise cannot be platted, which lie between a proposed subdivision and the water's edge shall be included as part of lots, out-lots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the Sub-divider or in which the Sub-divider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream, as provided in Wis. Stat. § 236.16(4).

SECTION 29.08 REQUIRED IMPROVEMENTS

A. SURVEY MONUMENTS.

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

B. GRADING.

After the installation of temporary block corner monuments by the Sub-divider, approval of street and utility plans by the Town Board, the Sub-divider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Engineer. The Sub-divider shall grade the roadbeds in the street rights of way to subgrade together with side slopes beyond the street right of way when required. Cut and filled lands shall be graded to a maximum slope of 4:1 or the soil's angle of repose, whichever is the lesser, and covered with a minimum of six inches of top soil and have permanent grass established.

C. SURFACING.

After the installation of all utility and storm water drainage improvements, the Sub-divider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this chapter and the Master Plan or Master Plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Engineer. Existing roadways which do not meet Town specifications shall be improved by the Sub-divider before they will be accepted by the Town.

D. CURB AND GUTTER.

After the installation of all public utility and storm water drainage improvements, the Sub-divider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town Engineer. This requirement may be waived where a permanent rural section has been approved by the Town Board. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community unless the developer elects this type of road. (delete this sentence)

E. STREET CROSS SECTIONS.

When a permanent rural street section has been approved, the Sub-divider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, provide all permanent and construction erosion control measures to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Engineer.

F. SIDEWALKS.

1. The Sub-divider shall construct a sidewalk on both sides of all urban frontage streets and one side of all other urban streets within the subdivision. The Plan Commission may permit the construction of a sidewalk on only one side of local streets that serve lots having fronting on said street and may waive the construction of sidewalks on collector and local streets that serve lots having an average width of 150 feet or more fronting on said streets. Sidewalk construction in new subdivisions with rural street sections may be waived by the Town Board, if a waiver is requested. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town Engineer.

2. Wider than standard sidewalks may be required by the Town Engineer in the vicinity of schools, commercial areas and other places of public assemblage; and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provision of this chapter if such walks are necessary, in the Commission's opinion, for safe and adequate pedestrian circulation.

G. PUBLIC SANITARY SEWERAGE.

The Sub-divider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision or minor land division. Such facilities shall be designed and constructed in accordance with all applicable rules and regulations of Wis. Adm. Code NR 110, and in accordance with plans and standard specifications approved by the Town Engineer. Private sewage disposal systems shall comply with Wis. Admin. Code SPS 383 and 385, and with the Sauk County Sanitation Ordinance. In addition:

1. Laterals. The Board may require the installation of sewer laterals to the street lot line, where practical.

2. Specifications. The location, size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the Town sanitary sewer system plan.

H. STORM WATER DRAINAGE FACILITIES.

1. Drainage System Required. A drainage and stormwater detention system shall be designed and constructed by the Sub-divider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part.

a. Storm sewers are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm; culverts shall be designed to accommodate the twenty-five (25) year storm and shall be sized so that the one hundred (100) year frequency storms do not cause flooding of the adjacent property and roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the developer's proposed stormwater management plan. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer.

b. Drainage facilities shall, if required, include water retention/detention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving check dames, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Engineer. Innovative infiltration, sedimentation, and detention structures are encouraged.

c. A Final Plat shall not be approved until the Sub-divider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a Registered Professional Engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.

2. Drainage System Plans.

a. The Sub-divider shall submit to the Town at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

(1) Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.

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

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

b. A grading plan for the streets, blocks and lots shall be submitted by the Sub-divider for the area within the subdivision.

c. The design criteria for storm drainage and detention systems shall be based upon information provided by the Town Engineer.

d. Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Engineer.

3. Grading. The Sub-divider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

a. The Sub-divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

b. Block grading shall be completed by one (1) 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.

(3) Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.

4. Drainage System Requirements. The Sub-divider shall install all the storm drainage facilities indicated on the plans required in Subsection 1 of this Section.

a. Street Drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage.

b. Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the Sub-divider shall make provisions for dedicating an easement to the Town to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.

5. Protection of Drainage Systems. The Sub-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 [1%] shall be seeded; those with grades between 1% and 4% shall be sodded and those with grades over four percent [4%] shall be lined in a manner approved by the Town Engineer.)

K. OTHER UTILITIES.

The Sub-divider shall have arranged with the affected utility companies for gas, fiber optic, electric, telephone or CATV facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision when needed. Where underground utility cables are to be installed in a new residential subdivision, the utility may install conduit for street crossings before the street is surfaced to facilitate later installation of the necessary cable to serve such subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. Plans indicating the proposed location of all gas, electrical power conduits and telephone distribution and transmission lines required to service the plat shall be approved by the Town Engineer.

L. STREET LIGHTING.

The Sub-divider shall provide for the location of the street light system within the subdivision upon consultation with the utility serving the area and consistent with its standards and compatible with the area being served and as approved by the Plan Commission and the Town Board. Allow for no street lighting.?

M. STREET SIGNS.

The Sub-divider shall install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the Town Engineer. Stop signs, speed limit signs, and other regulatory signs, warning signs, or barricades. Shall be submitted by the Sub-divider to the Town Engineer for approval prior to submittal of the final plat.

N. IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS.

Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.

SECTION 29.09 CONSTRUCTION

A. COMMENCEMENT.

No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat or Certified Survey Map has been approved and the Town Engineer has given written authorization in accordance with section 29.02.D and the Town Engineer is satisfied that all other permits and approvals have been obtained from other authorities. Inspection fees shall be required as specified in this chapter.

B. BUILDING PERMITS.

1. No building permit shall be issued until the following improvements are installed, to the written approval of the Town Engineer:

- a. all adequate stormwater improvements,
- b. a hard surface roadway allowing sufficient access for emergency service vehicles, and
- c. Final Plat or Certified Survey Map is approved and recorded.

2. No occupancy permit shall be issued until all improvements within the subdivision are completed, with the exception of the surface coat of asphalt, which shall be completed after a freeze-thaw cycle.

C. PLANS.

The following plans and accompanying construction specifications may be required by the Town Engineer before authorization of construction or installation of improvements:

1. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
3. Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
4. Planting plans showing the locations, age, and species of any required trees.
5. Additional special plans, permits, or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.
6. Signage Plan showing locations and types of signs.

D. INSPECTION.

The Sub-divider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for adequate inspection. The Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties. All street subgrades must be proof-rolled in the presence of the Town Engineer before gravel base is spread and again before asphalt paving is completed.

SECTION 29.095

SUBDIVIDER'S MAINTENANCE RESPONSIBILITY

In addition to all other requirements of this ordinance and the development agreement, the Sub-divider shall be responsible for the maintenance of all improvements within the plat for a period of one year from the date of final acceptance of the final improvement. It shall be the responsibility of the Sub-divider to make any repairs necessary to such improvements upon complaint from the Town or from the owners of lots within the Plat during this maintenance period. Failure of the Sub-divider to make the necessary repairs within ten (10) days shall cause the Town to make the repairs. To ensure compliance with this provision, the Board may require a money deposit or other assurance that repairs made by the Town shall be promptly paid and in no event shall be paid later than fifteen (15) days from the date on which an itemized statement of costs incurred is presented to Sub-divider.

SECTION 29.10 RESPONSIBILITY FOR IMPROVEMENT COSTS; FEES

A. RESPONSIBILITY FOR IMPROVEMENTS.

The applicant for approval of every subdivision and every Certified Survey Map shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve the land division at their full cost and expense, except where the Town Board agrees to do any such work. However, with respect to any improvement serving land division constructed or installed by the Town, the cost thereof shall be charged to the benefited property through special assessments, payable over a term of years and at an interest rate established by the Town Board within its jurisdiction and as otherwise provided in the development agreement.

B. FEES.

In addition to all other costs, the Sub-divider shall pay the following fees, at the times specified. If fees are not timely-paid, the Town shall not be required to take any further action with respect to the Plat or Certified Survey Map, or the Sub-divider shall not be entitled to record the same:

1. **Engineering Fee.** The Sub-divider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The Sub-divider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Sub-divider shall pay the fee within fifteen (15) days of each billing by the Town Clerk.
2. **Administrative Fee.** The Sub-divider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the Plat or Certified Survey Map. The Sub-divider shall pay the fee within fifteen (15) days of each billing by the Town Clerk.
3. **Escrow for Fees.** At such time as the Sub-divider submits a Preliminary Plat or Certified Survey Map for review by the Plan Commission and Town Board, it shall deposit with the Town Treasurer, in escrow, the amount set forth in the Town Fee Schedule approved by the Town Board and on file with the Clerk. In the event the amount deposited with the Town Treasurer falls below 25%

of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the Sub-divider to replenish the escrow to the original amount required hereunder. In the event Sub-divider withdraws the plat or minor subdivision, or the same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to Sub-divider. The escrow account shall not draw interest for the benefit of Sub-divider. The Town Treasurer, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to Sub-divider periodically. In the event the Sub-divider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the Sub-divider's request and all timelines hereunder shall be tolled.

4. Preliminary Plat/Certified Survey Map Review Fee.

a. The Sub-divider shall pay a fee in the amount specified in the Fee Schedule adopted by the Town Board and on file with the Clerk for each lot or authorized dwelling unit within the Preliminary Plat or Certified Survey Map to the Town Treasurer at the time of first application for Preliminary Plat or Certified Survey Map approval to assist in defraying the cost of review.

b. The Sub-divider shall pay a reapplication fee in the amount specified in the Fee Schedule at the time of reapplication for approval of any Preliminary Plat which has previously been filed.

5. Final Plat Review Fee.

a. The Sub-divider shall pay a fee in the amount specified in the Fee Schedule for each lot or authorized dwelling unit with the Final Plat to the Town Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.

b. The Sub-divider shall pay a reapplication fee in the amount specified in the Fee Schedule at the time of reapplication for approval of any Final Plat which has previously been reviewed.

6. Condominium Development Review Fee. The developer shall pay a fee in the amount specified in the Fee Schedule for each unit shown on a condominium plat.

7. All Recording Fees.

8. All other fees in the amounts and at the times provided in other sections of this ordinance.

SECTION 29.105 ACCEPTANCE OF PUBLIC IMPROVEMENTS

Public improvements which serve land division shall not be deemed dedicated for public purpose until respectively accepted by the Town as being fully functional and in conformance with the development agreement,

applicable plans and specifications, Town ordinances, and compatibility with attached and adjacent systems, facilities, and improvements.

SECTION 29.11 DEFINITIONS

A. FOR THE PURPOSES OF THIS CHAPTER:

1. 399 by an advisory agency are not, however, binding on the Board or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, local school boards and local utility companies.
2. ALLEY. A special public way affording only secondary access to abutting properties.
3. BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of the Zoning Code.
4. CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with Wis. Stat. § 236.34 and sec. 29.09 of this chapter.
5. CONDOMINIUM DEVELOPMENT. A real estate development in which the condominium form of ownership pursuant to Wis. Stat. Ch. 703 is utilized.
6. CUL DE SAC. A local street with only one outlet and having an appropriate turn around for the safe and convenient reversal of traffic movement.
7. DIVISION OF LAND. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.
8. DRAINAGEWAY. A manmade improvement intended to convey water within or through a subdivision during periods of high runoff. Drainageways will normally be dry for long periods of time. Drainageways are usually privately owned and protected by easements; however, some major drainageways may be dedicated. Drainageways may also be called drainage swales or grass waterways.
9. DWELLING UNIT. A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.
10. FINAL PLAT. A map prepared in accordance with the requirements of Wis. Stat. Ch. 236 and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
11. HARD SURFACE ROADWAY. A gravel, asphalt or concrete surface roadway of sufficient qualities to create a hard surface.
12. FREEZE-THAW CYCLE. The period of time from November 1 to May 1.

13. GENERAL PLAN. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Board, pursuant to Wis. Stat. § 62.23, including proposal for future land use, transportation, parks and recreation, urban redevelopment and public facilities. Devices for the implementation of these plans such as zoning, official map and land division ordinances, and capital programs shall also be considered a part of the General Plan.

14. IMPROVEMENT. Improves the value or utility of the land and is made available for use by the public, subdivision lot owners or Certified Survey Map land owners or for the benefit of the public of the subdivision lot owners or Certified Survey Map land owners.

15. LOT. A parcel of land of at least sufficient size to meet the minimum lot size requirements of this Code for lots or parcels not served by a public sanitary sewer system and the minimum zoning requirements set forth in the zoning code for lots served by a public sanitary sewer system.

16. LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot size.

17. LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have 2 front yards and 2 side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts a major street. Double frontage lots abutting major streets should restrict direct access to the major street by means of a planting buffer or some other acceptable access buffering measure.

18. LOT, REVERSE FRONTAGE. A corner lot with no provision for extra width to permit side yard to be same as front yards on that side.

19. MASTER PLAN. An extensively developed plan, map or other document pertaining to planning and adopted by the Plan Commission which may pertain to the division of lands, including the Official Map, comprehensive development plans, and other planning documents including proposals for future land use, transportation, urban development, parks and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, Official Map, subdivision and land development, building development and capital improvement plans shall be considered as planning documents within this definition.

20. MINOR LAND DIVISION. The division of a parcel or tract of land by the owner or Sub-divider or the Sub-divider's agent for the purpose of sale or of building development where the act of division creates or results in the creation of not more than four parcels or building sites, any one of which is 35 acres in size or less in area, or the division of a block, lot or out-lot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or out-lot.

21. MULTIPLE FAMILY DWELLING. An apartment building, row house, Town house, condominium or modular home, as defined in Wis. Stat. § 101.71(6), that consists of 3 or more attached dwelling units.

22. **OBJECTING AGENCY.** An agency empowered to object to a subdivision plat pursuant to Wis. Stat. Ch. 236. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Industry, Labor and Human Relations.

23. **OFFICIAL MAP.** A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds and other facilities, as adopted by the Town Board.

24. **OWNER.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.

25. **PARCEL.** Contiguous lands under the control of a Sub-divider not separated by streets, highways or railroad rights-of-way. Also referred to as a lot.

26. **PLAT.** This term includes a map of a subdivision or minor land division.

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

28. **PUBLIC WAY.** Any public road, street, highway, walkway, drainageway or part thereof.

29. **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 out-lot within a recorded subdivision Plat or Certified Survey Map without changing the exterior boundaries of said block, lot or out-lot is not a replat.

30. **RESERVATION.** A means of setting aside a parcel of land for a specific use in the future. Counter to the principle of dedication, the land is not owned by the public and must be purchased or released from reservation at some future date. The date by which the land must be purchased may be specified in the reservation.

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

32. **STREET, COLLECTOR.** A street used, or intended to be used, to carry traffic from local streets to the major system of arterial streets including the principal entrance streets to residential developments.

33. STREET, FRONTAGE. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

34. STREET, LOCAL. A street used, or intended to be used, primarily for access to abutting properties.

35. SUBDIVIDER. Any person, or such person's agent, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map), or replat.

36. SUBDIVISION. See Wis. Stat. § 236.02(12). The term "subdivision", as used in this Chapter shall further mean the division or subdivision of a parcel or tract of land by the owner or Subdivider thereof, or the owner's or Sub-divider's agent, for the purpose of sale or of building development, where:

a. The act of division creates five or more parcels or building sites any one of which is 35 acres in size or less in area; or

b. Five or more parcels or building sites any one of which is 35 acres in size or less in area are created by successive divisions within a period of five years.

SECTION 29.115 CONDOMINIUM DEVELOPMENTS

A. PURPOSE.

The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Ordinance to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

B. APPLICABILITY

The factor that makes this Ordinance applicable to a condominium development is the creation of multiple, distinct property entities on/ 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 development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.

C. FINDINGS

Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

1. Additional population density; However, a condominium (maximum density, small) not to exceed the Underlying Residential Density.

2. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
3. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
4. Additional traffic and street use.

D. PORTIONS OF ORDINANCE APPLICABLE TO CONDOMINIUM DEVELOPMENTS.

This state of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 29.04 of this Ordinance shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Ch. 703. The following sections of this Ordinance shall apply to condominium developments: when applicable.

1. Section 29.01.
2. Section 29.02.D, relating to land suitability.
3. Section 29.02.E, relating to variances.
4. Section 29.03.B & C, relating to preliminary plat approval.
5. Section 29.10, relating to fees for review.
6. Section 29.08, relating to required improvements.
7. Section 29.07, relating to design standards for improvements.
8. Section 29.07.J, relating to dedication requirements.

E. DOES NOT APPLY.

This Ordinance shall not apply to the following condominiums:

1. Any Condominium Plat recorded prior to the effective date of this Ordinance.
2. Any conversion of a structure or structures in existence on the effective date of this Ordinance to a condominium after the effective date of this Ordinance.

SECTION 29.12 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 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.

SECTION 29.13 PENALTIES AND REMEDIES

A. PENALTY.

Any person who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with the costs and assessments. The penalty for default of payment of such forfeiture, costs and assessments shall be imprisonment in the County Jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and non-commitment penalties shall include the following:

1. Recordation improperly made carries penalties as provided in Wis. Stat. § 236.30, Wis. Stats.
2. Conveyance of lots in unrecorded plats carries penalties as provided for in Wis. Stat. § 236.31, Wis. Stats.
3. Monuments disturbed or not placed carries penalties as provided for in Wis. Stat. § 236.32, Wis. Stats.

B. REMEDY.

An assessor's plat made under Wis. Stat. § 70.27 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.