

Ordinance #11-102

**Ordinance Regulating
Land Divisions, Subdivisions and Planning
in the Town of Rice Lake, Wisconsin**

TITLE 14

Chapter 1 Land Division and Subdivision Code

Title 14 – Chapter 1

Land Division and Subdivision Code

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose

- (a) **Introduction.** These regulations are adopted under the authority granted by §236.45 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Rice Lake, County of Barron, Wisconsin, ordains 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 of Rice Lake.
 - (2) Except as otherwise provided for herein, this Chapter shall not repeal, impair or modify private covenants or any other ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to supplement the provisions of Chapter 236 of Wisconsin Statutes and to promote the public health, safety and general welfare within the Town of Rice Lake; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further re-subdivision of larger tracts into smaller parcels of land. The provisions of this ordinance are made with reasonable consideration, among other things, of the rural character of the Township with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Township of Rice Lake.

Sec. 14-1-2 Abrogation and Greater Restrictions

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

Sec. 14-1-3 Interpretation

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

Sec. 14-1-4 Severability

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

Sec. 14-1-5 Repeal

Ordinance #98-103 known as Subdivision & Platting Ordinance for the Township of Rice Lake, Barron County, Wisconsin, is hereby repealed. All other ordinances or part of ordinances of the Township of Rice Lake, Barron County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title

This Chapter shall be known as, referred to or cited as the “Subdivision & Platting Ordinance for the Town of Rice Lake” or “Town of Rice Lake Land Division and Subdivision Ordinance.”

Sec. 14-1-7 Effective Date

This chapter shall become effective the day after its publication or posting in the manner provided for by law.

Sec 14-1-8 through Sec 14-1-9 Reserved for Future Use

Article B: Definitions

Sec. 14-1-10 Definitions.

Definitions. For the purposes of these regulations, the following terms are defined. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word “shall” is mandatory.

- 1) **Alley.** A special public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- 2) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.
- 3) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- 4) **Certified Survey.** A map of a land division prepared in accordance with this ordinance and Chapter 236, Wisconsin Statutes.
- 5) **Clerk.** Clerk of the Town of Rice Lake.
- 6) **Collector Street.** A street used, or intended to be used, to carry traffic from a minor street to the major system of arterial streets, including the principal entrance streets to residential developments.
- 7) **Commission.** The Planning Commission created by the Town Board pursuant to §62.23 of the Wisconsin Statutes.
- 8) **Comprehensive Plan.** Town of Rice Lake Comprehensive Plan 2008-2030.
- 9) **Condominium.** Property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes.
- 10) **County.** Barron County.
- 11) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- 12) **Division of Land.** A division of a lot, parcel or tract of land by the owner thereof or the owner’s agent for any purpose, including sale or development.
- 13) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- 14) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1 ½) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- 15) **Final Plat.** The final map, drawing or chart, on which the sub-divider’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County of Register of Deeds for recording.
- 16) **Frontage Road/Street.** 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.
- 17) **Hardship.** A circumstance, which was not created by the owner, prior owner, or agent thereof, where compliance with the regulations governing lot area, setbacks, frontage, height or density will prevent the owner from using the lot or parcel for a permitted purpose.
- 18) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility or public

convenience for which the Town may ultimately assume the responsibility for maintenance and/or operation.

- 19) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- 20) **Lot.** 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.
- 21) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- 22) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- 23) **Lot, Reversed Corner.** 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.
- 24) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
- 25) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- 26) **Lot, Width.** The width of a parcel of land measured along the front building line.
- 27) **Major Subdivision.** The division of land by the owner or sub-divider resulting in the creation of more than three (3) parcels or building sites, or where there is a realistic potential for further subdivision of any of the parcels, or a division of land where public improvements are required.
- 28) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- 29) **Minor Subdivision.** The division of land by the owner or sub-divider resulting in the creation of not more than three (3) parcels or building sites, and where no public improvements are necessary and the potential for further division is minimal.
- 30) **Outlot.** A parcel of land not intended for immediate development, so designated on the plat, replat or Certified Survey Map.
- 31) **Owner.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under this Chapter.
- 32) **Pedestrian Pathway.** 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.
- 33) **Planning Commission.** Town of Rice Lake Planning Commission.
- 34) **Plat.** The map, drawing or chart on which the sub-divider's plat of subdivision is presented to the Town for approval.
- 35) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission/Town Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- 36) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies and restrictions placed on lands pursuant to §236.293, Wis. Stats., 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.
- 37) **Replat.** The process of changing, of the 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.
- 38) **Sanitary District.** A district created by the Town in accordance with §60.70 of the Wis. Stats., and all references thereof.
- 39) **Shorelands.** Those lands within the following distances: One thousand (1000) feet from the normal high-water elevation of navigable lakes, ponds or flowages or three hundred (300) feet from the normal high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- 40) **Stormwater Management Structures.** Any stormwater management structure or technique to include, but not limited to storm sewers, lift stations, retention or detention ponds, infiltration basins, constructed stormwater wetlands, porous pavement and stormwater management best management practices.

- 41) **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- 42) **Subdivision in the Town of Rice Lake.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of transfer of ownership or building development where the division creates a parcel or building site of less than a nominal forty acres.
- 43) **Subdivision requiring State Approval.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels of building sites of 1½ acres each or less in area; or five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 years
- 44) **Town.** The Town of Rice Lake, Barron County, Wisconsin.
- 45) **Town Board.** The Board of Supervisors of the Town.
- 46) **Townhouse.** A dwelling unit, generally having 2 or more floors and attached to other similar units via party walls. Townhouses are often used in planned unit developments and condominium developments, which provide for clustered or attached housing and common open space.
- 47) **Utility District.** A district created by the township in accordance with §60.23 and §66.072 of the Wis. Stats., and all references thereof.
- 48) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (§23.32(1), Wisconsin Statutes)
- 49) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by §35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-11 through Sec 14-1-19

Reserved for Future Use

Article C: General Provisions

Sec. 14-1-20 General Provisions

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, or replat as defined herein; 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 Chapter 236, Wis. Stats.
 - (2) The rules of the Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter COMM 83 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter TRANS 233 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared and duly adopted by the Town, and the state, regional, county or municipal agencies as the case may be.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Town of Rice Lake 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 Barron County Code of Ordinances.
 - (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.

- (b) **Jurisdiction.** Jurisdiction of these regulations 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, shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements; or
 - (3) The sale or exchange of parcels or land between owners of adjoining property if additional lots are not created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** A recordable document prepared as provided in §236.34, Wis. Stats. and the requirements of this Chapter may be used for showing the division of land for a minor subdivision, or a major subdivision (after the approval of a preliminary plat), but not a subdivision as defined in §236.02(12), Wis. Stats.
- (d) **Site Plan.** A site plan is required for any division of land that involves five (5) or more acres. The site shall include a general layout showing existing features including structures, wooded areas, contours, drainageways, streams, wetlands, steep slopes and other features that may limit development and alternative layouts for lots or parcels, including streets, utilities, drainage and other required or desirable features.
- (e) **Building Permits.** The Town of Rice Lake 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 of Rice Lake on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.
- (f) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to §703.27(1), Wis. Stats. and as provided for in Section 14-1-23 below. 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. 14-1-21 Land Suitability

- (a) **Suitability.** No land shall be subdivided for residential, commercial, industrial or any other use which is held unsuitable for such use by the Town Board, upon recommendation of the Planning 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 Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. 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.
- (c) **Additional Considerations.**
 - (1) Areas of archaeological and/or historic 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 Chapter COMM 83, Wisconsin Administrative Code.

Sec. 14-1-22 Conservation Based Design

- (a) **Purpose.** In accordance with the Town of Rice Lake Comprehensive Plan the purpose of this section is to provide for residential cluster development in order to:

- (1) Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography.
 - (2) Protects environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features and prime agricultural lands.
 - (3) Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surface in site development.
 - (4) Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities need to be extended and length of streets.
 - (5) Provide opportunities for social interaction and walking and hiking in open space areas.
- (b) **Cluster Development.** Cluster development means a land development using a site-planning technique that concentrates buildings and structures in a specific area on a lot, site or parcel to allow the remaining land to be used for recreation, open space, and /or preservation of agricultural lands or other features and/or structures with environmental, historical, cultural, or other significance.
- (c) **Applicability; General Provisions.** A residential cluster development shall be permitted in any residential zoning district.

Sec. 14-1-23 Condominium Developments

- (a) **Purpose.**
- (1) The Town Board hereby 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 similar, both physically and in ownership, to developments in which the land and improvements are under unitary ownership, management and control.
 - (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a) Additional population density;
 - b) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - c) Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - 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) Sections 14-1-21, relating to land suitability and construction practices;
 - (2) Sections 14-1-30 through 14-1-32, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats;
 - (3) Section 14-1-34, relating to fees for review;
 - (4) Article F, relating to required improvements;
 - (5) Article G, relating to design standards for improvements;
 - (6) Article H, 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 this Chapter;

- (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-24 through Sec 14-1-29

Reserved for Future Use

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation

- (a) **Pre-submittal.** Before filing a Preliminary Plat or certified survey map, the subdivider is encouraged to consult with the Planning Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities and/or a site plan. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and 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. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) **Site Plans.**
 - (1) The site plan is to show existing features including structures, wooded areas, drainageways, streams, wetlands, steep slopes and other features that may limit development.
 - (2) Alternative layouts for lots or parcels, including streets, utilities, drainage and other required or desirable features.

Sec. 14-1-31 Submission of Preliminary Plat and CSM

- (a) **Submission.** Before submitting for the approval of a major subdivision the subdivider shall prepare a Preliminary Plat and a letter of application. Before submitting for approval any minor subdivision by means of a CSM, the subdivider shall prepare a preliminary CSM and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat and CSM. The Preliminary Plat and Preliminary CSM shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Town Clerk at least fifteen (15) days prior to the meeting of the Planning Commission at which action is desired.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat or Preliminary CSM, the owner shall file with the Town Clerk three (3) complete sets of preliminary engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** 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 §236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Town Clerk. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements and are not enforceable by the Town except as otherwise provided for therein.)
- (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.

- (e) **Supplemental Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
- (1) **Use Statement.** A statement of the proposed use of lots stating 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.
 - (2) **Site Plans.** Where the subdivision is of a parcel of ten (10) or more acres, site plans are required showing as a minimum requirement the information for site plans as listed in Section 14-1-30 and, except where conservation based design has been rejected during preliminary consultation, having at least one (1) alternate layout based on conservation based design.
 - (3) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
 - (4) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission and/or Town Board may require that the subdivider submit site plans and 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.
- (f) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** 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 14-1-21, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- (h) **Referral to Other Agencies.**
- (1) The subdivider shall provide at the time of submittal of a preliminary or final plat, a list of the authorities and objecting agencies to which the plat must be submitted for approval, together with the number of legible copies required (in addition to those required above), to the Town Clerk, all as required under Chapter 236, Wisconsin Statutes.
 - (2) The Town Clerk will within 2 days forward those copies to the list of authorities and agencies provided.
- (i) **Drafting Standards.** The Preliminary Plat shall be based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of Land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted. (Note: For purpose of clarity, proposed improvements may be shown on a companion drawing at the same scale.)

Sec. 14-1-32 Preliminary Plat Review and Approval

- (a) **Planning Commission Recommendation**
- (1) The Town Clerk shall give notice of the Planning Commission's review of the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice posted as required by law. The notice shall include the name of the applicant, the address of the property in question and the requested action.
 - (2) Acknowledge objections from approving authorities and objecting agencies if appropriate.
 - (3) After review of the Preliminary Plat and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Planning Commission shall recommend to the Town Board disapproval, approval or conditional approval of the Preliminary Plat within sixty (60) days of the filing date.
- (b) **Board Review.** The Town Clerk shall give notice of the Town Board's review of the Preliminary Plat by listing it as an agenda item in the Board's meeting notice posted as required by law. The

notice shall include the name of the applicant, the address of the property in question and the requested action.

- (c) **Board Action.** After receipt of the Planning Commission's recommendation, the Town Board shall, within ninety (90) days of the date the plat was filed with the Town Clerk, approve, approve conditionally or reject such plat or survey map 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 Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the plat of map is approved, the Town Chairman will endorse it for the Town Board.
- (d) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within thirty six (36) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. 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 Planning Commission and Town Board, at the time of its submission.
- (e) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which must follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which case it shall be refiled.
- (f) **Time Extension.** The time within which the Planning Commission and/or the Town Board must act as provided for herein, may be extended by the agreement of the person submitting the Preliminary Plat or Preliminary CSM, which agreement shall be recorded in the minutes of the meeting.

Sec. 14-1-33 Final Plat Review and Approval

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat or Certified Survey and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the Town Clerk at least fifteen (15) days prior to the meeting of the Planning Commission at which action is desired. The owner or subdivider shall file for approval of the Final Plat or CSM not later than thirty six (36) months after the date of approval of the Preliminary Plat or CSM; otherwise, the Preliminary Plat and Final Plat or CSM will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report or such other evidence as the Town Attorney may require showing title or control of the property by the applicant.
- (2) The subdivider shall provide at the time of submittal a list of the authorities and objecting agencies to which the plat must be submitted for approval, together with the number of legible copies required (in addition to those required above), to the Town Clerk.
- (3) The Town Clerk will within 2 days after a final plat is submitted for approval forward those copies to the list of authorities and agencies provided.
- (4) Simultaneously with the filing of the Final Plat or Certified Survey, the owner shall file with the Town Clerk three (3) copies of the final plans and specifications of public improvements required by this Chapter.
- (5) The Town Engineer may be asked to examine the plat of map, certified survey and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Planning Commission. If the plat or map or the plans and specifications are not satisfactory, the Town Engineer shall return them to the applicant and so advise the Planning Commission.

(b) **Planning Commission Review.**

- (1) The Planning Commission shall examine the Final Plat or Certified Survey as to its conformance with the approved Preliminary Plat or Preliminary CSM, any conditions of approval of the Preliminary Plat or Preliminary CSM, 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 or CSM to the Town Board.
- (2) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat or CSM, notify the subdivider and all other approving and objecting agencies of any objection, except that the Wisconsin Department of Administration has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (3) If the Final Plat or CSM is not submitted within thirty six (36) months of the last required approval of the Preliminary Plat or Preliminary CSM, the Planning Commission may recommend the Town Board may refuse to approve the Final Plat.
 - (4) The Planning Commission shall, within thirty (30) days of the date of filing of the Final Plat or Final CSM with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat or CSM and application along with its recommendations to the Town Board. The Planning 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 sixty (60) days of the date of filing the original Final Plat or CSM with the Town Clerk, approve or reject such Plat or CSM unless the time is extended by agreement with the subdivider. If the Plat or CSM 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 or CSM unless the Town Clerk certifies on the face of the Plat or CSM that the copies (if required) were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (2) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat or CSM shall be deemed approved.
 - (3) After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat or CSM attesting to such approval to be duly executed and the Plat or CSM returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within twelve (12) months from the date of last approval or thirty six (36) months after the first approval..
 - (4) The subdivider shall file two (2) copies of the Final Plat with the Town Clerk for Town records.
- (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.

Sec. 14-1-34 Administrative Fees

- (a) **General.** The subdivider shall pay the Town all fees as herein after required 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 inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. The fee for these services will be billed monthly and are to be paid within 25 days.
- (c) **Legal and Administrative Fees.** The subdivider shall pay a fee equal to the cost of any legal, administrative or accounting work which may be undertaken by the Town in connection with the plat or certified survey map. The fee for these services will be billed monthly and are to be paid within 25 days.
- (d) **Preliminary Plat Review Fee.**

- (1) The subdivider shall pay a fee to the Town Clerk at the time of the first application for approval of any Preliminary Plat or certified survey map to assist in defraying the cost of review. This fee shall be as established in accordance with a resolution periodically reviewed and adopted by the Town Board.
 - (2) A reapplication fee shall be paid to the Town Clerk at the time of reapplication for approval of any Preliminary Plat which has been previously reviewed. This fee shall be fifty percent (50%) of the above review fee unless otherwise established in accordance with a resolution periodically reviewed and adopted by the Town Board.
- (e) **Final Plat Review Fee.**
- (1) The subdivider shall pay a fee to the Town Clerk at the time of the first application for approval of any Final Plat or certified survey map to assist in defraying the cost of review. This fee shall be as established in accordance with a resolution periodically reviewed and adopted by the Town Board.
 - (2) A reapplication fee shall be paid to the Town Clerk at the time of reapplication for approval of any Final Plat which has been previously reviewed. This fee shall be fifty percent (50%) of the above review fee unless otherwise established in accordance with a resolution periodically reviewed and adopted by the Town Board.

Sec. 14-1-35 Replat

- (a) Except as provided in Section 70.27(1), Wis. Stats., 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 §236.40 and 236.44 of the Wisconsin Statutes. 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 Planning 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 three hundred (300) 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 Planning 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.

Sec. 14-1-36 Development Agreements

As a condition precedent to the approval of any land division, the subdivider shall be required to enter into one or more development agreements with the Town, unless this request is waived in a writing by the Town Board. Following the preliminary consultation under Sec 14-1-30 and contemporaneously with the submission of the application for approval under Sec 14-1-31, the Subdivider shall execute an agreement with the Town wherein the subdivider agrees to reimburse the Town for all legal, engineering, accounting and other administrative fees described in Sec 14-1-34 in connection with the review of the proposed land division. The Town may require the subdivider to make a deposit in anticipation of payment of such expenses and fees, in such amount as the Town Board may reasonably determine.

Sec. 14-1-37 through Sec 14-1-39

Reserved for Future Use

Article E: Technical Requirements for Plats and Certified Surveys

Sec. 14-1-40 Technical Requirements for Preliminary Plats

- (a) **General.** A Preliminary Plat shall be required for all major subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a scale of not more than one hundred (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, 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 Town Board, upon the Planning Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
 - (6) **Plat Data.** All Preliminary Plats shall show the following:
 - a) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner of the Barron County coordinate system.
 - b) **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.
 - c) **Location, Right-of-Way Width and Names** of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - d) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
 - e) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any established centerline elevations or where a centerline elevation has been legally established.
 - f) **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 under ground and the location and size of any existing water and gas mains within the exterior boundaries of the plat. If these services are not available within the exterior boundaries of the site, the nearest location at which services might be extended to serve the tract shall be indicated by the direction and distance from the tract,

- g) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
 - h) **Existing Zoning** on and adjacent to the proposed subdivision.
 - i) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
 - j) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
 - k) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
 - l) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
 - m) **Soil Types** and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
 - n) **Location and Results of Soil Boring Tests** within the exterior boundaries of the plat conducted in accordance with COMM 85 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
 - o) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
 - p) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - q) **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.
 - r) **Approximate Radii of all Curves.**
 - s) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relationship to access.
 - t) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - u) **Where the Planning Commission, Town Board 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 authority to request in writing such information from the subdivider.
- (b) **Additional Information.** The Planning Commission and/or Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

Sec. 14-1-41 Technical Requirements for Final Plats

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions as defined by §236.02 (12). It shall comply in all respects with the requirements of §236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
 - (1) **Exact Length and Bearing** of the center line of all streets.
 - (2) **Exact Street Width** along the line of and obliquely intersecting street.
 - (3) **Exact Location and Description** of street lighting and lighting utility easements.
 - (4) **Railroad Rights-of-Way** within and abutting the plat.
 - (5) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat.
 - (6) **Special Restrictions** required by the Town Board relating to access control along public ways or to the provision of planting strips.
- (c) **Deed Restrictions.** Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owner Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (f) **Surveying and Monumenting.** All Final Plats shall meet all surveying and Monumenting requirements of §236.15, Wis. Stats.
- (g) **County Coordinate System.** Where the plat is located within a quarter section, the corners of which have been monumented and coordinated by the County, the tie required by §236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the County coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey of the exterior boundaries of the subdivision.
- (h) **Certificates.** All Final Plats shall provide all certificates required by §236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

Sec. 14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval

- (a) **Certified Survey Requirements.** When it is proposed to divide land meeting the definition of a minor subdivision, or it is proposed to divide a major subdivision for which a preliminary plat has been approved, but the division does not meet the definition in §236.02(12) the subdivider shall subdivide by certified survey map(s), prepared in accordance with §236.34, Wis. Stats., and this Chapter.
- (b) **Submission and Review.** When a preliminary plat has not been approved the subdivider is encouraged to first consult with the Planning Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, fifteen (15) signed copies of the preliminary map in the form of a certified survey map shall be submitted to the Town. The certified survey shall be reviewed, approved or disapproved by the Planning Commission and Town Board pursuant to the procedures used for Preliminary Plats in Section 14-1-30 through 14-1-32.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by §236.34, Wis. Stats., the following:
 - (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Town ordinances and The Barron County Zoning Code.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale.**
- (d) **County Coordinate System.** Where the CSM is located within a quarter section, the corners of which have been monumented and coordinated by the County, the tie required by §236.20(3)(b),

Wis. Stats., shall be expressed in terms of grid bearing and distance; and the County coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey of the exterior boundaries of the subdivision.

- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by 236.21(2)(a) of the Wisconsin Statutes.
- (g) **Recordation.** The subdivider shall record the map with the Barron County Register of Deeds within six (6) months after the date of the last approval of the map and within twenty four (24) months of the first approval of the map. Failure to do so shall necessitate a new review and approval of the map by the Town Board.
- (h) **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.

Sec. 14-1-43 through Sec 14-1-49

Reserved for Future Use

Article F: Required Improvements

Sec. 14-1-50 Introduction and Purpose

- (a) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition precedent to the approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a utility district, commercial or industrial area, the cost of some improvements may, at the sole discretion of the Town Board, be financed through special assessments other means provided for by law.
- (b) **General Standards.** The following required improvements in this Chapter shall be installed in accordance with 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. 14-1-51 Required Agreement Providing for Proper Installation of Improvements.

- (a) **Development Agreement.** Prior to installation of any required improvements and prior to the meeting at which the Final Plat/Certified Survey Map is approved, the subdivider shall enter into a written agreement 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 provisions for inspection of construction details by the Town Engineer.
- (b) **Financial Guarantees.**
 - (1) The 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 one hundred twenty five (125) percent of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
 - (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit, letter of credit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. 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 two (2) years each period.

- (3) The time of completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Engineer after consultation with the subdivider. The completion date shall be a component of the agreement.
- (4) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include review, and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, Planner, and Attorney, as well as other costs of a similar nature.

Sec. 14-1-52 Required Construction Plans; Town Review; Inspection

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. Prior to the submittal of the Final Plat, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans together with the quantities of construction items, shall be submitted to the Town Engineer for his approval and for his estimates of the total cost of the required improvements; upon approval they shall become a part of the agreement required. Simultaneously with the filing of the Final Plat with the Town Clerk, two (2) copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements:
 - (1) **Street Plans and Profiles** showing existing and proposed grades, elevations, typical sections and cross sections for required improvements.
 - (2) **Sanitary Sewer** plans and profiles showing the locations, grades, sizes, elevations and materials for required facilities, if any.
 - (3) **Storm Sewer, Culverts and Open Channel** plans and profiles showing the locations, grades, sizes, cross section, elevations and materials for required facilities including storm water retention/detention/infiltration facilities.
 - (4) **Water Main** plans and profiles showing the locations, sizes, 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.
 - (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of required grasses vines, shrubs and trees.
 - (7) **Additional** special plans or information as required by Town officials.
- (b) **Action by the Town Engineer.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection**
 - (1) Prior to starting any work of the work covered by the plans approved above, written authorization to start work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed, or other arrangements made that are acceptable by the Town Board.

- (2) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Final Plat or CSM by the Town Board, or in accordance with the Developer's Agreement, unless good cause can be shown for the Town Board to grant an extension.
- (3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure satisfactory work.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing any changes made during construction and the actual location of all valves, manholes, stubs, sewers and water mains where such facilities exist and such other facilities as the Town Engineer may require. These plans shall be prepared from the original plans and 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. Two (2) copies shall be retained by the Town and one (1) copy of such record plans shall be forwarded to the Town Engineer.

Sec. 14-1-53 Street Improvements.

The subdivider shall construct streets and roads as outlined on the approved plans based on the requirements of this Chapter.

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 14-1-71 and the Town's most recently adopted Town Road Ordinance and State Statutes for town roads.
- (b) **Grading.**
 - (1) 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.
 - (2) The Town Board may require the completed roadway remain unpaved through one winter season, in which case building permits may be allowed.
 - (3) The Town Board may issue a wavier 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 issue of a waiver shall be at the discretion of the Town Board.
 - (4) 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. 14-1-54 Sidewalks.

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

Sec. 14-1-55 Sanitary Sewerage System.

- (a) Subdivisions and certified survey parcels in areas served by public sewer facilities shall be served by that facility. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town and/or the entity operating the facilities. Service laterals shall be provided to all lots served by public sewer.
- (b) The subdivider shall pay the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.
- (c) Subdivisions and certified survey parcels shall be served by private sewage disposal systems, if public sewer facilities are not available. Private sewage disposal systems shall comply with the COMM 83, Wisconsin Administrative Code and with the Barron County Sanitation Ordinance.

Sec. 14-1-56 Water Supply Facilities.

- (a) Subdivisions and certified survey parcels in areas served by public water facilities shall be served by that facility. The size, type, and installation of all water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town and/or the entity operating the system. Service laterals shall be provided to all lots served by public water system.
- (b) 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 Town and/or the entity operating the system. Water service laterals shall be provided to all lots served by public sewer.
- (c) Subdivisions and certified survey parcels shall be served by private or community wells if public water facilities are not available. Private wells and water systems shall comply with the minimum standards of the Wisconsin Administrative Code..

Sec. 14-1-57 Storm Water Drainage Facilities.

- (a) Pursuant to Section 14-1-75, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, culverts, road ditches and open channels, and storm water detention/retention/infiltration facilities as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be designed to accommodate the twenty-five (25) year storm and shall be sized so that the fifty (50) year frequency storms do not cause flooding of the adjacent roadway. Upon requirement of the Town Engineer, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur.
- (b) Where a post construction storm water permit is required by the Post Construction Storm Water Management Ordinance all information necessary for obtaining the permit shall be included with the preliminary plat submittal. Final plans of all facilities required and the maintenance agreement shall be included with the final plat submittal.
- (c) Notwithstanding anything to the contrary contained in this Chapter, the dedication of any lands or interests therein in any final plat or CSM that is intended to include a permanent man-made facility designed for reducing the quantity or quality impacts of storm water runoff from more than one lot, and that is shown on the plat or CSM as “dedicated to the public for storm water management purposes” or words to that effect, is not accepted by the Town until at least 80% of the lots in the subdivision have been sold and a professional engineer registered under Chapter 443 of the Wisconsin Statutes has certified to the Town all of the following:
 - (1) The facility is functioning properly in accordance with the approved plans and specifications.
 - (2) Any required plantings are adequate, well-established, and reasonably free of invasive species.
 - (3) Any necessary maintenance, including removal of construction sediment, has been properly performed.

Sec. 14-1-58 Other Utilities.

- (a) The subdivider shall cause gas, electrical power, telephone and cable television facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (b) All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:
 - (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.
- (c) The subdivider shall provide from the utility companies a written estimate of installation costs to the developer for utilities required with that amount to be included as part of the financial guarantee.
- (d) Prior to installation, plans indicating the proposed location of all gas, electrical power, telephone and television cable lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

Sec. 14-1-59 Street Signs.

The subdivider shall install at the intersections of all streets proposed to be dedicated street signs of a design and installation specified by the Town Board and Barron County.

Sec. 14-1-60 Street Trees.

- (a) The subdivider may be required to plant within the ten (10) feet of the street right-of-way at least one (1) tree of a species acceptable to the Town Board and at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Town Board.
- (b) No person shall plant or maintain in the street right-of way any tree of the species *Populus Deltoides*, commonly called the "Cottonwood", Black Locust, the seed-bearing "Box Elder" or *Acer Negundo*, which may now or hereafter become infested with Box Elder bugs, White Poplar, Lombardy Poplar, any evergreen or fir tree, any fruit or nut tree, or any other species, which in the opinion of the Town Board, will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public.

Sec. 14-1-61 Erosion Control.

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land 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. At a minimum, the subdivider shall guarantee the adequacy of the erosion control measures for a period of 24 months following completion of the construction of improvements.

Sec. 14-1-62 Partition Fences.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final plat or certified survey map, unless the Town Board determines otherwise.

Sec. 14-1-63 Easements.

- (a) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and/or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (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 assured and the same provided with storm water easement of drainage right-of-way conforming to the lines of relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential flow. In all cases, such water course shall be a minimum width established at the high-water mark or in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Planning Commission and Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
- (d) **Easement Provisions.** The easements required hereunder shall contain such terms and conditions as the holder of the easement may reasonably require in order to exercise the rights granted thereunder.

Sec. 14-1-64 through Sec 14-1-69

Reserved for Future Use

Article G: Design Standards

Sec. 14-1-70 General Street Design Standards

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. 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 designated 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 and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in 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 an official street plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Street Classifications.** Streets shall be classified as indicated below.

- (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for 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 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 Town Board, 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.
- (f) **Reserve Strips.** Reserve strips shall not provide on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
 - (g) **Alleys.** Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in non multiple family residential districts.
 - (h) **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 Town Board, upon the recommendation of the Planning 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 five hundred (500) feet in length may be approved when ending with a cul-de-sac. A cul-de-sac shall have a minimum right-of-way diameter of one hundred twenty (120) feet with ninety (90) feet of paved surface.
 - (i) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two (2).
 - (j) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, non-access 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.
 - (k) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; and all streets shall be dedicated for public use, unless the Town Board, for good cause shown, determines otherwise.
 - (l) **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.
 - (m) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
 - (n) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other-half shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.
 - (o) **Intersections.**
 - (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Town Engineer considers it necessary.
 - (2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (3) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).

- (q) **Street Names.** New street names shall be in accordance with the Barron County numbering system or otherwise subject to the approval of the Town Board.

Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads

(a) **General Requirements.**

- (1) **Construction Standards.** All materials and construction used in the construction of the roadway 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 Road and Bridge Construction" and its supplements, the most recently adopted Town Road Ordinance and this Chapter, whichever is more restrictive. The design requirements of this Section and the most recently adopted Town Road Ordinance 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) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects may be requested by the Town before the Town approves the final construction.
- (4) **Required Inspections.** Although the Town Engineer may conduct inspections as necessary at any state of construction, the Town Engineer shall be contacted for required inspections after the following phases of construction:
 - a) Subbase grading;
 - b) Crushed aggregate base courses;
 - c) Bituminous surface course; and
 - d) Shouldering.
 - e) Placement of erosion control measures (soil stabilization and storm water retention/detention measures).Any deficiencies found by the Town Engineer shall be corrected before proceeding to the next phase of construction.
- (5) **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.
- (6) **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 purpose of determining that the materials meets specifications.
- (7) **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 their annual request for highway aid.

Sec. 14-1-72 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 one thousand two hundred (1,200) feet nor have less than sufficient width to provide two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than five hundred (500) feet in length. Blocks shall be so designated as to provide two (2) 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 ten (10) feet wide, may be required by the Town Board, upon recommendation of the Planning Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, play grounds, shopping centers, transportation and other community facilities.

Sec. 14-1-73 Lot Design Standards

- (a) **Size.**
 - (1) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than 1½ acre or the minimum lot size for the appropriate zone as established by the Barron County Zoning Code or this Chapter, whichever is more restrictive.
 - (2) Residential lots within each block shall have a minimum average depth of two hundred (200) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal circumstances.
 - (3) Every lot shall front or abut for a distance of at least thirty (30) feet on a public street.
 - (4) Width of lots shall conform to the requirements of the Barron County Zoning Code, but in no case shall a lot be less than ninety (90) feet in width at the building setback line. Each lot shall be located only within one (1) zoning district.
 - (5) See Section 14-1-74 for Conservation Based Design lots.
- (b) **Commercial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Barron County Zoning Code.
- (c) **Lots Where Abutting Major Highway.** Residential lots fronting on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- (d) **Corner Lots.** Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Barron County Zoning Code.
- (e) **Butt Lots.** Butt lots will be permitted by the Town Board only in exceptional cases. Permitted butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block.
- (f) **Side Lots.** Side lots lines shall be substantially at right angles to or radial to abutting streets. Lot lines shall follow Town boundary lines.
- (g) **Double 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.
- (h) **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.
- (i) **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.

Sec. 14-1-74 Conservation Based Design

(a) General Considerations.

- (1) Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, watershed preservation, or archaeological and historic properties preservation. The planning commission shall have the ability to specify which areas shall be preserved and may require the use of conservation based design where a significant benefit to a preservation feature is determined by the planning commission and the Town Board.
- (2) The residential lot shall be large enough to accommodate a house and two car garage and meet all setback requirements.

(b) Residential Lot Requirements.

- (1) Minimum lot size
 - a) Septic system on site – 1 acre
 - b) Septic system off site – 1/3 acre
- (2) Most lots shall take access from interior streets. Existing farmstead being preserved being an exception.
- (3) Lots shall be configured to minimize the amount of road length required for the subdivision.
- (4) Development envelopes shall be configured to minimize loss of woodlands.
- (5) If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- (6) Lots shall be oriented around a central green or a physical amenity such as a meadow, a stand of trees or some other natural or restored feature.
- (7) Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.

(c) Residential Cluster Site Standards.

- (1) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than (15) dwelling units and no less than (3) units.
- (2) Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between incompatible uses.
- (3) Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
- (4) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreation trails.
- (5) Residential clusters should be sited to achieve the following goals, to the extent practicable.
 - a) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - b) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
 - c) Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
 - d) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
 - e) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (2) Landscaping around the cluster may be necessary to reduce off site views of residences.

(d) Open Space Design.

- (1) Common Open Space. The minimum open space required shall be owned and maintained under one of the alternatives listed in paragraph (g)(1) below, as approved by the Town. The uses within the open space, not in active agriculture, shall be accessible to the residents of the development. These uses may also be available to the general

public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development as specified in paragraph (g) below.

- (2) Open space shall be designated as part of the development. The minimum open space is 70% of the gross acreage, not including road right-of-way.
- (3) Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
 - a) First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties and steep slopes.
 - b) Second priority will be given to areas providing some plant and wildlife habitat and open space values.
 - c) Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of the open space.
- (4) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - a) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - b) Privately-held buildings or structures provided they are accessory to the use of the open space.
 - c) Shared septic systems and shared potable water systems.
- (5) Road rights-of-way shall not be counted towards the required minimum open space.
- (6) No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
- (7) That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- (8) Accessible open space in upland areas shall be available for recreational use such as trails, playfields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
- (9) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.

(e) **Street Standards.**

- (1) Streets shall be developed to standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.
- (2) Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green.
- (3) Where one-way streets are proposed the Town may consider a reduced right-of-way requirement and a reduced pavement width.

(f) **Sewage and Water Facilities.**

- (1) Water for a conservation design subdivision shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and Barron County.
- (2) All conservation subdivisions shall be provided with adequate sewage treatment facilities meeting the standards of Barron County and the permit requirements of the Wisconsin Department of Commerce or the Department of Natural Resources. Where sewage treatment is not provided by a publicly owned wastewater treatment works, a common sewage treatment and disposal unit located on the common open space lands is encouraged.

(g) **Ownership and Maintenance of Open Space and Common Facilities**

(1) **Alternatives.**

- a) A homeowner's association
- b) A condominium association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes.
- c) A nonprofit conservation organization.
- d) The Town or another governmental body empowered to hold an interest in real property.
- e) An individual who will use the land for open space purposes as provided by a conservation easement.

(2) **Homeowners' Association.** A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

- a) The legal description of the common land;
- b) A description of the common facilities;
- c) The restrictions placed upon the use and enjoyment of the lands or facilities;
- d) Persons or entities entitled to enforce the restrictions;
- e) A mechanism to assess and enforce the common expense for land or facilities including upkeep and maintenance expense, real estate taxes and insurance premiums;
- f) A mechanism for resolving disputes among the owners or association members;
- g) The conditions and timing of the transfer of ownership and control of land or facilities to the association; and
- h) Any other matter the developer deems appropriate.

(3) **Condominium Associations.** If the common open space and facilities is to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" as defined in section 703.01(2) of the Wisconsin Statutes.

(4) **A Non Profit Conservation Organization.** If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

(5) **Public Dedication of Open Space and Streets.** The Town may accept the dedication of fee title or dedication of a conservation easement to the common open space and facilities. The Town may accept the common open space provided:

- a) The common open space is accessible to the residents of the town;
- b) The Town agrees to and has access to maintain the common open space; or
- c) A utility district is formed for the development and is operated by the Town.

(6) **Individual Ownership.** An individual may hold fee title to the land while a non profit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.

(7) **Maintenance Plan.** Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities. The plan shall be approved by the Town Board after review by the Planning Commission prior to final plat approval.

- a) The plan shall do the following:
 - 1) Designate the ownership of the open space and common facilities in accordance with (g)(1) above.
 - 2) Establish necessary regular and periodic operation and maintenance responsibilities.
 - 3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - 4) Include a land stewardship plan specifically focusing on the long-term management of common open space land.
- b) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply with in the time specified, the organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action.
 - 1) The cost of corrective action by the Town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
- c) Management plans can be amended by the owner with the approval of the Town Board after review by the Planning Commission.

Sec. 14-1-75 Drainage System

- (a) **Drainage System Required.** As required by Sec.14-1-57, 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 part. A Final Plat or CSM shall not be approved until the subdivider submits final plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Planning Commission and Town Engineer.
- (b) **Drainage System Plans.** The subdivider shall submit to the Town at the time of filing a Preliminary Plat a preliminary drainage plan meeting the requirements for obtaining a permit required by the Town's Post -Construction Stormwater Management Ordinance. If the development does not meet the criteria requiring a post- construction stormwater permit, an engineering report on the ability of existing water course 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 shall be provided. The following additional information shall also be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land down stream or below the proposed subdivision:
 - (1) Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - (2) Quantities of flow at each inlet or culvert.
 - (3) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

- (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 shall be completed by one (1) or more of the following methods:
 - a) A ridge may be constructed along the rear lot lines which provides for drainage into the street ditches.
 - b) Parts of all lots may be graded to provide for drainage to the street ditches or a ditch along the rear lot line.
 - c) Draining across rear or side lot lines may be permitted provided that drainage onto the 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) **Road Drainage.** All roads shall be provided with adequate ditches or other 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 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 to the Town to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.
 - (3) **Post-Construction Permit.** When a post-construction stormwater permit is required all facilities required for compliance with that permit shall be constructed and a maintenance agreement executed.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)

Sec. 14-1-76 Non-Residential Subdivisions

- (a) **General.**
- (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 Town may require.
 - (2) Approval of a site plan showing existing conditions and proposed development shall be required to be approved by the Town Board after review by the Planning Commission. 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 Barron 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 Town Board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The 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 right-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 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. 14-1-77 through Sec 14-1-79

Reserved for Future Use

Article H: Park and Public Land Dedication

Sec. 14-1-80 General Park and Public Land Dedication Requirements

- (a) **Dedication Requirements.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider may be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision may be required for suitable sites of adequate area for school, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on Preliminary Plat and Final Plat, and shall comply with the Town of Rice Lake Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication

- (a) **Dedication Calculation.** All subdividers may be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of four-hundredths (.04) acres (1,742 square feet) per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Master Plan or Master Plan component of the Town of Rice Lake is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon the recommendations of the Planning Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements. Fees in lieu of dedication may be imposed pursuant to Sec 14-1-83 below.
- (b) **Shoreland.**
 - (1) **Lake and Stream Shore Plat.** All subdivisions abutting on a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.
 - (2) **Lake and Stream Shore Plats.** The lands lying between the meander line, established in accordance with §236.20(2)(g), Wis. Stats., 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, stream or

wetland. 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 an interest and which are contiguous to the lands proposed to be subdivided and which abut a lake, stream or wetland.

- (c) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Barron County Zoning Chapter and this Chapter.
- (d) **Deed to the Town.** Land dedicated for public purposes shall be deeded to the Town at the time the Final Plat is approved.
- (e) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.

Sec. 14-1-82 Reservation of Additional Land

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year from Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Fees In Lieu of Land

- (a) **Method of Calculation.** Where a dedication of park land is required, but in the opinion of the Town Board, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the Town's comprehensive development or park plan, or Town officials determine that a cash contribution would better serve the public interest, the Board may require the subdivider to contribute cash payment in lieu of land according to the following provisions:
 - (1) ***Method of Calculation.***
 - a) The fee in lieu of land shall be on the basis of the value of the required acreage of parklands as if dedication were to occur, as determined by the Town Assessor.
 - b) The fee is to be calculated and is payable as soon as ten percent (10%), and not later than fifteen percent(15%), of planned lots are sold, as determined by the Town Board, or when occupancy occurs in fifteen percent (15%) of dwelling units when the subdivider retains ownership of some or all of the parcels. The subdivider shall post a bond, irrevocable letter of credit or escrow monies to guarantee performance, in an amount as determined by the Town Board.
 - c) The total price paid for developed lots sold prior to payment of the fee, divided by the total acreage of said lots, will be used to determine the required fee per acre. The fee per acre times the acres that would have been required in a land dedication will determine the total fee in lieu of land.
 - d) In the event of nonperformance, no additional building permits will be issued until the fee is paid in full.
 - (2) ***Alternate Method of Calculation.*** The subdivider may elect to calculate and pay the fee at the time of the Final Plat or Final CSM acceptance, the calculation based on the value per acre of total acreage of the subdivision prior to development and including costs the subdivider would have otherwise incurred for access, utility extensions and development of the park area as outlined in previous Sections, if the methods and amounts used to calculate those are acceptable to the Town Board. If this method is used, no building permits shall be issued until the fee is paid in full.
- (b) **Park Fund.** Funds paid to the Town under any Fees in Lieu of Land provision or contributed from other sources for park development and improvement are 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.

Article I: Variances; Penalties and Violations

Sec. 14-1-90 Variances and Exceptions

- (a) Where, in the judgment of the Town Board, on the recommendation of the Planning Commission, it would be inappropriate to apply literally the provisions of this Chapter because extraordinary hardship would result, the Town Board may waive or modify requirements to the extent it deems just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat or CSM 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 Planning Commission and Town Board in the analysis of the proposed project.
- (b) The Planning Commission shall not recommend nor shall the Town Board 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 Planning Commission shall be transmitted to the Town Board. The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify The Planning 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 Barron County. A majority vote of the entire membership of the Town Board 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 §236.15(b)(c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

Sec. 14-1-91 Enforcement, Penalties and Remedies

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in §236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in §236.31 Wis. Stats.

- (4) Monuments disturbed or not placed have penalties as provided for in §236.32, Wis. Stats.
- (5) Assessor's plat made under §70.27 of the Wisconsin Statutes 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 CSM or a failure to approve a plat or CSM may appeal therefrom, as provided in §236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unjustified 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.

Adopted this 9th day of May, 2011 by the Town Board of the Town of Rice Lake.

Voting in favor: 4 Voting opposed: 1

Thomas Fankhauser, Chairman

CERTIFICATION

The undersigned, Town Clerk for the Town of Rice Lake, does hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Rice Lake at a meeting held on May 9, 2011, which meeting was properly noticed and conducted in the manner provided for by law, and at which a quorum of members of the Town Board were present.

Dated this 9th day of May, 2011.

Janet Tomesh, Clerk/Treasurer

Posted: 05/11/2011

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