

Note: This version of the Code differs from the official printed version as follows:

- a. Dimensions are expressed in numerical format rather than alpha format, e.g., “27 feet” rather than “twenty-seven feet.”
- b. Paragraph indentation style is different.
- c. Unused and blank section numbers are omitted rather than shown as reserved.
- d. Editor’s notes, amendment history, cross references and other editorial enhancements are omitted.
- e. Page numbering is different.

Chapter 54

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ARTICLE I - IN GENERAL

Sec. 54-1 Introduction and purpose of chapter.

- (a) *Introduction.* In accordance with the authority granted by Wis. Stats. § 236.45, and for the purposes listed in Wis. Stats. §§ 236.01 and 236.45, the town board does hereby ordain as follows:
- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the town.
 - (2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) *Purpose.* The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate further division of tracts of land into suitable uses. The regulations are made with the reasonable consideration of, but not limited to, the present character of the town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the town.

Sec. 54-2 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.

Sec. 54-3 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 statute.

Sec. 54-4 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Arterial street means a street which provides for the movement of relatively heavy traffic to, from or within the town. It has a secondary function of providing access to abutting land.

Block means an area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.

Collector street means a street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

Commission means the plan commission created by the town board pursuant to Wis. Stats. § 62.23.

Community waste disposal system means a sanitary sewerage collection and treatment scheme shared by two or more residential lots where final effluent disposal occurs outside the boundary of any residential lot on a parcel specifically reserved for such disposal.

Comprehensive development plan means a comprehensive plan prepared by the town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Cul-de-sac means a street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

Division of land means where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.

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

Extraterritorial plat approval jurisdiction means the unincorporated area within 1½ miles of a fourth-class city or a village and within 3 miles of all other cities.

Final plat means the final map, drawing or chart on which the subdivider's plan of a subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds.

Frontage street means 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.

Improvement, public means any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the town may ultimately assume the responsibility for maintenance and operation.

Local street means a street of little or no continuity designed to provide access to abutting property and leading into collector streets.

Lot means a parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

Lot, area means the area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.

Lot, corner means a lot abutting intersecting streets at their intersection.

Lot, reversed corner, means a corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

Lot, through means a lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot lines means the peripheral boundaries of a lot.

Lot width means the width of a parcel of land measured along the front building setback line.

Major thoroughfare means a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

Minor street means a street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street.”

Minor subdivision means the division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites.

Owner means either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

Pedestrian pathway means a public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

Plat means the map, drawing or chart on which the subdivider’s plat of subdivision is presented to the town for approval.

Preliminary plat means the preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the plan commission for its consideration as to compliance with the comprehensive plan and these regulations along with required supporting data.

Protective covenants means contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

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

Shorelands means those lands within the following distances: 1,000 feet from the high water elevation of navigable lakes, ponds and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Subdivider means any person, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

Subdivision means the division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites or where the act of division creates five or more parcels or building sites by successive division within a period of 5 years, whether done by the original owner or a successor owner.

Wetlands means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions.

Wisconsin Administrative Code means the rules of administrative agencies having rule-making authority in the state, published in a loose-leaf, continual revision system, as directed by Wis. Stats. § 35.93 and Wis. Stats. ch. 227, including subsequent amendments to those rules.

Sec. 54-5 Compliance with chapter provisions

No person shall divide any land located within the jurisdictional limits of the regulations of this chapter which results in a subdivision, land division or a replat. No such subdivision, land division or replat shall

be entitled to record, and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- (1) The provisions of Wis. Stats. ch. 236 and Wis. Stats. § 80.08.
- (2) The rules of the Department of Commerce contained in Wis. Adm. Code ch. Comm 81-85.
- (3) The rules of the Department of Transportation contained in Wis. Adm. Code ch. Trans. 233.
- (4) The rules of the Department of Natural Resources contained in the Wis. Adm. Code for floodplain management program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the town board.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The town comprehensive plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the town.
- (8) Applicable provisions of the county Code of Ordinances.
- (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.
- (10) Once a preliminary plat, or a final plat if a preliminary plat was not required, is filed, it only need comply with rules in place as of its filing date. Those rules, even if revised, shall follow it through the review and approval process.

Sec. 54-6 Jurisdiction of chapter provisions

Jurisdiction of the regulations of this chapter shall include all lands within the corporate limits of the town. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
- (2) Leases for a term not to exceed 10 years, mortgages or easements;
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

Sec. 54-7 Certified survey

Any division of land other than a subdivision as defined in Wis. Stats. § 236.02(12), shall be surveyed and a certified survey map prepared as provided in Wis. Stats. § 236.34.

Sec. 54-8 Building permits

The town, or its authorized agent, shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the town on or after the effective date of the ordinance from which this chapter is derived until the applicant has complied with all of the provisions and requirements of this chapter.

Sec. 54-9 Applicability to condominiums

This chapter is expressly applicable to condominium developments within the town's jurisdiction, pursuant to Wis. Stats. § 703.27(1). For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

Sec. 54-10. Land suitability

- (a) *Generally.* No land shall be subdivided for residential, commercial or industrial use which is held 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 community. 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 subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the plan commission may affirm, modify, or withdraw its determination of unsuitability.
- (b) *Existing flora.* The subdivider shall make a reasonable effort to protect and retain all existing trees and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (c) *Additional Considerations*
 - (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
 - (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
 - (3) Suitability of land for private, sewerage systems shall be determined in accordance with Wis. Admin. Code ch. SPS 83.

Sec. 54-11 Condominium developments

- (a) *Purpose*
 - (1) The town board finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The state legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
 - (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation 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.
 - (3) Thus, the town board finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

- a. Additional population density;
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - c. Additional demands upon town area parks, recreation areas, utility facilities and schools;
 - d. Additional traffic and street use.
- (b) *Portions of chapter applicable to condominium developments.* The following sections of this chapter shall apply to condominium developments:
- (1) Section 54-10, relating to land suitability and construction practices;
 - (2) Sections 54-81–54-83, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in section 54-111 shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. ch. 703.
 - (3) Section 54-85, relating to fees for review;
 - (4) Article III of this chapter, relating to required improvements;
 - (5) Article IV of this chapter, relating to design standards for improvements;
 - (6) Division 1, article II of this chapter, relating to dedication requirements.
- (c) This section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of the ordinance from which this chapter is derived;
 - (2) Any conversion of a structure or structures in existence on the effective date of the ordinance from which this chapter is derived.

ARTICLE II - ADMINISTRATION AND ENFORCEMENT

Sec. 54-41 Enforcement, penalties and remedies

- (a) *Violations.* It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or statute and no person shall be issued a building permit by the town authorizing the building on, or improvement of, any subdivision, land division or replat within the jurisdiction of this chapter not of record as of the effective date of the ordinance from which this chapter is derived 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 statute.
- (b) *Penalties*
- (1) Any person, firm or corporation who fails to comply with the provisions of this chapter is, upon conviction thereof, subject to the penalties of section 1-9. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Wis. Stats. § 236.30.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Wis. Stats. § 236.31.

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

Sec. 54-42 Variations and exceptions

- (a) Where, in the judgment of the town board, on the recommendation of the plan commission, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the town board of appeals may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the plan commission, town board, and board of appeals in the analysis of the proposed project.
- (b) The plan commission shall not recommend nor shall the board of appeals grant variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- (c) Any recommendations by the plan commission shall be transmitted to the board of appeals. The board of appeals, if it approves of the variance, shall do so by motion or resolution and instruct the town clerk to notify the plan commission and the subdivider.
- (d) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the town in accordance with any town comprehensive plan or component thereof, this chapter, or zoning code of the county. A majority vote of the entire membership of the board of appeals shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the board.
- (e) The town board may waive the placing of monuments, required under Wis. Stats. § 236.15(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.
- (f) If chapter 54. subdivisions of the Town of Beaver Dam in any part, is more restrictive than chapter 236 Wis. Stats, chapter 236 of the state statutes shall then prevail.

Sec. 54-43 Park fund requirements

- (a) *Generally.* All those causing a land division shall pay a fee to the town for park development and improvement with the funds to be placed in a separate account designated for park development and improvement projects. The town board shall have the final right to approve or reject such projects. Said account shall be a continuing account and shall not lapse at the end of a budget period. The park fund fee shall be paid before the final plat or certified survey map is approved.
- (b) *Fee Calculation.* The park fund fee for each lot created by any land divisions is determined by lot size and set by town board resolution from time to time.

Plat Review and Approval

Sec. 54-81 Preliminary consultation

Before filing a preliminary plat, the subdivider is encouraged to consult with the plan commission and the county planning and development department for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the town clerk. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of the regulations of this chapter, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the town and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community.

Sec. 54-82 Preliminary plat

- (a) *Submission.* Before submitting a final plat for approval, the subdivider shall submit 12 copies of the preliminary plat, the appropriate fee (see section 54-85) a list of the names and addresses of all abutting property owners, and a letter of application to the town clerk, whether following the procedure in Wis. Stats. § 236.12 (2) to (5) or § 236.12 (6). The preliminary plat and the application shall be filed with the town clerk at least 15 days prior to the next regularly scheduled meeting of the plan commission at which action is desired. The town clerk shall send a letter to all abutting property owners notifying them of the proposed land division and shall submit a copy of the preliminary plat to the plan commission, and to the town engineer for review and written report of engineering recommendations and reactions to the proposed plat.
- (b) *Supplementary data to be filed with preliminary plat.* The subdivider shall submit 12 copies of the following with the preliminary plat:
 - (1) Preliminary layout plans for any public improvements required by this chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control facilities, street lighting, pavement design and other improvements necessary in the subdivision.
 - (2) A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the town pursuant to Wis. Stats. § 236.293
 - (3) Proposed deed restrictions or restrictive covenants.
 - (4) Proposed development schedule.

- (5) A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (6) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- (7) Where the subdivider owns or controls property adjacent to that which is being proposed for the subdivision, the plan commission may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (8) The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in section 54-10, the town board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

Sec. 54-83 Preliminary plat review and approval

(a) Plan commission action

- (1) The town clerk shall give notice of the plan commission's review of the preliminary plat by listing it as an agenda item in the commission's meeting notice published in the official town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action.
 - (2) Within 90 days of the date the plat was filed with the town clerk, the plan commission shall approve, approve conditionally or reject the preliminary plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the plan commission to act within 90 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. In reviewing the proposed land division, the plan commission may utilize the preliminary checklist for environmental assessment of land divisions, found in appendix A. The town clerk shall communicate to the subdivider the action of the plan commission.
- (b) *Effect of preliminary plat approval.* Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 24 months of preliminary plat approval, and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the plan commission and town board at the time of its submission.
- (c) *Development agreement.* Prior to filing the final plat, the subdivider shall submit a development agreement in accordance with the provisions of section 54-142 to the town clerk. The town clerk shall refer the development agreement to the plan commission for review. The plan commission shall approve, approve conditionally or reject the development agreement within 30 days of the submittal date.
- (d) *Construction plans.* Prior to filing the final plat, the subdivider shall submit 4 copies of the final plans and specifications for public improvements required by this chapter along with an itemized list of the construction quantities and construction cost to the town clerk. The town clerk shall refer the final plans and specifications and list of quantities to the plan commission and to the town engineer for review. The town engineer shall review the plans and specifications and submit a written recommendation and construction cost estimate to the plan commission. The plan

commission shall approve, approve conditionally or reject the plans and specifications within 30 days of the submittal date. Construction of any required improvements shall not commence until the subdivider has entered into a development agreement with the town, and final construction plans and specifications have been approved by the plan commission. Initiation of the construction of required improvements prior to entering into a development agreement or prior to approval of plans and specifications shall be sufficient grounds for the town board to reject the final plat.

- (e) *Amendment.* Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the plan commission, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 54-84 Final plat review and approval

(a) Filing requirements.

- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 12 copies of the plat and the application with the town clerk whether following the procedure in Wis. Stats. § 236.12 (2)–(5) or § 236.12 (6). The final plat and application shall be filed at least 15 days prior to the next regularly scheduled meeting of the plan commission at which action is desired. The town clerk shall give notice of the plan commission's meeting in the manner prescribed in section 54-83(a)(1). The subdivider shall file the final plat not later than 24 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider, and for good cause, granted by the town. The subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the town attorney may require showing title or control in the applicant.
- (2) The town clerk shall refer 2 copies of the final plat to the plan commission and one copy to the town engineer. The abstract of title or registered property report may be referred to the town attorney for his examination and report.
 - a. The town engineer or person designated to, shall review the plat and determine if the final plat “substantially conforms” to the preliminary plat. The determination shall be presented to the plan commission with a recommendation for approval or denial of the plat. The conclusion and recommendation are not required to be in writing but must be made part of the public record at the proceeding which the final plat is being considered.

(b) Plan commission review

- (1) 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 applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the town board.
- (2) If the final plat is not submitted within 24 months of the last-required approval of the preliminary plat, the town board may refuse to approve the final plat.
- (3) The plan commission shall, within 45 days of the date of filing of the final plat with the town clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the town board. The plan commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) Board review and approval

- (1) The town board shall, within 90 days of the date of filing the original final plat with the town clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting, and a written statement of the reasons forwarded to the subdivider. The town board may not inscribe its approval on the final plat unless the town clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required by Wis. Stats. § 236.12, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.
 - (2) Failure of the town board to act within 90 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (3) After the final plat has been approved by the town board, the town clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds.
 - (4) The subdivider shall file 8 copies of the final plat with the town clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- (d) *Partial platting.* The final plat may, if permitted by the town board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.
- (e) *Time limit for recording subdivision plats.* Plats must be recorded within 12 months after the last approval and within 36 months from the first approval.

Sec. 54-85 Administrative fees

- (a) *Generally.* The subdivider shall pay the town all fees as required in this section and at the times specified before being entitled to recording of a plat or certified survey map.
- (b) *Engineering fee.* The subdivider 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 subdivider shall pay a fee equal to the actual cost to the town for such inspections as the town board deems necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the town or any other governmental authority.
- (c) *Administrative fee.* The subdivider 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.
- (d) *Preliminary consultation.* The subdivider shall pay a fee as set by town board resolution from time to time for preliminary consultations.
- (e) *Preliminary plat review fee*
 - (1) The subdivider shall pay a preliminary plat review fee as set by town board resolution from time to time to assist in defraying the cost of review.
 - (2) The subdivider shall also pay a fee as set by town board resolution from time to time for each dwelling unit within the preliminary plat or certified survey map to the town clerk at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review.
 - (3) A reapplication fee as set by town board resolution from time to time shall be paid to the town clerk at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

(f) *Final plat review fee*

- (1) The subdivider shall pay a final plat or certified survey map review fee as set by town board resolution from time to time to assist in defraying the cost of review.
- (2) The subdivider shall also pay a fee as set by town board resolution from time to time for each dwelling unit within the final plat or certified survey map to the town clerk at the time of first application for approval of any final plats or certified survey maps to assist in defraying the cost of review.
- (3) A reapplication fee as set by town board resolution from time to time shall be paid to the town clerk at the time of a reapplication for approval of any final plat or certified survey map which has previously been reviewed.

Sec. 54-86 Replat

- (a) Except as provided in Wis. Stats. § 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40–236.44. The subdivider or person wishing to replat shall then proceed, using the procedures for preliminary and final plats.
- (b) The town clerk shall schedule a public hearing before the plan commission when a preliminary plat of 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.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the plan commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of this chapter.

Technical Requirements for Plats and Certified Surveys

Sec. 54-111 Technical requirements for preliminary plats

- (a) *Generally.* A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on polyester film or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
 - (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, graphic scale and north point.
 - (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider 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) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way, driveways, culverts, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record and use of abutting unplatted lands.
- (5) 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.
- (6) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon mean sea level datum at vertical intervals of not more than 2 feet. At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to mean sea level datum and the monumentation of the bench marks clearly and completely described.
- (10) High water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
- (12) Floodland and shoreland boundaries 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, 2 feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (13) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) Wetlands as shown on state wetlands inventory maps and other apparent wetlands not shown on the inventory maps.

- (15) Location and results of soil test sites within the exterior boundaries of the plat conducted in accordance with Wis. Admin. Code Comm 85 where the subdivision will not be served by public sanitary sewer service.
 - (16) Location, width, and names of all proposed streets and public rights-of-way such as alleys and easements.
 - (17) Approximate dimensions of all lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - (18) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses.
 - (19) Location and approximate dimensions of any sites to be used for storm water conveyance, detention, retention or other treatment.
 - (20) Approximate radii of all curves.
 - (21) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (22) Any proposed lake and stream improvement or relocation, and notice of application for approval by the state Department of Natural Resources, when applicable.
 - (23) Where the plan commission or town engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- (c) *Additional information.* The plan commission may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
 - (d) *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 he has fully complied with the provisions of this chapter.

Sec. 54-112 Technical requirements for final plats

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

- (1) Exact location and description of street lighting and lighting utility easements.
- (2) Railroad rights-of-way within and abutting the plat.
- (3) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (4) Special restrictions required by the town board relating to access control along public ways or to the provision of planting strips, and restrictive covenants and deed registrations for the proposed subdivision called for in sections 42-44, 54-149(b), 54-150, 54-191(e)(20)a, 54-191(e)(21), 54-194(b) and 54-194(d).
- (5) The design elevation of all road side drainage ditches at intervals sufficient to determine the design elevation at any intermediate point by interpolation to within 0.05 feet of its true geometric elevation, but no less than at each lot line and the midpoint of each lot or outlot.

- (6) The design size for a driveway culvert for each lot. Where lots abut more than one street, the design size for a driveway culvert for each street unless driveway access to the street is prohibited.
- (7) Location of any sites to be used for storm water conveyance, detention, retention or other treatment.
- (8) Declarations creating a property owners association for the ownership and/or maintenance of common lands in the subdivision.

Sec. 54-113 Technical requirements for certified survey land divisions; review and approval

- (a) *Certified survey requirements.* For any land division creating not more than 4 parcels or building sites, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Wis. Stats. § 236.34, and this chapter.
- (b) *Submission and review.* The subdivider shall submit a letter of intent to initiate the review and approval process.
 - (1) A letter of intent shall be used to request tentative approval of a land division by certified survey. The application shall be submitted on a form provided by the land use department. Tentative approval by the plan commission, and the town board if the land division includes a dedication to the public, shall assure final approval of a certified survey if it is presented within 6 months of the approval of the letter of intent and if all conditions of approval have been met.
 - (2) The subdivider shall file 2 copies of the letter of intent prepared in accordance with s. 2.3.9.B of the Dodge County Land Use Code, a list of the names and addresses of all abutting property owners, and the letter of intent review fee with the town clerk at least 7 days prior to the plan commission meeting at which review is desired. The town clerk shall send a letter to all abutting property owners notifying them of the proposed land division.
 - (a) For certified survey maps not dedicating land to the public, the plan commission shall review, and within 90 days of the filing of the letter of intent with the town clerk, approve, approve conditionally or reject the proposed land division. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.
 - (b) For certified survey maps dedicating land to the public, the plan commission shall review, and within 45 days of the filing of the map with the town clerk, recommend that the town board approve, approve conditionally or reject the proposed land division. The town board shall review, and within 90 days of the filing of the letter of intent with the town clerk, approve, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.
 - (3) *Certified survey map.* The certified survey map shall be prepared in accordance with Wis. Stats. § 236.34 and s. 2.3.9.F.2.b of the Dodge County Land Use Code.
 - (a) *Certificates.* The surveyor shall certify on the face of the certified survey map that he or she has fully complied with all the provisions of this chapter. The certified survey map shall include a certificate of town approval with signature lines for two of the following town officials; board chairperson, plan commission chairperson, or land use administrator.
 - (b) *Development agreement.* The development agreement required by Section 54-142 shall also be submitted by the certified survey applicant for approval by the plan commission as a condition of certified survey approval.
- (c) *Recordation*

- (1) The subdivider shall record the map with the county register of deeds within 60 days of its approval by the town board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the plan commission and/or town board.
- (2) The subdivider shall forward 3 copies of the final approved map showing the volume and page number of the recorded document to the town clerk.
- (d) *Requirements.* To the extent reasonably practicable, the certified survey shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements. The plan commission may waive the provisions of sections 54-111(b)(15), 54-147(d) and 54-194(e) for parcels greater than 5 acres if such parcels are intended for agricultural use. Conveyance by metes and bounds is prohibited.
- (e) *Administrative fees.* Certified survey maps shall be subject to all the administrative fees in section 54-85 except the preliminary plat review fee in section 54-85(e)(1), and shall be subject to the park fund fees in section 54-43.

ARTICLE III - REQUIRED IMPROVEMENTS

Sec. 54-141 Generally

- (a) *Payment for improvements.* The improvements prescribed in this chapter are required as a condition of approval of a land division. The required improvements described in this chapter shall be furnished, installed, and financed at the sole expense of the subdivider.
- (b) *General standards.* The following required improvements in this chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the town board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the town engineer.

Sec. 54-142 Required agreement providing for proper installation of improvements

- (a) *Development agreement.* Prior to installation of any required improvements, the subdivider shall enter into a written development agreement contract with the town requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the town engineer. The construction plans and specifications and the town engineer's estimate of the construction cost shall be a part of the development agreement contract.
- (b) *Financial guarantees.*
 - (1) The development agreement shall require the subdivider to make an escrow deposit, or in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to 1¼ times the town engineer's estimate of the total cost of the improvements to be furnished under the agreement, including the cost of inspection. The bond or letter of credit shall contain a statement indicating that it remains in full force and effect for a minimum of 30 calendar days after a written notice of pending expiration sent by certified mail has been received by the town clerk. Surety bonds or other security required for improvements is limited to the phase being constructed.
 - (2) The development agreement shall provide for completion of all of the improvements, except the asphaltic concrete pavement and related aggregate shoulder work, prior to acceptance of the plat. When the final plat is submitted for approval, the subdivider may file a written request to the plan commission, asking it to reduce the amount of the deposit, letter of credit or bond by a sum equal to the estimated cost of the improvements completed prior to acceptance of the plat.

If the required improvements are not complete within the specified period, all amounts held under performance bond, deposit or letter of credit, shall be turned over and delivered to the town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The town board, at its option, may extend the bond, deposit or letter of credit, period for additional periods not to exceed 2 years each period.

- (3) The time for completion of the work and the several parts thereof shall be determined by the plan commission upon recommendation of the town engineer after consultation with the subdivider. The completion date shall be a component of the development agreement. Completion dates shall meet the following criteria:
 - a. All improvements except the asphaltic concrete binder course and surface course must be installed prior to town board approval of the final plat and within 2 years of the date of plan commission approval of the preliminary plat.
 - b. Restoration of the aggregate base course, asphaltic concrete binder course and aggregate shouldering to match the binder course must be installed within 1 year of the date of town board approval of the final plat, but after the aggregate base course has been in place for one full Winter. Winter is defined herein as the period between December 21 and April 21.
 - c. Correction of any defects in the asphaltic concrete binder course, asphaltic concrete surface course, and aggregate shouldering to match the surface course must be installed within 1 year of the date of installation of the binder course, but after the binder course has been in place for one full Winter.
- (4) The subdivider shall pay the town for all costs incurred by the town for review and inspection of the subdivision.

Sec. 54-143 Required construction plans; town review; inspection

- (a) *Engineering reports, construction plans and specifications.* Construction plans and specifications for the required improvements shall be prepared at the subdivider's expense by a professional engineer registered in the state and shall contain the engineer's seal. Construction plans and specifications shall be furnished for the following public 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. Not required if the subdivision is served by private on-site waste treatment systems.
 - (3) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities. Not required if the subdivision is served by individual or shared wells that do not meet the criteria for a community water system.
 - (4) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the county's and the town's erosion control ordinance.
 - (6) Stormwater management and treatment plans showing those structures required to limit peak runoff rates.

- (7) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (8) Additional special plans or information as required by the plan commission.
- (b) *Review by the town engineer.* The town engineer shall review the plans and specifications for conformance with the requirements of this chapter, other ordinances and design standards, and generally accepted sound engineering design principals.
- (c) *Construction and inspection*
 - (1) Prior to starting any of the work covered by the plans approved in this chapter, written authorization to start the work shall be obtained from the town engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter.
 - (2) During the course of construction, the town engineer shall make such inspections as the plan commission deems necessary to insure compliance with the plans and specifications as approved. The subdivider shall pay the actual cost incurred by the town for such inspections. This fee shall be the actual cost to the town of inspectors, engineers and other parties necessary to ensure satisfactory work.
- (d) *Record plans.* After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall submit 3 copies of record plans showing the actual location and elevation of all valves, manholes, stubs, sewers, water mains, culverts and other drainage structures and ditches and such other facilities as the plan commission shall require. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

Sec. 54-144 Street improvements

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this chapter:

- (1) *Street construction standards.* The design and construction of all roads, streets and alleys in the town shall fully comply with the requirements and specifications of sections 54-191 and 54-192.
- (2) *Grading*
 - a. Prior to the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - b. Proposed grades will be reviewed by the town engineer for conformance with town standards and good engineering practice. Street grades require the approval of the town board after receipt of the town engineer's recommendations.
 - c. After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - d. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
 - e. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.

- f. The town engineer shall approve all grading within rights-of-way and such grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved.
 - g. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within 6 inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (3) *Street construction.* After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the subdivider shall construct the streets, including curb and gutter where required by the town. The subdivider shall surface roadways to the widths prescribed by Sections 54-191 and 54-192. Construction shall comply with the town's standard specifications for street improvements.
- (4) *Completion of street and sidewalk construction*
- a. Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the town engineer and accepted by the town board. Contractors who damage town roads during construction shall be liable for such damage.
 - b. The town board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the town board.
 - c. The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the town board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

Sec. 54-145 Curb and gutter

Curb & gutter is required at all road intersection radii as shown on appendix C and may be required by the plan commission in urban fringe areas, areas of exceptional or unusual topography, or other areas recommended by the town engineer. Where curb and gutter is required, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the plan commission, after the installation of all required utility and storm water drainage improvements. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

Sec. 54-146 Sidewalks

Sidewalks may be required by the plan commission in high traffic areas and areas in the vicinity of schools, commercial areas and other places of public assemblage. The plan commission may require the construction of sidewalks if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.

Sec. 54-147 Sanitary sewer system

- (a) There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the town board and/or sanitary district.
- (b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey parcel or land division.
- (c) Subdivisions and certified survey parcels in a designated urban service area shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be

constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district.

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

Sec. 54-148 Water supply facilities

- (a) In cases where water supply is by private wells, shared wells are strongly encouraged.
- (b) *Urban service areas.*
 - (1) The subdivider shall make adequate domestic water supplies available, and pay for such improvements, for each lot within the subdivision or land division in a designated urban service area.
 - (2) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or land division. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district. Water service laterals shall be provided to all lots served by a community water distribution system.

Sec. 54-149 Storm water drainage facilities

- (a) Pursuant to Section 54-195, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the 5 year storm; culverts shall be designed to accommodate the 10 year storm and shall be sized so that the 25 year frequency storms do not cause flooding of the adjacent roadway. Storm water swales and ditches shall be sized for from 25 to 100 year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. The town engineer shall recommend the appropriate design parameters to the plan commission. 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 plan commission, upon the recommendation of the town engineer.
- (b) Facilities to detain, retain and/or treat storm water runoff shall be privately owned, operated and maintained in perpetuity by the owner or owners of the lot or lots containing the facility or by an association of the owners of all the lots in the land division. Provisions for ownership, operation and maintenance of such storm water facilities shall be incorporated in the restrictive covenants recorded with the land division.

Sec. 54-150 Street lighting

- (a) The subdivider shall install hooded street lamps along all streets proposed to be dedicated, of a design compatible with the neighborhood and type of development proposed. Lamps shall be placed at each street intersection and at such interior block spacing as may be required by the plan commission. Street light fixtures shall be installed a minimum of 12 feet above the road surface and shall be equipped with hoods, reflectors and/or lenses to direct all light below a horizontal plane from the fixture. A restrictive covenant shall be included on the plat requiring lot owners within the land division to pay for the operation and maintenance of the lighting system.

- (b) As an alternative to sub, (a) above, the subdivider shall submit an alternative lighting plan for review and approval by the plan commission.

Sec. 54-151 Other utilities

- (a) The subdivider shall cause natural gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the plan commission specifically allows overhead poles for the following reasons:
- (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (b) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the plan commission and such map shall be filed with the town clerk.

Sec. 54-152 Street signs

The subdivider shall install all necessary traffic control signs, including street name signs of a design approved by the plan commission at the intersections all streets.

Sec. 54-153 Erosion control

Pursuant to the county's or town's construction site erosion control ordinance, the subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

Sec. 54-154 Partition fences

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences between such land and the adjacent land, if requested by the adjoining land owner. Fences shall be 4 foot high woven wire with one barbed wire above. The strands of woven wire shall not be smaller than No. 12 wire and the cross wires shall not be smaller than No. 16 wire; the strands shall not be more than 8 inches apart, and the cross wires not more than 12 inches apart. Post spacing shall not exceed 10 feet. A 4 inch minimum diameter braced post shall be set at all corners. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

Sec. 54-155 Lands abutting agricultural districts

When lots within the proposed subdivision abut lands zoned A-1 or A-2, a 20 feet wide green space buffer strip shall be provided adjacent to the A-1 or A-2 lands. No bushes, shrubs, vines or other woody vegetation shall be permitted in the 10 feet of the strip abutting the agricultural lands, but are permitted in the remaining 10 feet. Trees are not permitted in the buffer area. This entire 20 foot buffer shall be part of the platted lots and shall have an appropriate restriction lettered on the face of the plat. Buildings are permitted in the green space buffer strip but are to comply with all other rules and setback provisions of this Code.

Sec. 54-156 Easements

- (a) *Utility easements.* The plan commission, on the recommendation of appropriate agencies serving the town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water or other utility lines. It is the intent of this chapter to protect all established easements so as to ensure proper grade, ensure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be ensured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this article.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the town engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a 100 year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) *Easement locations.* Such easements shall be at least 12 feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the plan commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

ARTICLE IV - DESIGN STANDARDS

Sec. 54-191 General street design standards

- (a) *Compliance with statutes.* In laying out a subdivision, the owner shall conform to the provisions of Wis. Stats. ch. 236, and all applicable town regulations. In all cases where the requirements of this chapter are different from the requirements of Wis. Stats. ch. 236, the more restrictive provision shall apply.
- (b) *Dedication.* The subdivider shall dedicate land and improve streets as provided in this chapter and section 54-144. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the town board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) *Compliance with comprehensive plan.* The arrangement, character, extent, width, grade and location of all streets shall conform to any town comprehensive development plan or official map and to this chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to storm water runoff, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be

served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

- (d) *Areas not covered by plan.* In areas not covered by a town comprehensive plan, or official map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) *Street classifications.* Streets shall be classified as indicated below.
 - (1) *Arterial streets.* Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) *Collector streets.* Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) *Minor streets.* Minor streets 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 land division or for the advantageous development of the adjacent tracts.
 - (5) *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 town under conditions approved by the plan commission.
 - (6) *Alleys.* Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare or federal, state or county trunk highway.
 - (7) *Continuation.* Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the plan commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 800 feet in length will be approved when necessitated by the topography.
 - (8) *Minor streets.* Minor streets shall be so laid out so as to discourage their use by through traffic.
 - (9) *Number of intersections.* The number of intersections of minor streets with arterial and collector streets shall be reduced to the practical minimum consistent with circulation needs

and safety requirements, preferably not more than two. Wherever practicable the distance between such intersections should not be less than 1,320 feet.

- (10) *Frontage roads.* Where a subdivision abuts or contains an existing or proposed arterial highway, the town board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (11) *Private streets.* Private streets may be approved in planned unit developments, condominium plats or in other similar circumstances as approved by the plan commission.
- (12) *Visibility.* Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the town engineer, sufficient vision clearance triangles shall be provided at intersections.
- (13) *Tangents.* A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets. Whenever there is a deflection angle of more than 10 degrees in the alignment of a street, a curve shall be introduced with the required radius.
- (14) *Street grades.*
 - a. Unless necessitated by exceptional topography subject to the approval of the plan commission, the maximum centerline grade of any street or public way shall not exceed the following:
 - Arterial streets: 6%.
 - Collector streets: 8%.
 - Minor streets, alleys and frontage streets: 10%.
 - Pedestrian ways: 8% unless steps of acceptable design are provided.
 - The grade of any street shall in no case exceed 12% or be less than 0.5%.
 - b. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
- (15) *Radii of curvature.* When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - Arterial streets and highways: 350 feet.
 - Collector streets: 200 feet.
 - Minor streets: 100 feet.
- (16) *Half streets.* Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets shall be avoided where possible.
- (17) *Intersections.*
 - a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - b. Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (18) *Street names.* New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the plan commission.

(19) *Cul-de-sacs.*

- a. *Generally.* Cul-de-sac streets designed to have one end permanently closed shall be a maximum of 800 feet in length. All cul-de-sac streets designed to have one end permanently closed shall be designed in accordance with fig. 2, appendix C. The use of cul-de-sacs should be avoided where possible and are allowed only where specifically permitted by the plan commission.
- b. *Temporary dead-ends.* Temporary dead-ends shall be a maximum of 800 feet in length. A temporary cul-de-sac shall have a minimum right-of-way radius of 70 feet and a minimum edge of pavement or face of curb radius of 47 feet. The road right-of-way shall be dedicated to the property line of land abutting the subdivision, but the road need not be constructed beyond the temporary cul-de-sac. The developer or owner of the abutting lands shall construct the road and any necessary utilities in such dedicated right-of-way at the time the abutting lands are subdivided or developed.

(20) *Limited access highway and railroad right-of-way treatment.* Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

- a. *Subdivision lots.* When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- b. *Commercial and industrial districts.* Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- c. *Streets parallel with a limited access highway.* Streets parallel with a limited access highway or railroad right-of-way, when intersecting a major 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.
- d. *Minor streets.* Minor streets immediately adjacent and parallel with railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 54-192 Specifications for preparation, construction and dedication of streets and roads

(a) *General requirements*

- (1) *Construction standards.* All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation, Standard Specifications for Highway and Structure Construction", latest edition, including all Supplemental Specifications and other revisions to date, and this chapter, whichever is more restrictive. The design requirements of this section and section 54-191 shall be applicable to all streets and roads that are to be dedicated to the town, regardless of whether such streets or roads are part of a new subdivision or land division.

- (2) *Project costs.* All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the town in the preparation of plans and review and inspection of plans and construction.
- (3) *Preliminary consultation.* Prior to the design, preparation and construction of any roadway to be dedicated to the town, the applicant shall notify the town clerk. An on-site meeting will then be arranged to be attended by the town engineer and plan commission and the applicant. Plans must be provided in order for the town engineer and plan commission to check the design and the drainage.
- (4) *Material slips.* The town may require copies of material slips for all materials furnished for the road construction projects before approving the final construction.
- (5) *Required inspections.* Although the town engineer and plan commission may conduct inspections as necessary at any state of construction, the town engineer and plan commission shall be contacted for required inspections after the following phases of construction:
- a. Subbase grading;
 - b. Crushed aggregate base courses;
 - c. Bituminous surface course;
 - d. Shouldering; and
 - e. Placement of erosion control measures (soil stabilization and stormwater retention/detention measures).
- Any deficiencies found by the town engineer and plan commission shall be corrected before proceeding to the next phase of construction.
- (6) *Tests of materials.* The town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
- (7) *Pavement samples.* Samples of bituminous concrete may be required to be taken by the town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
- (8) *Town board approval.* The finished roadway shall meet with the approval of the town board, upon the recommendation of the town engineer, since the town will include this road work in its annual request for highway aid.
- (b) *Construction standards.* Unless phasing of construction of improvements is approved by the plan commission, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the plan commission. All streets and highways constructed in the town or to be dedicated to the town shall fully comply with the following construction standards:

URBAN CROSS SECTION

| <i>Type of Street</i> | <i>Right-of-Way Width to Be Dedicated</i> |
|--|---|
| Statewide principal primary or standard arterial streets | 180 feet |
| Statewide minor arterial or areawide | * |
| High or low collectors | 100 feet |
| Local streets | 66 feet |
| Pedestrian ways | 8 feet |
| <i>Type of Street</i> | <i>Pavement Width (Curb Face to Face)</i> |

| | |
|--|---------|
| Statewide principal primary or Standard arterial streets | * |
| Statewide minor arterial or areawide | * |
| High or low collectors | |
| Local streets | 40 feet |
| Pedestrian ways | 8 feet |

RURAL CROSS SECTION

| <i>Type of Street</i> | <i>Right-of-Way Width to Be Reserved or Dedicated</i> |
|--|---|
| Statewide principal, primary, standard, arterial | * |
| Local street | 66 feet |
| Areawide high and low collectors | 100 feet |

| <i>Type of Street*</i> | <i>Pavement Width (Edge to Edge)</i> |
|--|--------------------------------------|
| Statewide principal, primary, standard, arterial | * |
| Areawide high and low collectors | * |
| Local streets and town roads | 24 feet |

*To be determined by the town board with advice from the highway commissioner.

- (1) *Roadway grading; ditches.* Roads shall be constructed in accordance with the cross section shown in figure 1, appendix C. Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish the required backslope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with state department of transportation standards. Debris may not be buried in the designated road right-of-way.
- (2) *Concrete curbing.* When deemed necessary due to the physical characteristics of the site, the plan commission may require the installation of concrete curbing, at the cost of the subdivider, as an alternative to the use of roadway ditches.
- (3) *Roadway base thickness.*
 - a. Residential and rural roads and streets shall have a minimum roadway base thickness of 12 inches consisting of 6 inches of breaker run overlain by 6 inches of gradation No. 2 or No. 3 crushed aggregate. All thickness referred to in this section is measured after compaction.
 - b. In the case of commercial, arterial or other heavy-use roads, the plan commission will provide specifications after researching the sites, conducting a soil analysis and consulting with the county highway department and/or town engineer.
 - c. In any case, the plan commission shall have the sole discretion in determining the use and construction classification to be adhered to.
 - d. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (4) *Roadway subgrade quality.*
 - a. All subgrade material shall have a minimum California Bearing Ratio (CBR) of 3. Subgrade material having a CBR less than 3 shall be removed and replaced with a

suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.

- b. Stable and nonorganic subbase material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-bearing capacity when wet, or are highly elastic shall be removed and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and loadbearing capacity when wet, an underdrain system shall be installed to keep the water level 5 feet below the pavement surface. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker run material approved by the plan commission.
- (5) *Pavement width.* Minimum of 40 feet face to face for urban service area minor streets, 44 feet face to face for collector streets or streets serving commercial or industrial areas, 24 feet for rural roads, without curb and gutter, and wider when required by the “Town Road Standards” as noted Wis. Stats. § 86.26., the more restrictive of which shall apply. Rural roads shall comply with the specifications for urban service area minor streets if they are located in an area that in the plan commission’s opinion might be annexed to an urban service area within 5 years.
 - (6) *Pavement thickness.* Residential and rural roads shall have a minimum of 3 inches thick compacted bituminous concrete pavement placed in two layers; a 1½ inches thick binder course and a 1½ inches thick surface course. The town board will provide specifications for paving commercial, arterial or other heavy-use roads after researching the sites, conducting a soil analysis and consulting with the county highway department and/or town engineer. In any case, the plan commission shall have the sole discretion in determining the use and construction classification to be adhered to.
 - (7) *Shoulder width.* Minimum of 2 feet wide on each side and wider when required by the “Town Road Standards” as noted in Wis. Stats. § 86.26.
 - (8) *Shoulder thickness.* Minimum of 3 inches of compacted in-place crushed aggregate base course, gradation No. 2 or No. 3 over the roadway base required by subsection (b)(3) of this section.
 - (9) *Roadway culverts and bridges.* Roadway culverts and bridges shall be constructed as directed by the town engineer and sized utilizing the TR-55 standards listed in chapter 13, entitled “Drainage,” of the “Facilities Development Manual” of the state department of transportation. All roadway culverts shall be provided with precast reinforced concrete or metal apron endwalls.
 - (10) *Driveway culverts.* The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and must be provided with precast reinforced concrete or metal apron endwalls. No part of a driveway culvert or its endwall may be less than 8 feet from a side lot line extended to the road ditch.
 - (11) *Topsoil, grass, seed, fertilizer and mulch.* All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored in accordance with section 630, state department of transportation, “Standard Specifications for Highway and Structure Construction.” A minimum of 6 inches of topsoil shall be provided. Seed mixture No. 40 sown by either Method A or B shall be used. Fertilizer Type A shall be applied in accordance with section 629. All seeded areas shall be mulched in accordance with section 627. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved by the plan commission.

- (12) *Extra turn lane.* The radius required shall be 25 feet for minor/local streets; heavy traffic/collector street radius shall follow manual standards.
 - (13) *Drainage improvements.* In the case of all new roads and streets, the plan commission may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
 - (14) *Post-construction traffic limited.* No vehicular traffic shall be permitted on the pavement for a minimum period of between 24 and 72 hours following paving, or as determined necessary by the town engineer to protect the new pavement.
- (c) *Statutory requirements.* The laying out of highways and roads shall be as provided in Wis. Stats. chs 80 and 86, except that in the case of subdivisions and certified surveys, the provisions of Wis. Stats. § 236.29(2), shall apply.
- (d) *Bond; final inspection*
- (1) Upon completion of the proposed streets, the plan commission will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this chapter have been complied with, the roadway or easement will be inspected by the town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by the plan commission, upon the town engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the town the deed of all land necessary for the road as previously mentioned.
 - (2) The development agreement required by Section 54-142 shall provide that the subdivider guarantees that the work required by this chapter is free of defects in workmanship and material for 1 year from the date of acceptance of the work by the town and shall provide for surety to that effect in an amount determined by the plan commission.
 - (3) Whenever the plan commission shall find that any such work has become defective within 1 year of the date of completion, it shall give written notice thereof to the subdivider or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the plan commission to be reasonably necessary to complete said work. After receipt of such notice, the subdivider or the surety must, within the time specified, repair the defect of indemnify the town for the cost of doing the work as set forth in the notice.

Sec. 54-193 Block design standards

- (a) *Length; arrangement.* The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 750 feet in length. Blocks shall be so designated as to provide two tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- (b) *Pedestrian pathways.* Pedestrian pathways, not less than 8 feet wide, may be required by the town board, upon the recommendation of the plan commission, through the center of a block where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Sec. 54-194 Lot design standards

- (a) *Size.*
- (1) *Access.* Every lot shall front or abut on a public street for a distance of at least 33 feet. In unique hardship cases where it is impossible for a lot to abut a public street,, a private way may be used for access purposes provided that a statement is included on the face of the plat indicating that the lot is served by a private way and that the town or county has no responsibility for the maintenance of the private way. Any such private way is subject to applicable county zoning or platting ordinances, if any.
 - (2) *Area and dimensions of lots* Area and dimensions shall conform to the requirements of all applicable zoning code requirements.
 - (3) *Area.*
 - a. Lots served by public sewer shall have a minimum of 15,000 square feet, unless otherwise provided by applicable town or county zoning ordinances. Lots served by a community waste disposal system shall have a minimum of 25,000 square feet. Lots served by a private on-site waste treatment system shall have a minimum of 35,000 square feet.
 - b. Whenever a tract is subdivided into large parcels, such parcels may be arranged and dimensioned so as to allow further division of those parcels into normal lots if and when those lots become sewerred, in accordance with the provisions of this chapter.
 - c. Deed restrictions may be required to regulate the placement of buildings on these lots.
 - d. Lots used exclusively for any components of a community waste disposal system shall be of sufficient size to comply with Comm 83.43(8)(i).
- (b) *Depth.* Lots shall have a minimum depth of 100 feet. Depth of lots or parcels reserved for commercial or industrial use shall be adequate to provide for screened, off-street service and parking required by the use contemplated, and the area zoning regulations for such use. An extra 10 feet in depth and width may be required for said lots to be restricted for planting of shrubs and trees to screen said parking or to screen proposed industrial lots.
- (c) *Width.* Lots served by public sewer or a community waste disposal system shall have a minimum width of 80 feet measured at the building setback line. Lots served by private on-site waste treatment systems shall have a minimum width of 125 feet measured at the building setback line.
- (d) *Lots in A-1 and A-2 zoning districts*
- (1) *Size.* The maximum residential lot size in the A-1 and A-2 zoning districts shall be 2 acres.
 - (2) *Without deed restriction and conservation design.* There shall be a maximum of one residential lot per 75 acres in the A-1 district and one residential lot per 35 acres in the A-2 district where the remaining non-residential lands are not subject to a deed restriction preventing further subdivision or non-agricultural development.
 - (3) *With deed restriction and conservation design.* There shall be a maximum of five residential lots per 75 acres in the A-1 district and five residential lots per 35 acres in the A-2 district where the remaining non-residential lands are subject to a deed restriction preventing further subdivision or non-agricultural development. Lots created under this section shall be clustered together on the least agriculturally productive lands.
- (e) *Soil testing.* Every unsewered lot in any land division must be fully tested in accordance with the provisions of Wis. Admin. Code Comm 85 and must be suitable for a private on-site waste treatment system under Wis. Admin. Code Comm 83 other than a holding tank. A holding tank

may be used only in an extreme hardship case where an existing habitable residence is in place on lands within the boundary of the proposed land division and no other private on-site waste treatment system can reasonably serve the residence.

- (f) *Corner lots.* Corner lots for residential use shall have extra width of 10 feet to permit building setback from both streets, as required by the county zoning code.
- (g) *Side lots.* Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow town boundary lines.
- (h) *Double and reversed frontage lots.* Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (i) *Natural features.* In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (j) *Land remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (k) *Building setback lines.* Building setback lines shall conform to the requirements of the town zoning ordinance, but shall not be less than those established by county setback, land use, or zoning ordinances. Where not otherwise controlled by ordinance, setback lines appropriate to the location and type of development contemplated shall be established by the plan commission to achieve the purpose and intent of this chapter.

Sec. 54-195 Drainage system

- (a) *Required.* As required by section 54-149, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the plan commission.
- (b) *Plans.*
 - (1) Prior to filing the final plat, the subdivider shall submit to the town a 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:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.

- (3) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the plan commission, upon the recommendation of the town engineer.
- (c) *Grading.* The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
- (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading, including use of culverts, shall be completed by one or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets. However, there shall be no on-street drainage.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
- (d) *Drainage system requirements.* The subdivider shall install all the storm drainage facilities indicated on the plans required in subsection (a) of this section.
- (1) *Street drainage.* All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into a sanitary sewer system within the proposed subdivision.
 - (2) *Off-street drainage.* The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the town to provide for the future maintenance of said system. Easements shall be a minimum of 20 feet, but the town may require larger easements if more area is needed due to topography, size of watercourse, etc.
- (e) *Protection.* The subdivider shall adequately protect all ditches to the satisfaction of the plan commission. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to 1 percent shall be seeded; those with grades up to 4 percent shall be sodded and those with grades over 4 percent shall be paved.)

Sec. 54-196 Nonresidential subdivision

- (a) *Generally.*
- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the plan commission may require.
 - (2) A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in chapter 10 (buildings and building regulations) of this Code. A non-residential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the town and shall conform to the proposed land use standards established by any town comprehensive plan or the dodge county zoning code.

- (b) *Standards.* In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the plan commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the town board with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the town board with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 54-197 Lake and stream shore plats

- (a) All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than half mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the state Department of Natural Resources and the state Department of Administration, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by circuit court action. This subsection does not require the town to improve land provided for public access.
- (b) The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (c) Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (d) Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

ARTICLE V - CHECKLISTS AND DETAIL DRAWINGS

Sec. 54-231 Appendix A

APPENDIX A

Preliminary Checklist for Environmental Assessment of Land Divisions

| | | <u>Yes</u> | <u>No</u> |
|-----|---|------------|-----------|
| (a) | <i>Land Resources</i> | | |
| | Does the project site involve: | | |
| | (1) Changes in relief and drainage patterns | _____ | _____ |
| | (2) A landform or topographical feature of local or regional interest | _____ | _____ |
| | (3) An area having importance for wild plant and animals of community interest | _____ | _____ |
| | (4) An area of soil instability greater than 12 percent slope or organic soils, peats or mucks at or near the surface | _____ | _____ |
| | (5) An area of bedrock within 6 feet of the soil surface | _____ | _____ |
| | (6) An area with the groundwater table within 10 feet of the soil surface | _____ | _____ |
| | (7) An area with fractured bedrock within 10 feet of the soil surface | _____ | _____ |
| | (8) A drainage way for 5 or more acres of land | _____ | _____ |
| | (9) More than 50 percent impermeable surface | _____ | _____ |
| | (10) Prime agricultural land | _____ | _____ |
| | (11) Wetlands and marshes | _____ | _____ |
| | (12) Removal of over 25 percent of the present trees | _____ | _____ |
| (b) | <i>Water Resources</i> | | |
| | Does the proposed project involve: | | |
| | (1) Location within an area traversed by a navigable stream or dry run | _____ | _____ |
| | (2) Greater than 10 percent change in the capacity of a water storage facility or flow of a waterway within 1 mile | _____ | _____ |
| | (3) The use of septic tank-soil absorption fields for on-site waste disposal | _____ | _____ |
| | (4) Lowering of water table by pumping or drainage | _____ | _____ |
| | (5) Raising of water table by altered drainage patterns | _____ | _____ |
| | (6) Lake frontage | _____ | _____ |
| (c) | <i>Biological Resources</i> | | |
| | Does the site involve: | | |
| | (1) Critical habitat for plants and animals of community interest | _____ | _____ |
| | (2) Endangered, unusual or rare species of: | | |
| | a. Land animals | _____ | _____ |
| | b. Birds | _____ | _____ |
| | c. Plants | _____ | _____ |
| (d) | <i>Human and Scientific Interest</i> | | |
| | Does the project site involve: | | |
| | (1) An area of archaeological interest | _____ | _____ |
| | (2) An area of geological interest | _____ | _____ |
| | (3) An area of hydrological interest | _____ | _____ |
| | (4) An area of historical interest | | |
| | a. Historic buildings or monuments | _____ | _____ |
| | b. Buildings or monuments of unique architecture | _____ | _____ |
| | (5) An area or identified community recreational use | _____ | _____ |
| (e) | <i>Energy, Transportation and Communications</i> | | |
| | (1) Does the development increase the traffic flow in any collector system by more than 10 percent? | _____ | _____ |

- (2) Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, storm sewer)? _____
- (3) Is safe exit and access provided for? _____
- (f) *Population*
Does the development increase by more than 10 percent the school population of any school serving the development? _____
- (l) *Comments.*
Comments on any of the above which may have significant environmental impact.
- (h) *Appendices and Supporting Material*

PRECONFERENCE CHECKLIST

Date: _____

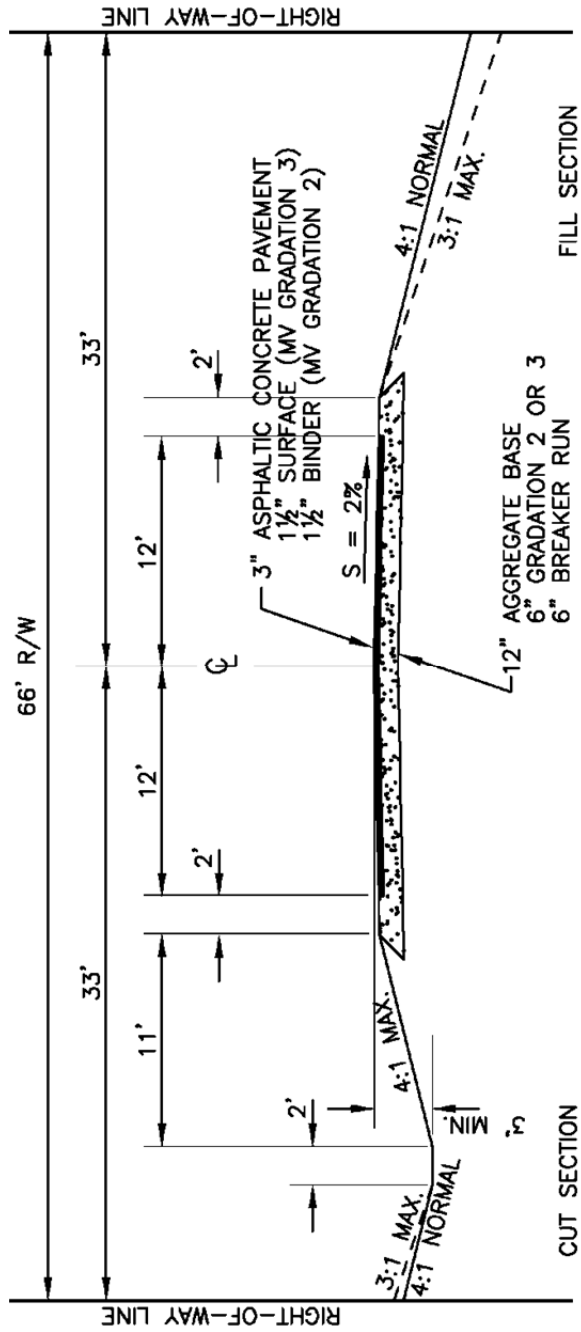
Project: _____

- (1) Drainage plan including all culverts crossing proposed town road and driveway culverts, sizes and location for all.
- (2) Town road elevation and depth of ditches.
- (3) Connections to adjacent subdivision.
- (4) Town Engineer needs to review preliminary plat.
- (5) Town Board review of subdivision covenants.
- (6) Developer's agreement including town road design.
- (7) Group location for mail boxes.
- (8) Any D.O.T. requirements.
- (9) Park Fund.

These are only the preliminary conditions. The Town Board may require additional agreements before approval of preliminary and final plats and rezonings.

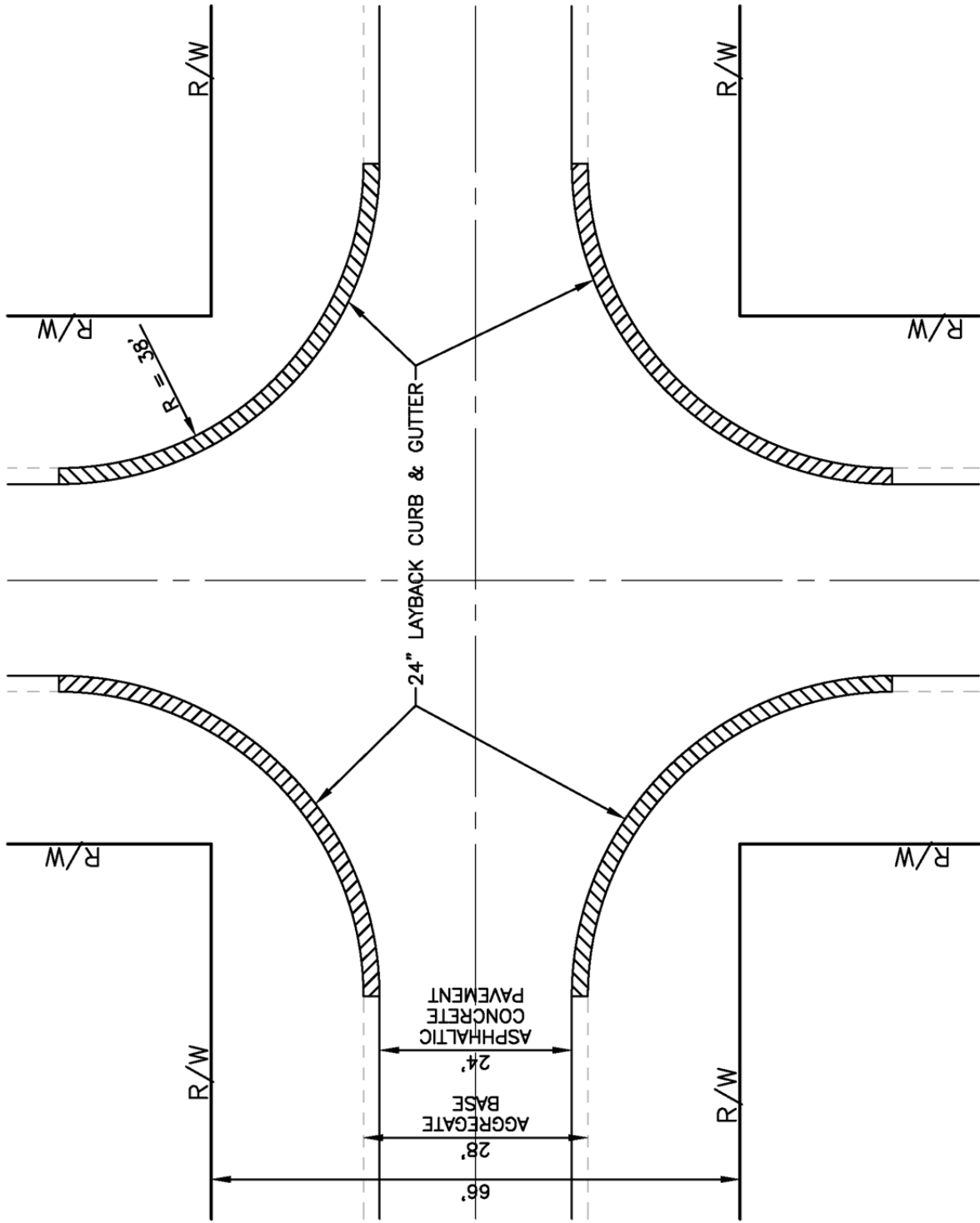
Owner: Town of Beaver Dam:

APPENDIX C
STANDARD DETAIL DRAWINGS



TOWN OF BEAVER DAM
STANDARD RURAL ROAD CROSS SECTION

SCALE: 1" = 10'



TOWN OF BEAVER DAM
STANDARD INTERSECTION DETAIL

SCALE: 1" = 20'