

**TOWN OF TRENTON
WASHINGTON COUNTY, WISCONSIN
ORDINANCE NO. 2025.11.01**

REPEALING CHAPTER 350 SUBDIVISION OF LAND AND REPLACING WITH CHAPTER 350 LAND DIVISIONS

WHEREAS, the Town Code states that the Town Board shall have the authority to enact and amend ordinances; and

WHEREAS, the Town Board hereby determines that it is necessary to update the Municipal Code to revise regulations related to land division standards in the Town of Trenton.

NOW, THEREFORE, the Town Board of the Town of Trenton, Washington County, Wisconsin, does ordain as follows:

Section 1. Repeal Chapter 350 Subdivision of land and replace with the following:

Chapter 350. Land Divisions

§ 350-1. Introduction.

- A. Title. This Ordinance shall be known as the “Town of Trenton Land Division Ordinance,” or as “Chapter 350 of the Town of Trenton Municipal Code, Washington County, Wisconsin” and is referred to as the “Ordinance” in this Chapter.
- B. Statutory authority. These regulations are adopted under the authority granted by Sections 236.45 and 703.115 of the Wisconsin Statutes.
- C. Purpose and intent. The purpose of this Ordinance is to regulate and control all land divisions within the corporate limits of the Town of Trenton in order to promote and protect the public health, safety, prosperity, aesthetics, and general welfare of the community. More particularly, and without limitation, it is also the purpose of this Ordinance to:
 - (1) Implement the Town’s comprehensive plan and components thereof and facilitate enforcement of community development standards as set forth in the Town’s land division ordinance, zoning ordinance, building code, and official map.
 - (2) Promote the wise use, conservation, and protection and proper development of the soil, water, wetland, woodland, and wildlife resources in the Town and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
 - (3) Further the orderly layout and appropriate use of land.
 - (4) Avoid the harmful effects of premature division or development of land.
 - (5) Lessen congestion in the streets and highways and accommodate “complete streets”.
 - (6) Provide for proper ingress to and egress from development sites.
 - (7) Secure safety and resiliency from fire, flooding, disastrous storms, water pollution, disease, and other hazards to help minimize expenditures for disaster relief and flood mitigation projects.
 - (8) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
 - (9) Protect the community’s agriculture base, preserve natural vegetation and cover to the extent practicable and protect the natural beauty of the Town.
 - (10) Preserve the distinct character of neighborhoods, special planning districts, and the community.
 - (11) Provide adequate light, air, and water.
 - (12) Prevent the overcrowding of land.
 - (13) Facilitate the division of land into smaller parcels in accordance with the adopted comprehensive plan.
 - (14) Facilitate and ensure the adequate provision of transportation, water, sewerage, stormwater management, schools, parks, playgrounds, and other public facilities and services.

- (15) Further the sustainability of the Town by accommodating green development and infrastructure.
 - (16) Ensure adequate legal description and proper survey monumentation of divided land.
 - (17) Provide adequate, affordable housing.
 - (18) Restrict building in areas of unsuitable soils or other areas poorly suited for development.
 - (19) Provide for the administration and enforcement of this Ordinance.
 - (20) Provide penalties and other remedies for violation of this Ordinance.
- D. Abrogation and greater restrictions. It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern. This Ordinance may not modify in a more restrictive manner time limits, deadlines, notice requirements, or other provisions of Chapter 236 of the Wisconsin Statutes that provide protections for a subdivider in accordance with Section 236.45(2)(ac).
- E. Interpretation. The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- F. Severability. If any section, provision, or portion of this Ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- G. Repeal. All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- H. Disclaimer of liability. The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuitable soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Town Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.
- I. Effective date. This Ordinance and amendments thereto shall be effective after a public hearing, adoption by ordinance by the Town Board, and posting or publication as required by law.

§ 350-2. General provisions.

- A. Area of jurisdiction. This Ordinance shall apply to all land and water within the corporate limits of the Town of Trenton, Washington County, Wisconsin.
- B. Applicability. All proposed land divisions, except those exempted in accordance with §§ 350-2B(4) and (5) shall be subject to Town review and approval in which the Town shall approve unconditionally, approve with conditions and/or deed restrictions, or reject proposed plats and certified survey maps.
- (1) Subdivisions. Any division of land within the Town that results in a subdivision as defined in § 350-12 shall be surveyed and a plat thereof approved and recorded pursuant to the provisions of § 350-5 this Ordinance and Chapter 236 of the Wisconsin Statutes.
 - (2) Minor land divisions. Any division of land within the Town that results in a minor land division as defined in § 350-12 shall be surveyed and a certified survey map of such division approved and recorded as required by § 350-6 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
 - (3) Condominiums. Any development within the Town that creates a condominium as defined in § 350-12 shall be surveyed and a condominium plat thereof approved and recorded pursuant to § 350-31 of this Ordinance and Chapter 703 of the Wisconsin Statutes. Any condominium that creates a new lot, parcel, or outlot shall also comply with the requirements of Chapter 236 of the Statutes and the requirements of this Ordinance as applicable to land divisions. It is the express intent of this Ordinance to regulate condominiums having one or more principal structures on any lot or parcel, except for condominium conversions of existing buildings where no additional units are being developed, provided such conversions comply with Chapter 703 of the Statutes. In no case shall the maximum number of units in a condominium exceed the

maximum number of lots the same parcel could have accommodated under the Town zoning ordinance if the parcel had been conventionally divided or developed.

- (4) The provisions of this Ordinance, as it applies to division of tracts of land into four or fewer lots or parcels, shall not apply to:
 - (a) Transfers of interest in land by will or pursuant to court order.
 - (b) Leases for a term not to exceed 10 years, mortgages, or easements.
 - (c) Sale or exchange of parcels of land between owners of adjoining property, subject to Town review and approval to ensure compliance with the requirements of this Ordinance and the Town zoning ordinance, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the Zoning Ordinance, or other applicable laws or ordinances and the Town approves the sale or exchange to ensure compliance with such requirements and ordinances.
- (5) All of the following specific uses and activities are exempted from this Ordinance:
 - (a) Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
 - (b) Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (e) of the Wisconsin Statutes, unless waived under Section 236.20(2)(L).
 - (c) Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.
 - (d) Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town Board and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

C. Subdivision required. Any subdivider as defined in § 350-12 shall be required to divide land by subdivision plat if requesting a land division for more than five lots of five or fewer acres in any five-year period. For example, Subdivider A created a 1-acre parcel and a 3-acre parcel by CSM approved at a Town Board meeting of September of year 1. The options for Subdivider A are as follows:

- (1) Request a land division by CSM of not more than 3 lots of five or fewer acres if before September of year 6.
- (2) Request a land division by CSM of not more than 5 lots of five or fewer acres after September of year 6.
- (3) Request a land division by subdivision plat for more than 3 lots of five or fewer acres at any time.

D. Compliance. No subdivider as defined in § 350-12 person, firm, or corporation shall divide any land located within the jurisdictional limits of the Town which results in a subdivision, minor land division, replat, or condominium as defined herein unless specifically exempted under §§ 350-2B(4) and (5); and no such subdivision, minor land division, replat, or condominium shall be entitled to record without compliance with:

- (1) All requirements of this Ordinance.
- (2) The Town Comprehensive Plan or any component thereof, the zoning ordinance, the official map ordinance, and the erosion control and stormwater management ordinance.
- (3) The provisions of Chapter 236 of the Wisconsin Statutes for proposed land divisions.
- (4) The provisions of Chapter 703 of the Wisconsin Statutes for proposed condominiums.
- (5) The rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- (6) The rules of the Wisconsin Department of Transportation, the Washington County Highway Department and the Federal Highway Administration relating to provision for the safety of entrance upon and departure from County, State and Federal trunk highways or connecting highways and for the preservation of the public interest and investment in such highway systems if the land owned or controlled by the subdivider abuts on a County or State trunk highway or connecting highway or street.
- (7) The rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.

- (8) The rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
 - (9) All other applicable ordinances and State and Federal regulations.
- E. Land suitability. Lands shall not be divided that are held unsuitable for such use by the Plan Commission, upon recommendation of the Town Engineer or other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or poses an imminent harm to the environment. In addition:
- (1) Floodplains.
 - (a) No lots one acre or less in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots more than one acre in area served by a POWTS shall contain not less than 40,000 square feet of land that is at least two feet above the 1-percent-annual-probability flood elevation identified by the Federal Emergency Management Agency (FEMA). Where such flood stage data are not available, the regulatory flood elevation shall be determined by a professional engineer or professional land surveyor and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be subject to review and approval by the Town Engineer.
 - (b) Undeveloped lands that are or would be accessed from existing streets located within the 1-percent-annual-probability floodplain may not be subdivided for residential, commercial, manufacturing, or institutional uses unless an alternative access is provided through streets located outside of such floodplain or meets the provisions of § 350-7D(10) of this Ordinance or the floodplain provisions in the Town zoning ordinance.
 - (2) Lands altered or filled shall not be divided into building sites that are to be served by POWTS except where soil tests by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to bedrock, soil bearing capacity, soil compaction and depth to groundwater or seasonal water table determined by using redoximorphic features or other methods approved by the governing agencies having jurisdiction. To accomplish this purpose, a minimum of one test per acre shall be made initially where in-situ soils or altered sites dictate such frequency. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests. The POWTS evaluation requirements specified herein and any additional requirements specified in the Washington County sanitary code for POWTS shall be followed.
 - (3) A soil and site evaluation may be required, or an evaluation as determined by the POWTS regulatory staff, for any land proposed to be divided that contains an existing structure(s) being served by a POWTS installed before July 1, 1980, and/or is intended to continue operation in order to establish and designate a replacement area for a future POWTS, other than or except a holding tank. The evaluation report shall include a soil test at or near the existing POWTS. Such existing POWTS, including holding tanks, that will continue to serve an existing structure and is a part of or a remnant parcel of a subdivision plat or certified survey map shall be evaluated by a Wisconsin licensed master or master restricted service plumber or POWTS inspector to document compliance with the requirements of Chapter SPS 383 of the Wisconsin Administrative Code. The evaluator shall provide to the POWTS regulatory staff a written report regarding its compliance. Any POWTS found not to be in compliance with Chapter 383 or other sections or chapters of the Wisconsin Administrative Code governing POWTS shall be in violation of the Washington County sanitary code for POWTS and must have a sanitary permit issued for a replacement POWTS prior to or at the time of application submittal to the Town for a land division approval. The Town will issue orders and require the owner/subdivider to enter into an installation agreement with the Town as part of the land division application. The owner/subdivider must install the permitted replacement POWTS within one (1) year from the

date of sanitary permit issuance. The use of holding tanks to serve proposed land divisions for new residential development is prohibited in accordance with the provisions in the County sanitary code.

- (4) Lands having a slope of 12 percent or more may be required by the Plan Commission to be maintained in natural open uses. A lot served by a POWTS shall have at least 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 12 percent. Proposed POWTS area shall have slopes of 25 percent or less and, if the absorption area for POWTS contains slopes exceeding 18 percent, there shall be sufficient available area for both a primary and replacement POWTS absorption area. Where in-situ soils exist and land slope reduction or modification (i.e. shaping, grading, cutting, filling, or other alteration from existing conditions) is proposed in the POWTS area, a soil test (morphological evaluation) shall be conducted to determine that sufficient suitable in-situ soils remain for a proposed inground or subsurface POWTS system. The proposed use of pretreatment devices for POWTS shall not be allowed as an alternative or used in lieu of meeting the in-situ soil standards stated in this Ordinance. The slope and altered area shall provide sufficient topography alteration to prevent surface or subsurface water ponding that may adversely affect the POWTS performance. Surface designed POWTS may be prohibited on such described soils.
- (5) Lands having bedrock within seven feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the Wisconsin Department of Safety and Professional Services (SPS) most recent edition of the POWTS design component manuals. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of Chapter SPS 383. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and the quality of the influent entering the proposed soil dispersal area. The land division layout shall permit the infiltrative surfaces of dispersal cells to be located at least 36 inches above bedrock.
- (6) Lands having permanent groundwater and/or seasonal water table, as determined by redoximorphic features or other approved methodology, within five feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of the POWTS design component manuals. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of Chapter SPS 383. The land division layout shall permit the infiltrative surfaces of the dispersal cells to be located at least 36 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six of the 36 inches of soil separation required shall be comprised of an in-situ (original or natural glaciated form) soil type for which soil treatment capability is credited under the aforereferenced Table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within four inches of the bottom of the "A" horizon. Soils meeting this "A+4" criteria shall contain at least in-situ soil formed in place, as described above, and at least 4 inches of unmottled soil of a "B", "E", or "C" soil characteristic horizon directly below the in-situ "A" horizon or non-redoximorphic features.
- (7) Lands covered by soils having coarse textures such as sand, coarse sand, loamy sand, and loamy coarse sand with more than 35 percent coarse fragment content shall have "described" soils of five or more feet below proposed POWTS elevation. The described soils shall not contain limiting characteristics other than coarse fragment quantity to be deemed acceptable for POWTS. When at-surface POWTS are proposed on the aforementioned soils and soil conditions, the in-situ surface soils must remain unaltered to preserve site suitability for accommodating a POWTS. A percolation rate slower than 120 minutes per inch or a soil load rate of less than 0.20 gallons per square feet per day shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of POWTS design component manuals can be demonstrated. The use of pretreatment devices in a POWTS design to make a proposed land division site suitable for POWTS in lieu of the site meeting the abovementioned soil standards shall be prohibited.

- (8) Land drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of the POWTS design component manuals can be demonstrated.
- (9) The Town Plan Commission, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence in rebuttal to the finding of unsuitability. The Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

F. Dedication, reservation, and protection of land.

- (1) Streets, highways, and drainageways. Whenever a proposed land division encompasses all or any part of a street, highway, drainageway, other public way or public access to navigable lakes, rivers, or streams, which has been designated in the comprehensive plan or component thereof or the official map of the Town, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the Town, by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in § 350-7 Design Standards.
- (2) Protection of open space. Whenever a proposed land division encompasses all or any part of open space lands, as defined in § 350-12, such open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:
 - (a) Reservation or dedication to the Town, County, or State.
 - (b) Donation to a nonprofit conservation organization.
 - (c) Conservation easement.
 - (d) Deed restriction or restrictive covenant. Common open space to be preserved in perpetuity shall be protected by providing a deed restriction or restrictive covenant that prohibits any land division or development of said open space, except limited recreational amenities as approved by the agency or organization having jurisdiction.

G. Homeowner or condominium associations. Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein.

The homeowners or condominium association shall be governed according to the following:

- (1) The subdivider shall provide the Town with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review by the Plan Commission and reviewed as to form by the Town Attorney.
- (2) The association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.
- (3) Membership in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.
- (4) The association shall be responsible for maintenance and insurance of common areas and facilities.
- (5) A Land Stewardship Plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- (6) The members of the association shall share equally the costs of maintaining, insuring, and operating common areas and facilities.
- (7) The association shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- (8) The subdivider shall arrange with the Town Assessor a method of assessment of any common areas and facilities, which will allocate to each lot, parcel, or unit within the land division or condominium a share of the total assessment for such common areas and facilities.
- (9) The Town may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the Town at least 30 days prior to such transfer.

- (10) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

- H. Improvements. Before approval of any final plat or, where applicable, certified survey map (CSM) located within the corporate limits of the Town, the subdivider shall install street, utility, and other improvements as hereinafter required. In the alternative, if such improvements are not installed by the time the final plat or CSM is submitted for approval, the subdivider shall, before the recording of the plat or CSM, enter into a development agreement with the Town agreeing to install the required improvements, and shall file with said agreement a bond or letter of credit with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to the estimated cost of the improvements. Said estimate shall be made by the Town Engineer as a guarantee that such improvements will be completed by the subdivider or the subdivider's subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the land division are satisfied. In addition:
- (1) Contracts and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town Engineer.
 - (2) Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
 - (3) Survey Monuments. Before final approval of any plat or CSM within the corporate limits of the Town, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the Town Engineer. The Town Engineer may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one year, on the condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by Statute. Additional time may be granted upon show of cause.
- I. Development agreement. Before or as a condition of receiving final approval from the Town Board of any final subdivision plat, condominium plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under § 350-10B of this Ordinance, the subdivider shall sign and file with the Town Board a development agreement. The development agreement shall be approved as to form by the Town Attorney and shall be subject to approval by the Town Board prior to approval of the final subdivision plat, condominium plat, or certified survey map.
- J. Exceptions and modifications. Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of §§ 350-7 "Design Standards" and 350-8 "Required Improvements" of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- (1) Exceptional circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.
 - (2) Preservation of property rights. That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
 - (3) Absence of detriment. That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
 - (4) A majority vote of the quorum of the Plan Commission shall be required to grant any exception or modification of this Ordinance, and the reasons shall be entered into the minutes of the Commission.
- K. Violations. No person, firm, or corporation shall build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a zoning, building, or sanitary permit by the Town or County authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.
- L. Penalties and remedies. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or Chapter 236 of the Wisconsin Statutes shall, upon conviction thereof, face penalties as set forth below plus any additional costs incurred by the Town for each violation. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
- (1) Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
 - (2) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
 - (3) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.
 - (4) Dividing a lot or parcel, or use if so divided, in a recorded plat or certified survey map for purposes of sale or building development not in compliance with the provisions of Chapter 236 of the Statutes, to any applicable ordinance of an approving authority, or to the rules of the Wisconsin Department of Safety and Professional Services carries penalties as provided in Section 236.335 of the Statutes.
 - (5) An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision, as defined in this Ordinance, is created by successive divisions.
- M. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13(5) and 62.23(7)(e) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

§ 350-3. Land division procedures.

- A. Pre-application consultation. Prior to filing an application for approval of a preliminary subdivision plat, condominium plat, or certified survey map, the subdivider shall consult with the Plan Commission and/or its staff in order to obtain their advice and assistance. A conceptual plan of the proposed subdivision, condominium, or certified survey map shall be brought by the applicant to the meeting. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan or components thereof, and duly adopted plan implementation

ordinances of the Town and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedures. In addition, the requirements of extraterritorial jurisdiction by the City of West Bend and/or the Village of Newburg shall be discussed, if necessary.

B. Preliminary plat review. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application and review checklist. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies and an electronic copy, in a digital format as determined by the Town Clerk or Zoning Administrator, of the plat for distribution in accordance with this Section; the completed application and checklist; and the preliminary plat review fee with the Town Clerk or Zoning Administrator at least 60 days prior to the meeting of the Town Board at which action is desired. The Town Clerk or Zoning Administrator may accept an electronic copy of the plat in lieu of some or all of the paper copies, at the Clerk or Zoning Administrator's discretion. In addition:

- (1) The Town Clerk or Zoning Administrator shall, within 10 normal working days after filing, transmit four copies of the preliminary plat to the County Planning Agency.
- (2) The Town Clerk or Zoning Administrator shall also transmit, within 10 normal working days after filing, a copy of the preliminary plat to each member of the Plan Commission and one copy each to the Town Engineer, Director of Public Works, Town Planner, Fire Chief, Parks Director, and Town or County Land Information Officer for review and recommendations concerning matters within their jurisdiction. The recommendations of Town officials shall be transmitted to the Plan Commission within 20 days from the date the plat is received.
- (3) The Town Clerk or Zoning Administrator shall also transmit, within 10 normal working days after filing, one copy each of the preliminary plat to the Southeastern Wisconsin Regional Planning Commission, affected public and private utility companies, the West Bend Airport and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the plat is received.
- (4) Wisconsin Department of Administration. Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the preliminary plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

C. Preliminary plat approval.

- (1) The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration. The Department of Administration shall promptly notify the Town Clerk or Zoning Administrator if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, and the Department of Administration fails to act within 30 days from the date on which they received the plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.
- (2) The Town Plan Commission shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, rules, regulations, ordinances, and comprehensive plans and components of such plans. The Plan Commission shall comment and recommend action on the preliminary plat to the Town Board.
- (3) The Town Board shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk or Zoning Administrator, approve, approve conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons

for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

- (4) Failure of the Town Board to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by written mutual consent.
- (5) 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 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11(1)(b) of the Wisconsin Statutes. An approved preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission. The Town Board may extend the time for submission of the final plat. See § 350-3D(4) pertaining to partial platting or phasing.

D. Final plat review. A final plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of copies and/or an electronic copy, as determined by the Town Clerk or Zoning Administrator, of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Town Clerk or Zoning Administrator at least 25 days prior to the meeting of the Town Board at which action is desired. In addition:

- (1) The Town Clerk or Zoning Administrator shall, within 10 normal working days after filing, transmit four copies of the final plat to the County Planning Agency, 10 copies to the Plan Commission, and one copy to each of the affected public or private utilities and school district(s).
- (2) Wisconsin Department of Administration. Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.
- (3) The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all other ordinances, laws, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Town Board.
- (4) Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time; however, it is required that each phase be final platting and designated as a phase of the approved preliminary plat.

E. Final plat approval.

- (1) Submission. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat or may extend the time for submission of the final plat, as provided in Section 236.11(1)(b) of the Wisconsin Statutes.
- (2) The Objecting Agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration, and the Department of Administration who shall so certify on the face of the plat. The Department of Administration shall promptly notify the Town Clerk or Zoning Administrator if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days and the Department of Administration fails to act within 30 days from the date on which they received the plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.
- (3) The Town Plan Commission shall, within 45 days of the date of filing of the final plat with the Town Clerk or Zoning Administrator, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.

- (4) Notification. The Plan Commission shall, when it determines to recommend approval or rejection of a plat to the Town Board, give at least 10 days prior written notice of its recommendation to the Clerk or Zoning Administrator of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.
- (5) The Town Board shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk or Zoning Administrator, approve or reject such plat unless the review period is extended by written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. One copy each of the plat and letter shall be placed in the Town Clerk or Zoning Administrator's permanent file. The Town Board shall not inscribe its approval on the final plat unless the Town Clerk or Zoning Administrator certifies on the face of the plat that no objections have been filed within 20 days or, if filed, that they have been satisfied, and the Town Treasurer certifies that there are no unpaid taxes or special assessments on any of the lands included in the plat.
- (6) Failure of the Town Board to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- (7) Recordation. 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 or Zoning Administrator shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds at the subdivider's expense. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Section 236.25(2)(b) of the Wisconsin Statutes.
- (8) Copies. The subdivider shall file a digital file in a form acceptable to the Town and adequate copies of the recorded final plat with the Town Clerk or Zoning Administrator. The Clerk or Zoning Administrator shall distribute copies of the plat to the Town Engineer, Building Inspector, Assessor, Town or County Land Information Officer, Town Planner, and other affected Town and County departments for their files.

F. Minor land division review (Certified Survey Maps).

- (1) The following proposed land divisions can be done by Certified Survey Map:
 - (a) Scenario A, where all of the following apply:
 - [1] Division into two, three or four parcels or building sites, inclusive of the original remnant parcel;
 - [2] Resulting in any parcel of five or fewer acres in area;
 - [3] By division or by successive divisions of any part of the original parcel;
 - [4] Within a five-year period.
 - (b) Scenario B, where all the following conditions apply:
 - [1] Division of a block, lot, or outlot within a recorded subdivision plat into two, three or four parcels or building sites, inclusive of the original remnant parcel;
 - [2] Where the exterior boundaries of the subdivision plat, or the exterior boundaries of said block, lot, or outlot do not change;
 - [3] The division does not result in a subdivision as defined in § 350-12.
 - (c) Scenario C, where all the following conditions apply:
 - [1] Certified Survey Map consisting of a single parcel;
 - [2] By approval of the Plan Commission for good reason as set forth in the minutes of the meeting concerned.
- (2) A pre-application consultation, similar to the consultation described in § 350-3A of this Ordinance, is required.
- (3) The Subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map, together with the appropriate fee, and the completed

application with the Town Clerk or Zoning Administrator at least 28 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk or Zoning Administrator may accept an electronic copy of the map in lieu of some or all of the paper copies, at the Clerk or Zoning Administrator's discretion. Filing is considered complete when all of the following have occurred:

- (a) Application has been received.
 - (b) Fee and escrow have been paid.
 - (c) Preliminary CSM has been received and any recommendations by the Town Engineer have been corrected.
- (4) The Subdivider shall submit two copies of the map to the Wisconsin Department of Administration for review if the provisions of Section 236.34(1m)(em) apply, and to the Wisconsin Department of Transportation if the provisions of Section 236.34(1m)(er) apply. Copies of the transmittal letters or emails to the Departments shall be provided to the Town at the time the map is filed with the Town Clerk or Zoning Administrator.
 - (5) The Town Clerk or Zoning Administrator shall, within 10 normal working days after filing, transmit the copies of the map and letter of application to the Plan Commission.
 - (6) The Town Plan Commission shall transmit a copy of the map to all affected Town boards and commissions for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the County Planning Agency and to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for review and comment. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the map is received. The map shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, laws, rules, regulations, and comprehensive plans and components thereof as may be applicable.

G. Minor land division (Certified Survey Maps) approval.

- (1) The Town Plan Commission shall, within 60 days from the date of filing of the map, recommend approval, approval with conditions, or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.
- (2) The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by mutual agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk or Zoning Administrator to so certify on the face of the original map.
- (3) Failure of the Town Board to act within 90 days, or any extension mutually agreed to with the subdivider, constitutes an approval of the map and, upon demand, a certificate to that effect shall be made on the face of the map by the Town Clerk or Zoning Administrator.
- (4) Recordation. After the certified survey map has been approved by the Town Board; the Town Clerk or Zoning Administrator shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.
- (5) Copies. The subdivider shall file a digital file in a form acceptable to the Town and adequate copies of the recorded certified survey map with the Town Clerk or Zoning Administrator. The Clerk or Zoning Administrator shall distribute copies of the map to the Town Engineer, Town Planner, Building Inspector, Assessor, Town or County Land Information Officer, and other affected Town and County officials for their files.

H. Replats and reconfigurations.

- (1) Vacate or alter. When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin

Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in §§ 350-3A through 350-3F of this Ordinance.

- (2) The Town Clerk or Zoning Administrator shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause a Class 2 notice of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.
 - (3) Reconfigure. An applicant wishing to reconfigure a recorded certified survey map (CSM) shall create a new CSM and proceed as specified in §§ 350-3G and 350-3H of this Ordinance, provided the reconfiguration does not result in a subdivision, no additional parcels are created, and no changes are made to areas previously dedicated to the public or to a restriction or easement placed on the land concerned.
 - (4) Change boundaries. A certified survey map (CSM) may be used to change the boundaries of lots and outlots within a recorded plat or a recorded assessor's plat under Section 70.27 of the Wisconsin Statutes if the reconfiguration does not result in a subdivision. A CSM used to reconfigure lots within a recorded plat may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner; or change the exterior boundaries of a plat.
 - (5) Changes to Condominium Instruments, including condominium plats, shall comply with the requirements of Chapter 703 of the Wisconsin Statutes.
- I. Review and approval of condominium instruments. Condominium instruments, including condominium plats, prepared by a professional land surveyor are required to create a condominium or any amendments or expansions thereof, and are subject to Town review and approval in accordance with Section 703.115 of the Wisconsin Statutes. Condominiums and associated plats shall comply with the requirements of Chapter 703 of the Statutes and the design standards, improvements, and all other requirements, as applicable, of this Ordinance that would otherwise apply to conventional subdivision plats, with the exception of §§ 350-3B through 350-3F if no new lots, parcels, or outlots will be created as part of the condominium. Condominium instruments may not be used to create or alter lots, parcels, outlots, public streets, or other areas to be dedicated to the public. Changes to recorded condominium instruments to create, alter, or remove any condominium units, easements, restrictions, or other encumbrances on the land included in a condominium shall require Town review and approval of a correction instrument prepared in accordance with Section 703.095 of the Statutes. In accordance with Section 703.27 of the Statutes, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

§ 350-4. Preliminary plat.

- A. General requirements. A preliminary plat shall be required for all subdivisions and shall be based on a survey by a professional land surveyor and the plat prepared on paper of good quality, as well as in a digital form compatible with Town digital requirements, at a scale no smaller than one inch equals 100 feet and shall show correctly on its face the following information:
- (1) The Preliminary Plat shall be clearly noted and labeled on its face "Preliminary Plat."
 - (2) Inset Map of the area concerned showing the general location of the proposed subdivision in relation to U.S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
 - (3) Description of the Location of proposed subdivision by quarter section, township, range, county, and state.
 - (4) Title or Name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
 - (5) Date, graphic scale, and north arrow.

- (6) Names and addresses of the owner, subdivider, and professional land surveyor preparing the plat.
 - (7) The Entire Area Contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
- B. Site analysis information. In the absence of an adopted neighborhood unit development plan, the following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map(s) shall include:
- (1) Existing and proposed lot lines and street and highway right-of-way lines.
 - (2) Topographic features, including existing contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets or highways, with preferably one-foot intervals but not more than two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.
 - (3) Hydrologic characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Wisconsin Wetland Inventory or more precise field identification. The boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain, reflecting flood stage elevations as determined under the effective FEMA (Federal Emergency Management Agency) Flood Insurance Study or other technical document, shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be subject to review and approval by the Town Engineer, the Wisconsin Department of Natural Resources (WDNR), and FEMA. When approved accordingly, the Town and County floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the Town and County floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile.
 - (4) Delineations of natural resource areas, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), and the location and type of any rare or endangered species habitat.
 - (5) Soil types and their boundaries, as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
 - (6) Existing vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees (i.e. large or distinct ornamental, mature, or rare old-growth trees such as beech, ginkgo, hornbeam, and bur oak trees) shall be located and identified by species, size, and health.
 - (7) Historic, cultural, and archaeological features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
 - (8) Scenic vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
 - (9) The location and classification of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry and exit points for the subdivision.
 - (10) Existing land features or uses within the proposed subdivision and within 100 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures (including solar panels on adjacent parcels), and all encumbrances, such as easements or covenants.

- (11) Public parks and open space areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- (12) Existing and, if applicable, proposed zoning on and adjacent to the proposed subdivision.
- (13) Any additional Information requested by the Town Engineer, Plan Commission, and other affected Town and County departments.

C. Preliminary plat data. All preliminary plats shall show the following:

- (1) Length and bearing of the exterior boundaries of the proposed subdivision referenced to at least two corners established in the U. S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- (2) Shoreland boundaries and boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain and related floodplain regulatory stages, as determined under the effective FEMA Flood Insurance Study or other technical document. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer, WDNR, and FEMA. When approved accordingly, the Town floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the Town floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile. [The contour line lying a vertical distance of two feet above the floodplain shall also be shown.]
- (3) Location and water elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 100 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the Town Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by WDNR.
- (4) Lake and stream meander lines proposed to be established.
- (5) Boundaries of primary and secondary environmental corridors and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- (6) The location of woodlands as mapped by SEWRPC and/or field surveyed, and existing vegetation to be retained within the proposed subdivision.
- (7) Location, right-of-way width, and names of all existing and proposed streets, highways, alleys, or other public ways, bicycle and pedestrian/recreational ways, utility rights-of-way, active and abandoned railway rights-of-way, access-control and vision corner easements, deed restricted areas, conservation easements, and other easements within or adjacent to the exterior boundaries of the plat.
- (8) Type, width, and elevation of any existing street pavements within or adjacent to the exterior boundaries of the plat, together with any legally established centerline elevations, referenced to a vertical datum approved by the Town Engineer.
- (9) Approximate radii of all curved lines within the exterior boundaries of the plat.
- (10) Location and names of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- (11) Location of all existing structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, drives, watercourses, drainage ditches, wetlands, wooded areas, railroad tracks, and other similar significant natural or manmade features; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within

100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 100 feet of the exterior boundaries of the plat, shall be shown.

- (12) Locations of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.
 - (13) Existing and proposed lot lines, approximate dimensions and size of all lots, the minimum lot area required by the zoning district in which the plat is located, and proposed lot and block numbers. Lots and blocks shall be numbered consecutively.
 - (14) Building or setback lines, including those proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
 - (15) Location, approximate dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
 - (16) Location, approximate dimensions, and area of any proposed common areas or facilities.
 - (17) Location, approximate dimensions, and area of any sites which are to be used for multifamily housing, shopping centers, church sites, or other non-public uses not requiring lotting.
 - (18) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains that might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the nearest exterior boundary of the plat, and by their size and invert elevations. All elevations shall be referenced to a vertical datum approved by the Town Engineer.
 - (19) Any proposed lake and stream access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
 - (20) Any proposed lake and stream Improvement or relocation, and notice of application for approval by the WDNR, when applicable.
 - (21) The approximate location of any existing or proposed POWTS.
 - (22) Location of soil borings and, if applicable, percolation tests within the exterior boundaries of the plat.
 - (23) Existing and, if applicable, proposed zoning on and adjacent to the proposed subdivision.
 - (24) Any additional information requested by the Town Engineer, Plan Commission, and other affected Town and County Departments.
- D. Street plans and profiles. The Town Engineer or Plan Commission may require that the subdivider provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be referenced to a datum and the datum, plans, and profiles shall meet the approval of the Town Engineer.
- E. Soil borings and tests.
- (1) The Plan Commission, upon recommendation of the Town Engineer, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made in specified areas to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
 - (2) Where a subdivision will not be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of POWTS. Such borings and tests shall meet the requirements of Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the Town Engineer may require additional soil borings and tests be made to determine the suitability of specific areas for POWTS. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

- F. Stormwater management and erosion and sedimentation control. Following approval of the preliminary plat and prior to approval of the final plat, stormwater and sedimentation control plans and specifications shall be submitted for review and approval in accordance with the Town stormwater management and erosion and sedimentation control ordinance.
- G. Covenants and homeowners or condominium association documents.
- (1) A draft copy of any proposed homeowners or condominium association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in § 350-2G. The proposed documents shall be subject to review by the Town and reviewed as to form by the Town Attorney.
 - (2) A draft copy of any proposed land stewardship plan and/or documents for proper management of the common open space in condominiums or subdivisions shall accompany the preliminary plat. The proposed stewardship plan and/or documents shall be subject to review and approval by the Town and reviewed as to form by the Town Attorney.
- H. Affidavit. The professional land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and Chapter 236 and, if applicable, Chapter 703 of the Wisconsin Statutes.

§ 350-5. Final plat.

- A. General requirements. A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.
- B. Final plat data. The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
- (1) Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
 - (2) Street width along the line of any obliquely intersecting street to the nearest 0.01 foot.
 - (3) Active and Abandoned Railway rights-of-way within and abutting the exterior boundaries of the plat.
 - (4) Building or setback lines required by the Plan Commission or other approving or objecting agency, including those that are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider to be included in recorded private covenants.
 - (5) Easements for any public sanitary sewers, water supply mains, stormwater management facilities, drainageways, or access ways.
 - (6) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, the information required by § 350-2F shall be submitted with the final plat, together with any associated deed or plat restrictions required by the Plan Commission.
 - (7) Shoreland boundaries and boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain and related floodplain regulatory stages, as determined under the effective FEMA Flood Insurance Study or other technical document. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be subject to review and approval by the Town Engineer, WDNR, and FEMA. When approved accordingly, the Town floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the Town floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile. The contour line lying a vertical distance of two feet above the floodplain shall also be shown.

- (8) Location, easements, and rights-of-way of existing and proposed streets, utilities, and bicycle and pedestrian/recreational ways.
 - (9) Notations or any restrictions required by the Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.
 - (10) Any additional information requested by the Town Engineer, Plan Commission, and other affected Town and County departments.
- C. Deed restrictions. The Town may require that deed restrictions be prepared by the owner or subdivider and filed and recorded with the final plat.
 - D. Survey accuracy. All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
 - E. Wisconsin coordinate system. The plat shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the Town Engineer, and shall be adjusted to the control survey network.
 - F. Certificates and affidavit. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify full compliance with all the provisions of this Ordinance and, if applicable, Chapter 703 of the Statutes.
 - G. Recording and filing.
 - (1) The final plat shall be submitted for recording in accordance with § 350-3E(7) of this Ordinance.
 - (2) The County Register of Deeds shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.
 - (3) The subdivider shall file a copy of the final plat with the Town Clerk or Zoning Administrator, as provided by Section 236.27 of the Wisconsin Statutes.

§ 350-6. Certified survey map (minor land division).

- A. General requirements.
 - (1) A certified survey map prepared by a professional land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in §§ 350-7 Design Standards and 350-8 Required Improvements of this Ordinance.
 - (2) Prior to filing an application for review and approval of a certified survey map, the subdivider shall consult with the Plan Commission and/or its staff, similar to the provisions of § 350-3A, in order to obtain advice and assistance. A conceptual plan of the proposed certified survey map shall be brought by the subdivider to the meeting.
- B. Certified survey map data. The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:
 - (1) The Certified Survey Map shall be clearly noted and labeled on its face "Certified Survey Map."
 - (2) Inset map of the area concerned showing the location of the proposed certified survey map in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.
 - (3) Description of the location of the proposed certified survey map by quarter section, township, range, county, and state.
 - (4) Date of map, graphic scale, and north arrow.
 - (5) Names and addresses of the owner, subdivider, and professional land surveyor preparing the plat.

- (6) All existing structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 100 feet thereof, and any other features pertinent to proper land division. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within 100 feet of the exterior boundaries of the map, shall be shown.
- (7) Existing and, if applicable, proposed zoning within and adjacent to the proposed land division.
- (8) Existing and proposed lot lines, dimensions and size of all lots, and the minimum lot area required by the zoning district in which the land division is located.
- (9) Location, approximate dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- (10) Building or setback lines required by the Plan Commission, or other approving or objecting agency, including those which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the subdivider to be included in recorded private covenants.
- (11) Location and names of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- (12) Length and bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- (13) Street width along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- (14) Active and abandoned railway rights-of-way within and abutting the exterior boundaries of the proposed certified survey map.
- (15) Notations or any restrictions required by the Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.
- (16) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within the exterior boundaries of the certified survey map or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the land division, the nearest such sewers or water mains that might be extended to serve the land division shall be indicated by their direction and distance from the nearest exterior boundary of the certified survey map, and by their size, and invert elevations. All elevations shall be referenced to a vertical datum approved by the Town Engineer.
- (17) Easements for any public sanitary sewers, water supply mains, stormwater management facilities, drainageways, or access ways.
- (18) Easements or rights-of-way for any existing and proposed streets, utilities, and bicycle and pedestrian/recreational ways.
- (19) Boundaries of primary and secondary environmental corridors and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- (20) Shoreland boundaries and boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain and related floodplain regulatory stages, as determined under the effective FEMA Flood Insurance Study or other technical document. Where such floodplain data are not

available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be subject to review and approval by the Town Engineer, WDNR, and FEMA. When approved accordingly, the Town floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the Town floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile. The contour line lying a vertical distance of two feet above the floodplain shall also be shown.

- C. Additional information. The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:
- (1) Topographic features, including existing and, if applicable, proposed contours, with preferably one-foot intervals but not more than two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
 - (2) Soil types and their boundaries, as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
 - (3) The square footage and elevation of the first floor of all buildings proposed to remain on the site or sites included in the certified survey map.
 - (4) The Town Plan Commission, upon recommendation of the Town Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
 - (5) The approximate location of existing and proposed POWTS, if applicable.
 - (6) Where the site is not to be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of POWTS. Such borings and tests shall meet the requirements of Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the map and the findings, with respect to suitability for the use of POWTS, shall be set forth in a separate report submitted with the proposed certified survey map.
 - (7) The location of woodlands, as mapped by SEWRPC, within the proposed certified survey map.
 - (8) Historic, cultural, and archaeological features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
 - (9) Location and water elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed certified survey map and within 100 feet of the exterior boundaries of the map. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the Town Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the WDNR.
 - (10) The Town Plan Commission may require that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the subdivider be included in the certified survey map even though only a portion of said area is proposed for immediate development. The Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and lot or parcel locations.
 - (11) Any additional information requested by the Town Engineer, Plan Commission, and other affected Town and County Departments.
- D. Deed restrictions. The Town may require that deed restrictions be filed and recorded with the final map.

- E. Surveying and monumenting. All certified survey maps shall meet all surveying and monumenting requirements of Section 236.34 of the Wisconsin Statutes.
- F. Wisconsin coordinate system. The map shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description, of the monuments marking the section or quarter-section corners to which the map is tied shall be shown on the map. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the Town Engineer.
- G. Certificates and affidavit. All certified survey maps shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town Board shall certify its approval on the face of the map. In addition, the surveyor shall certify on the face of that map that all provisions of this Ordinance have been met.
- H. Recording and filing.
 - (1) After the Certified Survey Map has been duly approved by the Town Board, the Town Clerk or Zoning Administrator shall cause the certificate to be inscribed upon the map attesting to such approval and the map recorded as provided for under § 350-3G(4) of this Ordinance.
 - (2) The County Register of Deeds shall record the final map as provided by Section 236.34(2) of the Wisconsin Statutes.
 - (3) The Subdivider shall file a copy of the final map with the Town Clerk or Zoning Administrator.

§ 350-7. Design standards.

- A. General requirements. All plans and specifications for land divisions and condominium developments shall comply with the design standards established herein and in other adopted Town ordinances, referenced Best Management Practices, and the Town comprehensive plan or components thereof while accommodating “complete street” design concepts and alternative sustainable or green-related design standards where appropriate and subject to Plan Commission and/or Town Engineer approval. Plans and specifications shall also comply with design related requirements in § 350-8, “Required Improvements,” § 350-9, “Erosion Control,” and § 350-10, “Construction,” of this Ordinance.
- B. Street arrangements.
 - (1) General requirements. In any new land division or condominium, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted County jurisdictional highway system plan, the adopted Town official map, or the adopted Town comprehensive plan or plan component. In areas for which such plans have not been completed, or are of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or condominium shall be designed so as to provide each lot with satisfactory frontage on a public street.
 - (2) Arterial streets shall be arranged to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and planned system of arterial streets and highways and shall be, insofar as practicable, continuous and aligned with existing or planned streets with which they are to connect.
 - (3) Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the arterial streets to which they connect.
 - (4) Land access or minor land access streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient stormwater drainage, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

- (5) Proposed streets shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent lands.
 - (6) Arterial street and highway protection. Whenever an existing or planned arterial street or highway is located adjacent to or within a proposed land division or condominium, adequate protection of residential lots, limitation of access to the arterial street or highway, and separation of through and local traffic shall be provided through the use of alleys, frontage streets, or cul-de-sac or loop streets. A restricted non-access easement along any property line abutting an arterial street or highway may be required (see §§ 350-7C(1) and 350-7I(4)). Permanent screening or landscape plantings may be required in any restricted non-access area.
 - (7) Development control or reserve strips shall not be allowed on any plat or certified survey map to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission or the County or State highway department having jurisdiction.
 - (8) Access shall be provided in commercial, industrial, and mixed-use areas for off-street loading/unloading and service areas.
 - (9) Street names shall be approved by the Town and shall not duplicate or be similar to existing street names elsewhere in the Town, unless the proposed streets are extensions or continuations of others already in existence and, therefore, shall bear the names of the existing streets. Where an adopted Town or County street address system plan exists, the street names shall be assigned in accordance with the recommendations of such plan or plans.
- C. Limited access highway and railroad right-of-way treatments. Whenever a proposed land division or condominium contains or is adjacent to a limited access highway or railroad right-of-way the design shall provide the following treatment:
- (1) Non-access easement and planting area
 - (a) When lots within a proposed land division or condominium back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement (see § 350-7I(4)) and planting area (sometimes called a landscaped buffer yard or strip) at least 50 feet in depth and/or width shall be provided adjacent to the highway or railroad right-of-way.
 - (b) The minimum lot depth and/or width required by the Town zoning ordinance shall be increased where applicable by 50 feet to accommodate the non-access easement and planting area.
 - (c) The design of the planting area, including fences and walls, shall be similar or compatible with the character of adjacent properties.
 - (d) This non-access easement and planting area shall be a part of all lots adjacent to applicable rights-of-way and shall have the following restriction lettered on the face of the plat or certified survey map: "This area is reserved for the planting of trees and shrubs. Pedestrian, bicycle, and other recreation trail facilities and access may be allowed. No motor vehicle access shall be permitted across this area, except those for personal assistance mobility devices for individuals with mobility disabilities. The building of structures, except fences or walls for screening or buffering purposes and public or private utility structures, is prohibited hereon."
 - (2) In commercial and industrial zoning districts, streets shall be provided on each side of a limited access highway or railroad right-of-way that are approximately parallel to and at a suitable distance from such highway or railroad. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.
 - (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway, shall be located at a minimum distance of 250 feet from said street or railroad right-of-way or at a distance as determined by the Town Engineer. Such distance, where desirable and practicable, shall be determined with due

consideration of the minimum distance required for the future separation of grades by means of desirable approach gradients.

- (4) Land access streets immediately adjacent and parallel to arterial streets and railroad rights-of-way shall be avoided in residential areas.
- (5) Cross- and Shared-Accesses. See § 350-7I(4).

D. Street, bicycle, and pedestrian/recreation way design standards.

- (1) Cross-sections. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan or component thereof, official map, neighborhood development plan, or County jurisdictional highway system plan, and in accordance with plans and specifications approved by the Town and, if applicable, County.
- (2) Cross-sections for arterials streets and highways shall be based on detailed preliminary engineering studies approved by the local, county, or State government agency having jurisdiction.
- (3) Cul-de-sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access and water main configuration. For lengths proposed to exceed 1,000 feet, the subdivider shall present extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors; however, provisions for adequate emergency access must still be provided. Cul-de-sac streets shall terminate in a circular, "teardrop," or comparable turnaround having the minimum right-of-way radius as specified in the Town Zoning Code in consultation with and approval of the Town Engineer, depending on the type of design configuration, if landscape islands or terrace/drainage swales are provided, and other factors. The design, size, construction, and maintenance of a cul-de-sac shall be determined by the Plan Commission or Town Board, after considering a recommendation from the Town Engineer, based in part on the minimum design standards specified in the Town Zoning Code. Turnarounds with landscape planting islands, including those in "eyebrow" turnarounds (half circular cul-de-sacs or looped streets), may be allowed and provided that the islands are maintained by private means such as a homeowners or condominium association. The Town may require curb and gutter around the perimeter of these islands, which may also contain curb openings (also see § 350-8F(2)).
- (4) Temporary termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular- or "T"-shaped turnaround contained within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed. If the right-of-way for the temporary turnaround is wider than 60 feet for urban streets and 66 feet for rural streets, then the wider "bump-out" portion shall be a temporary easement that shall eventually be removed or vacated when the subject road is extended and constructed in accordance with the provisions of § 350-8E. of this Ordinance. Required front yards or building setbacks would be measured from the street right-of-way that is to be permanently dedicated.
- (5) Pedestrian and bicycle/recreation ways with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate pedestrian, bicycle, and other recreational circulation or access to schools, parks, shopping centers, churches, or transportation facilities. Pedestrian and bicycle/recreational paths in wooded and wetland areas shall be so designed and constructed as to minimize the removal of noninvasive trees, shrubs, and other vegetation, and to preserve the natural beauty of the area. Also see § 350-8H for requirements that may affect such facility design. Design specifications should be determined during engineering studies for specific street and highway projects, and should be based on recommendations in the most recent edition of the "Guide for the Development of Bicycle Facilities," published by the American Association of State Highway and Transportation Officials (AASHTO); the "Wisconsin Bicycle Facility Design Handbook," and "Facilities Development Manual," published by the Wisconsin Department of Transportation; and the adopted Town comprehensive and or component thereof, including bicycle plan components. Signing, traffic control devices, and striping configurations for bicycle

facilities should be provided in accordance with the most recent edition of the "Manual on Uniform Traffic Control Devices," also published by AASHTO.

- (6) Grades.
 - (a) Street grades shall be established wherever practicable so as to avoid excessive grading, the indiscriminate removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades that exceed one percent shall be connected by vertical curves that meet the standards for "stopping" sight distance established in the American Association of State Highway and Transportation Officials (AASHTO), "A Policy on Geometric Design of Highways and Streets."
 - (b) Unless necessitated by exceptional topography and subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way within public street rights-of-way shall not exceed the following:
 - [1] Arterial streets: 6 percent.
 - [2] Collector, land access, and frontage streets and alleys: 8 percent.
 - [3] Sidewalks/pedestrian ways: 8 percent. Where a sidewalk/pedestrian way runs along an existing roadway with a grade that exceeds 8 percent, the sidewalk/pedestrian way may also exceed 8 percent but shall be less than or equal to the existing roadway grade in accordance with the Americans with Disability Act Accessibility Guidelines (ADAAG).
 - (c) The grade of any street shall in no case exceed 12 percent or be less than one-half of one (0.5) percent for streets with an urban cross-section or less than one percent for streets with a rural cross section.
 - (d) See § 350-7E(6) for grades at street intersections.
- (7) Crowns. Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Town Engineer. Alley pavements shall be "V"-shaped, with a centerline gutter for drainage. The minimum grade of street crowns shall be two percent.
- (8) Radii of curvature.
 - (a) When a continuous street centerline deflects at any one point by more than seven degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - [1] Arterial streets and highways: 500 feet
 - [2] Collector streets: 300 feet
 - [3] Land access streets: 100 feet
 - (b) Minimum curve radii shall be further based on the consideration of traffic speed, sight distances, and other factors. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- (9) New or reconstructed streets passing through floodplains shall be designed to not be flooded by overflow of streams, rivers, or lakes during a 1-percent-annual-probability (100-year recurrence interval) flood event where possible unless an alternative access is provided by streets located outside of such floodplains. Arterial streets and highways under County, State, or Federal jurisdiction shall meet the floodplain requirements of the government agency having jurisdiction.
- (10) Bridges and culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 1-percent-annual-probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, established by FEMA. Flood stage increases may be acceptable for reaches having topographic or land use conditions that could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, provided flood easements or other appropriate legal arrangements have been made with all affected units of government and property owners and local zoning ordinances affected by the increase in the flood stage are amended. Bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris. New and replacement bridges shall be constructed in accordance

with applicable State regulations and hydraulic analyses evaluating the effect, if any, of the bridge on 1-percent-annual-probability flood stages shall be submitted to the WDNR, excluding ordinary maintenance repair or resurfacing of such bridges, to assure compliance with floodplain zoning requirements.

- (11) Half-streets. Where an existing dedicated or platted half-street is adjacent to the proposed land division or condominium, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- (12) Street curbs and gutters. See § 350-8F.
- (13) Passing and acceleration/deceleration lanes. When the land to be subdivided is proposed to have a street connection to an arterial street or highway, the Plan Commission, after considering a recommendation from the Town Engineer, may require the subdivider to install a “passing” or “bypass” lane adjacent to the traffic lane opposite the intersection as well as an acceleration and a deceleration lane adjacent to the traffic lane nearest the intersection, all of which shall be approved by the Town Engineer.

E. Street intersections.

- (1) Right angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (2) Hills. The location of street intersections immediately below the crest of hills shall be avoided.
- (3) The maximum number of streets converging at one intersection shall not exceed two.
- (4) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- (5) Continuation of land access and collector streets. Land access and collector streets shall not necessarily continue across arterial streets; but, if the centerlines of such streets approach the arterial streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the collector and/or land access streets shall be adjusted so that the approach or separation distance is increased or the alignment across said intersecting streets is continuous to create a single intersection. Such jogs for land access/minor land access and collector streets intersecting other land access/minor land access or collector streets shall not be less than 125 feet, otherwise the distance shall be increased or said streets shall be adjusted to be continuous in alignment.
- (6) Corner curves. Property lines at intersections of arterial streets and at intersections of collector and arterial streets shall be rounded to an arc with a minimum radius of 15 feet or a greater radius if required by the Town Engineer, or shall be cut off by a straight-line through the points of tangency of an arc having a radius of 15 feet or greater.
- (7) Grades. Intersections shall be approached on all sides by grades not to exceed three percent for a distance of no less than 100 feet from property/right-of-way lines of said intersection, unless exceptional topography would prohibit these grades.
- (8) Vision corner or clearance easements shall be provided at street and highway intersections as may be required by the Town zoning ordinance and by any approving or objecting authority concerned. Generally, the vision triangle shall be determined by measuring 150 feet (for arterial streets) or 100 feet (for land-access streets) from the corner of the property touching two streets and connecting the points to form a triangle. The vision triangle shall be approved using these guidelines in consultation with the Town Engineer. No obstructions shall be allowed in the vision triangle, including trees, fences, bushes or any other object exceeding three feet in height.
- (9) Curb ramps or openings to accommodate people with disabilities shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes and Americans with Disabilities Act Accessibility Guideline requirements on all public streets where sidewalks or other pedestrian paths are required by the Plan Commission.
- (10) Street Signs and Signals. See §§ 350-7B(9) and 350-8M of this Ordinance.

F. Blocks.

- (1) General requirements. The widths, lengths, shapes, and orientation of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian,

and motor vehicle access; traffic control and safety; and the limitations and opportunities of topography and other natural resource features.

- (2) The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by preservation of natural resource features, including exceptional topography, or other limiting factors of good design.
- (3) Pedestrian and bicycle/recreation ways of at least 20 feet in width may be required where deemed necessary by the Plan Commission to provide safe and convenient pedestrian, bicycle, or other recreational circulation or access between lots, streams, lakeshores, park lands, or other public areas or may be required near the center and entirely across any block, where deemed essential by the Plan Commission, to provide adequate pedestrian, bicycle, and other recreational circulation or access to schools, shopping centers, churches, parks, open spaces, or transportation facilities. The final plat, CSM, or condominium plat shall contain a special restriction addressing by whom these ways will be maintained.
- (4) The width of blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where a single tier of lots may be necessary to separate development from railroad rights-of-way or through traffic, such as with double or reverse frontage lots, or to protect natural resources.
- (5) Utility easements. See § 350-7I(1).

G. Lots.

- (1) General requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Plan Commission.
- (3) Double or reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- (4) Public street frontage. Every lot shall front or abut for a distance of at least 33 feet on a public street for access or as required in the Town zoning ordinance. (Also see § 350-7I(4) pertaining to cross- and shared-accesses.)
- (5) The area and dimensions of lots shall conform to the requirements of the Town zoning ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the Town zoning ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a POWTS designed in accordance with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of POWTS design component manuals.
- (6) Re-divisions. Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that will meet the provisions of this Ordinance and the zoning ordinance.
- (7) Depth. Lots shall have a minimum average depth required for adequate building based on the development standards for the particular zoning district involved. The typical lot depth in a land division should be increased relative to the width of any buffer strips required along abutting arterial streets, highways, and railways. Where applicable, the minimum lot depth shall also be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a front or rear lot line (also see § 350-7C(1)). Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources or accommodate easements and buffers.

- (8) The width of lots shall conform to the requirements of the Town zoning ordinance. Where applicable, the minimum width shall be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a side lot line (also see § 350-7C(1)).
 - (9) Corner lots. The width of corner lots shall be increased, as determined by the Town Engineer, beyond the minimum lot width required in the Town zoning ordinance for lot widths less than 100 feet to allow adequate yards or building setbacks from two street yards and to accommodate sufficient side and rear yards for the intended use and any required buffers and easements.
 - (10) Depth and width of lots or parcels reserved or designed for commercial or industrial use shall be adequate to provide for off-street parking and service (loading/unloading) areas required by the use contemplated and the Town zoning ordinance.
 - (11) The shape of lots shall be approximately square or rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnaround. Flag lots or easements or other lot stacking techniques shall be discouraged, except where necessary to accommodate exceptional topography or to preserve natural resources.
 - (12) Lands lying between the meander line and the water's edge and any other undeveloped lands that lie between a proposed land division or condominium and the water's edge shall be included as part of lots, outlots, or public dedications in any subdivision plat, CSM, or condominium plat abutting a lake, river, or stream. The Town may require a restriction prohibiting development to be placed on unbuildable portions (wetlands and floodways, for example) of any lots, parcels, or units.
 - (13) Restrictions prohibiting development. Whenever a lot appearing on a subdivision plat or certified survey map, or on a condominium unit on a condominium plat, is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Town, shall appear on the face of the plat or map.
 - (14) Remnants of lots below minimum size remaining after subdividing a large tract or parcel shall be added to an adjacent lot, or a plan shall be submitted indicating future use of the remnant area rather than allowing them to remain as unusable parcels.
- H. Building and setback lines. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat, condominium plat, or certified survey map. Examples of the application of this provision would include requiring greater setbacks for lots on cul-de-sac or curved streets to achieve the necessary lot width at the setback line, conform to setbacks of existing adjacent development, accommodate a coving or other unique design, avoid placing buildings within buffers, easements, or vision clearance triangles, protect natural resources, or conform to greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. The yards and building envelope on a lot, which is determined by required building setbacks, shall be generally similar to those on adjacent lots and contain sufficient areas to accommodate the intended use including any required buffers, easements, a principal building and any accessory structures, a driveway, and, if applicable, a private onsite wastewater treatment system (POWTS).
- I. Easements.
- (1) Utility easements. The Plan Commission may require utility easements of widths deemed adequate for the intended purpose as determined by the Town Engineer. Such easements shall be located as determined by the applicable utility company and subject to approval by the Town Engineer, but preferably should be located along rear and side lot lines or in mid-block easements and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities that are

appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. Such aboveground equipment shall be placed in a visually unobtrusive location from public view or a landscape screening plan shall be submitted by the subdivider to the affected utility and the Plan Commission for approval. All utility easements shall be noted on the final plat or certified survey map followed by reference to the use or uses for which they are intended.

- (2) Drainage easements. Where a land division or condominium is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.
 - (3) Vision clearance easements and cross-, controlled-, and shared-access easements. The Plan Commission may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance). If the location of cross-access is not known and is dependent on future development or site plan layout, then a note shall be added to the plat or certified survey map indicating that a cross-access shall be provided and the subject lot replatted accordingly when the cross-access location is determined.
- J. Protection of natural resources. Where natural drainage channels, floodplains, wetlands, woodlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Plan Commission may require that such areas be dedicated or that restrictions, including conservation easements, be placed on the plat or certified survey map to protect such resources. The Plan Commission may further require that such areas in land divisions be included in outlots designated on the plat or certified survey map and restricted from development.
- K. Other related design requirements. Note that §§ 350-8 "Required Improvements," 350-9 "Erosion control" and 350-10 "Construction" of this Ordinance contain other design related requirements relevant to land division and condominium design. Such requirements or standards include those for curbs and gutters, street name signs, traffic control signs and signals, landscaping including for buffer yards, grading, erosion control, sedimentation control, stormwater management facilities, water supply facilities, sanitary sewerage disposal facilities, and other utilities. Even though some of these standards may not be shown on plats and certified survey maps, they are relevant to plans and specifications required for developing subdivisions and condominiums. The Town zoning ordinance and Town stormwater management and erosion and sedimentation control ordinance also contain requirements that may affect land division design or development.

§ 350-8. Required improvements.

- A. General requirements. All required improvements shall be constructed in accordance with plans and specifications approved by the Town Engineer. Such improvements may include those for green infrastructure subject to Town Engineer approval in accordance with accepted engineering practices to ensure proper functioning and monitoring of green stormwater infrastructure. Also see §350-7 for design standards.
- B. Survey monuments. The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.
- C. Grading.
 - (1) Cut and filled lands shall be graded in accordance with grading plans and specifications approved by the Town Engineer. Slopes shall not be steeper than one vertical to four

horizontal, or the soil's angle of repose, whichever is the lesser, and such slopes shall be covered with permanent vegetation. To the extent practicable, grading shall be minimized.

- (2) After the installation of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. Any cut and filled lands immediately adjacent to street or highway rights-of-way shall be graded and restored in accordance with the approved plans and specifications.
 - (3) Streets and lots shall be brought to finished grades as specified in a site grading plan approved by the Town Engineer.
 - (4) Where electric and communication facilities are to be installed underground, the utility easements shall be graded to finished grade elevation, and no earth fill, mounds of dirt, or construction materials shall be stored on such easement areas.
- D. Street surfacing. Following the installation, inspection, and approval by the Town Engineer of utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Ordinance, the Town official map, comprehensive plan or component thereof, or neighborhood development plan. Said surfacing shall be done in accordance with plans and specifications approved by the Town Engineer. The cost of surfacing more than 22 feet in width that is not required to serve the needs of the land division or condominium will be borne by the Town or other unit or agency of government having jurisdiction over the street.
- E. Removal of temporary turnarounds. Where a land division abuts an existing temporary circular cul-de-sac or "T" turnaround and the Town official map includes extending the street ended by said temporary turnaround, the subdivider shall be responsible for the removal of the turnaround, reconstruction of the drainage and roadside ditches or curb and gutter as applicable, reinstallation of culverts, reconstruction of driveways, and restoration of all disturbed areas, and removing or vacating any portion of the street containing a temporary easement if applicable (see § 350-7D(4)). The Town Engineer will determine if existing culverts, if any, may be salvaged and reused.
- F. Curbs and gutters.
- (1) After the installation and the Town's inspection and approval of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town Engineer. This requirement may be waived where a permanent rural street section has been approved by the Plan Commission. The cost of installation of all inside curbs and gutters for dual roadway pavements will be borne by the Town or the unit or agency of government having jurisdiction.
 - (2) Curbs and gutters may be required on cul-de-sac landscape "islands" and on streets with steep topographical conditions. Openings in curbs for drainage may be allowed, upon approval of the Town Engineer, to accommodate green stormwater management measures such as drainage into street tree wells, rain gardens, infiltration trenches, or bioretention basins with underdrains. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts, unless "butterfly", "roll-face", or "mountable" type curbs are installed then such curb cuts may not be necessary.
 - (3) Curb ramps or openings shall be installed, where applicable, in accordance with the Americans with Disabilities Act Accessibility Guidelines, Section 66.0909 of the Wisconsin Statutes, and as approved by the Town Engineer.
- G. Rural street sections. When permanent rural street sections have been approved by the Plan Commission, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town Engineer.
- H. Water supply facilities.
- (1) The subdivider shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Commerce.

- (2) Where a sanitary district has been created pursuant to §§ 60.71 and 60.72, Wis. Stats., for the purpose of providing and constructing a sewerage disposal system or systems, such plans and specifications shall be further subject to approval by the sanitary district board.
- I. Stormwater management facilities.
 - (1) The subdivider shall construct stormwater management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, storage facilities, and settling basins, including bioretention basins with underdrains, infiltration trenches, and other green stormwater infrastructure as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required, and the design criteria shall be determined by the Town Engineer while considering the nature of the topography and discharge location within and adjacent to the land division. Stormwater management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.
 - (2) The subdivider shall assume the costs entailed in constructing stormwater conveyances, infiltration facilities, and storage facilities necessary to serve the proposed development, to achieve the intended level of control of nonpoint source pollution, and to carry the existing stormwater flows through the proposed development. If larger conveyance, infiltration, and storage facilities are required to accommodate flows originating from outside the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Town or assessed against the tributary areas concerned.
 - J. Water tanks for fire protection.
 - (1) Water reservoir requirements. The subdivider shall provide emergency water reservoirs of fiberglass construction for fire protection purposes within developments as follows:
 - (a) Subdivisions (including certified survey maps) from:
 - [1] Zero to 10 lots: one twenty-thousand-gallon reservoir (not mandatory; required at the discretion of the Plan Commission after receiving the recommendation of the Fire Chief).
 - [2] Eleven to 39 lots: one twenty-thousand-gallon reservoir.
 - [3] Forty to 79 lots: two twenty-thousand-gallon reservoirs.
 - [4] Eighty to 120 lots: three twenty-thousand-gallon reservoirs.
 - (b) Other residential (including multifamily and condominium) developments. The number, location and size of tanks shall be determined by the Town Board upon recommendation of the Fire Chief.
 - (2) Location. Tanks shall be located in Town road rights-of-way but not in cul-de-sacs. The location of the tanks shall be specified by the Chief of the Fire Department, which protects the fire district in which the subdivision is located.
 - (3) Specifications.
 - (a) Pea gravel bedding will be utilized for backfilling and for base.
 - (b) Any used tank will be hydrostatically tested and coated on the outside of the tank according to NFPA standards.
 - (c) The drafting/suction pipe height above the finished roadway surface shall be 24 inches to the center line of the elbow fitting of the six-inch pipe with a six-inch hydrant connection.
 - (d) The drafting pipe shall be comprised of steel or metal (unless otherwise approved by the Town of Trenton Town Board) and extend to within 12 inches of the bottom of the tank. The length of the draft pipe should be kept to a minimum after meeting the requirements of Subsection C. The drafting pipe shall be six inches in diameter and shall terminate with an elbow to accept the six-inch hydrant fitting with cap and chain.

- (e) A screened, four-inch vent pipe with the opening facing downward will be included in all tanks. The vent pipe shall be a minimum of 24 inches above the finished roadway surface. The vent pipe shall have a two-inch capped inspection pipe located at the top.
 - (f) A six-inch fill pipe with elbow will be provided at each tank by the installer which terminates 24 inches above the finished roadway surface, measured at the pipe, with two-and-one-half-inch Siamese Y with cap and chain.
 - (g) The maximum distance from the road edge to the drafting pipe shall not exceed nine feet. This will allow a fire pumper, positioned on the finished road surface, using one section of standard hard suction hose, to easily reach the draft pipe. As an alternative, the developer may provide a paved apron adjacent to the roadway adequate for the parking of Fire Department apparatus.
 - (h) All aboveground piping shall be primed and then painted red for suction with a four-and-one-half-inch adapter, white for vent and yellow for fill, by the installer before the tank is approved for service and filled. The contractor installing the tank shall also install a "No Parking" sign at a location specified by the Fire Department. The sign and installation shall be at the expense of the developer.
 - (i) The installation shall be made with consideration of the winter temperatures. Steps will be taken to ensure the piping and water in the tank will not freeze during extended periods of below-zero weather.
- (4) Administration.
- (a) Inspections. The developer or the installer shall notify the Building Inspector for purposes of inspection before backfilling. The developer or the installer of the water tank shall notify the Fire Department protecting the fire district in which the development is located of completion of the installation for purposes of inspection. Forty-eight-hour notification shall be provided, and a fee as established by the Town of Trenton Town Board shall be submitted to the Fire Department to cover the cost of the initial inspection after the tank is installed. The Fire Department shall complete maintenance and inspections of all water tanks. All new or upgraded installations shall require an inspection. Once approved, tanks shall be filled by the developer. Water tank inspection forms may be obtained from the Town Clerk or Fire Department protecting the district.
 - (b) The developer or contractor installing the tank shall post with the Town a cash bond, in an amount as established by the Town Board, to be held by the Town until the tank has received final Fire Department approval.
 - (c) Any municipal or private fire department may utilize the water tank for fire protection purposes. All tanks shall be refilled by the department making use of the water. Refilling shall be accomplished as soon as possible.
 - (d) The Fire Department having fire protection responsibility for the district in which the subdivision is located shall inspect the water tanks in the spring and fall of each year.
 - (e) If the above facilities and improvements have not been fully installed at the time the development is submitted to the Town for final approval, the developer shall file with the Town Clerk a surety bond or other financial guarantee deemed adequate by recommendation of the Attorney, Plan Commission and/or Town Engineer and approved by the Town Board to adequately cover the cost of completing such facilities and improvements.
 - (f) All other improvements to be installed shall be at the direction of the Town Board or in accordance with any other ordinance in effect.
 - (g) The adequacy of such facilities and improvements and their proper installation shall be subject to review by the Town Plan Commission, Engineer and Attorney and approval of the Town Board prior to approval of the final plat.
 - (h) Construction or installation of improvements shall not commence until the preliminary plat and the construction plans have been approved by all agencies having authority to review the plat. All work or improvements to the subdivision shall also be subject to inspection by the Town Engineer to determine conformance with any applicable requirements.

- K. Other utilities. Plans indicating the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division or condominium shall be approved by the Town Engineer.
- L. Private post lamps. The Plan Commission may permit the installation of private post lamps on each lot of a land division and at appropriate locations within a condominium. The type and location of such post lamps shall be approved by the Town Engineer and shall be maintained by the homeowners or condominium association.
- M. Street and traffic control signs and signals.
 - (1) The subdivider shall install or pay for the fabrication and installation of a street name sign of a design specified by the Town Engineer at the intersection of all streets proposed to be dedicated.
 - (2) The subdivider shall install or pay for the fabrication and installation of any traffic control signs or signals identified during the review and approval process needed to control traffic generated by the proposed land division. Traffic control signs and signals are subject to review and approval by the Town Engineer or the government agency having jurisdiction over a street or intersection.
- N. Landscaping
 - (1) The subdivider shall install landscaping in accordance with landscaping plans and specifications approved by the Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.
 - (2) Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions maintaining such landscaping shall be included in the homeowners or condominium association documents required under § 350-2G.
- O. Improvements to extend to limit of parcel or lot. Any and all improvements or utility services required by this Ordinance for land divisions and condominiums shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the Subdivider is exempted from such requirement by the Town Board after considering a recommendation from the Town Engineer. In the event the improvements are required to the end of the parcel or lot, the Subdivider shall be required to post bond or other financial sureties with the Town if improvements are not installed.

§ 350-9. Erosion control.

- A. Findings. The Town of Trenton finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Town.
- B. Purpose. It is the purpose of this section to:
 - (1) Preserve the natural resources;
 - (2) Protect the quality of the water of the state and the Town of Trenton; and
 - (3) Protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment, topsoil and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands.
- C. Design criteria; standards and specifications for best management practices. All best management practices required to comply with this section shall meet the design criteria, standards and specifications set forth in the BMP Handbook or as approved by the Plan Commission or the Town Board.
- D. Maintenance of best management practices. All best management practices necessary to comply with the requirements of this section shall be maintained by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions. The standards for maintenance of best management practices shall be as set forth in the BMP Handbook, or as approved by the Plan Commission or Town Board.
- E. Control of erosion and pollutants during land development and land disturbing activities.
 - (1) Applicability. This section applies to the following sites of land development or land disturbing activities:

- (a) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats;
 - (b) Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys;
 - (c) Those involving grading, removal of protective ground cover or vegetation, demolition, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more;
 - (d) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material;
 - (e) Those involving street, highway, road or bridge construction, enlargement, relocation and reconstruction;
 - (f) Those involving the laying, repairing, replacing or enlarging of any underground pipe or facility for a continuous distance of 300 feet or more; and
 - (g) Those involving grading, removal of protective ground cover or vegetation, excavation, demolition, landfilling or other land disturbing activity on slopes of 12% or more.
- (2) Erosion and other pollutant control requirements. The following requirements shall be met on all sites described in Subsection (1):
- (a) Site dewatering. Water pumped from the site shall be contained by sediment basins or other appropriate best management practices specified in the BMP Handbook. Water may not be discharged in a manner that causes erosion of the site, adjacent sites, or receiving channels.
 - (b) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried off site by runoff or wind, nor to be buried on site.
 - (c) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, to the satisfaction of the Town, before the end of each workday. Flushing may not be used unless sediment will be controlled by a sediment basin or other appropriate best management practice specified in the BMP Handbook.
 - (d) Drain inlet protection. All stormwater inlets shall be protected with a straw bale, filter fabric, or equivalent barrier as specified by the Board of Public Works (or its equivalent or designee).
 - (e) Sediment cleanup. All off-site sediment deposits occurring as a result of a storm event shall be cleaned up by the end of the next workday. All other off-site sediment deposits occurring as a result of construction activities shall be cleaned up by the end of the workday.
 - (f) Site erosion control. The following criteria apply only to the land development or land disturbing activities that result in runoff leaving the site:
 - [1] Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in Subsection [3][c] below. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 foot per second across the disturbed area for a ten-year, twenty-four-hour storm as defined in the BMP Handbook. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. For allowable velocities in different types of channels, Soil Conservation Service guidelines shall be followed.
 - [2] All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 - [3] Runoff from the entire disturbed area on the site shall be controlled by meeting either [a] and [b] or [a] and [c] of this subsection:
 - [a] All disturbed ground left inactive for seven or more days shall be stabilized by temporary or permanent seeding, temporary or permanent seeding and mulching, sodding, covering with tarps, or equivalent best management practices. If temporary seeding is used, a permanent cover shall also be required as part of

the final site stabilization. Seeding or sodding shall be required as part of the final site stabilization. Seeding or sodding shall be conducted as specified in the BMP Handbook or by the Board of Public Works (or its equivalent or designee). Variances from the requirements of this subsection may be granted by the Building Inspector or his/her agent or designee upon application, but only if the failure to comply is due to extended periods of rain or other construction delays beyond the control of the responsible party.

- [b] For sites with 10 or more acres disturbed as one time, or if a channel originates in the disturbed area, one or more sediment basins shall be constructed. Each sediment basin shall be designed and constructed as specified in the BMP Handbook.
 - [c] For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent best management practices shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
- [4] Sites with slopes of 12% or more may require additional or different controls than listed in Subsection[3] above. Requirements for such slopes shall be as specified by the Board of Public Works (or its equivalent or designee).
 - [5] Whenever possible, soil or dirt storage piles shall be located a minimum of 25 feet from any downslope road, lake, stream, wetland, or drainage channel. Straw bale or filter fabric fences shall be placed on the downslope side of the piles. If remaining for more than 30 days, piles shall be stabilized by mulching, vegetative cover, tarps or other means. The Town may require additional or different best management practices for piles located closer than 25 feet to a road, lake, stream, wetland or drainage channel.
 - [6] When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as filter fabric fences, straw bales, sediment and sediment traps shall be removed.

F. Permit application, erosion control plan, and permit issuance on lands other than street rights-of-way; municipal easements.

- (1) Erosion control plan approval. No landowner or land user may commence a land development or land disturbing activity subject to this chapter without receiving prior approval of an erosion control plan for the site and a permit from the Building Inspector or his/her agent or designee. At least one landowner or land user controlling or using the site and desiring to undertake a land development or land disturbing activity subject to this chapter shall submit an application for an erosion control permit and a control plan and pay an application fee to the Building Inspector or his/her agent or designee. By submitting an application, the applicant is authorizing the Town or other agent authorized by the Town to enter the site to obtain information required for the review of the erosion control plan.
- (2) Content of the erosion control plan for land development and land disturbing activities covering one or more acres:
 - (a) Existing site map. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas extending at least 200 feet in each direction:
 - [1] Site boundaries and adjacent lands which accurately identify site location;
 - [2] Lakes, streams, wetlands, ditches and other watercourses and immediately adjacent to the site;
 - [3] One-hundred-year floodplains, flood fringes and floodways;
 - [4] Location of the predominant soil types;
 - [5] Vegetative cover;
 - [6] Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site and the size, slope and land cover of upslope drainage areas, peak discharge, velocities, direction and destination of flows;
 - [7] Locations and dimensions of utilities, structures, roads, highways, and paving;
 - [8] Site topography at a contour interval not to exceed five feet; and

- [9] Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.
- (b) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (c) Site construction plan. A site construction plan including:
 - [1] Locations and dimensions of all proposed land development and land disturbing activities;
 - [2] Locations and dimensions of all temporary soil or dirt stockpiles;
 - [3] Locations and dimensions of all best management practices necessary to meet the requirements of this chapter;
 - [4] Schedule of anticipated starting and completion dates of each land development or land disturbing activity, including the installation of best management practices needed to meet the requirements of this chapter;
 - [5] Provisions for maintenance of best management practices during construction; and
 - [6] Description of vegetation and other materials to be used to stabilize the site, including a schedule for installation and maintenance.
- (d) Content of erosion control plan statement for land development and land disturbing activities less than one acre. The plan shall address the following:
- (3) An erosion control plan statement (with simple map) shall be submitted to describe:
 - (a) Property boundaries and areas to be disturbed.
 - (b) Direction of slopes before and after development.
 - (c) Existing and proposed buildings and other improvements.
 - (d) Size of upslope drainage areas.
 - (e) Development schedule.
 - (f) Best management practices necessary to meet the requirements of this chapter.
 - (g) Installation and maintenance of soil erosion and sedimentation control measures and shall meet the requirements set forth in the Town stormwater management and erosion and sedimentation control ordinance.
 - (h) Planting of grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the Town Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.
 - (i) Installation of protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures, set forth in the approved erosion and sedimentation control plan.
 - (j) Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.
- (4) Review of erosion control plans.
 - (a) Erosion control plans for sites of one or more acres of land development or land disturbing activity. Within 60 working days of receipt of the application, control plan, and fee, the Plan Commission shall review the application and control plan to determine if the requirements of this chapter are met. If the requirements of this chapter are met, the Plan Commission shall approve the plan, inform the applicant and approve the issuance of a permit. If the conditions are not met, the Plan Commission or its designee shall inform the applicant(s) in writing and may either require needed information or disapprove the plan. Within 30 working days of receipt of needed information, the Plan Commission shall again determine if the plan meets the requirements of this chapter. If the plan is disapproved, the Plan Commission shall inform the applicant in writing of the reasons for disapproval.
 - (b) Erosion control plans for sites of less than one acre of land development or land disturbing activity. Within 20 working days of receipt of the application, control plan and fee, the Town Engineer shall review the application and control plan statement to determine if the requirements of this chapter are met. The Building Inspector or his/her agent or designee may turn the request over to the Plan Commission for approval, if he/she so chooses. If the requirements of this chapter are met, the Building Inspector or his/her agent or designee

shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector or his/her agent or designee shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 10 working days of receipt of needed information, the Building Inspector or his/her agent or designee shall again determine if the plan meets the requirements of this chapter. If the plan is disapproved, the Building Inspector or his/her agent or designee shall inform the applicant in writing of the reasons for disapproval.

- (c) Permit issuance conditioned upon erosion control permit. No building inspection permit or footing and foundation permit shall be issued for a site subject to this chapter without an erosion control permit.
- (5) Erosion control permits.
 - (a) Duration. Erosion control permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or his/her agent or designee may extend the period one or more times for up to an additional 180 days. The Building Inspector or his/her agent or designee may require additional best management practices as a condition of the extension if they are necessary to meet the requirements of this chapter.
 - (b) Surety bond. As a condition of approval and issuance of the permit, the Town may require the applicant to deposit a surety bond, irrevocable letter of credit, or cash escrow to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
 - (c) Permit conditions. All erosion control permits shall require the permittee to:
 - [1] Notify the Town within two working days of commencing any land development and land disturbing activity;
 - [2] Notify the Town of completion of any best management practices within the next working day after their installation;
 - [3] Obtain permission in writing from the Building Inspector or his/her agent or designee prior to modifying the erosion control plan;
 - [4] Install all best management practices as identified in the approved erosion control plan;
 - [5] Maintain all road drainage systems, stormwater drainage systems, best management practices and other facilities in the erosion control plan;
 - [6] Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land development or land disturbing activities;
 - [7] Inspect the best management practices after each rain or 0.5 inch or more and at least once each week and make needed repairs;
 - [8] Allow Town personnel or other agents authorized by the Town to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan; and
 - [9] Keep a copy of the erosion control plan on the site.
- (6) Tree cutting. Tree cutting and shrubbery clearing shall not exceed 30% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities and, during foliation, substantially screen any development from stream or lake users.
- (7) Paths and trails. Paths and trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (8) Earth moving. See § 350-10E.
- (9) Review by other agencies. Review of the conduct of such cutting, clearing and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers and the State District Forester by the Town Engineer or Plan Commission as he or it deems appropriate.

§ 350-10. Construction.

- A. Commencement. No construction or installation of improvements shall commence in a proposed land division or condominium development until the following have occurred:
- (1) Preliminary plat or certified survey map has been approved by Department of Administration (if applicable), Town Plan Commission and Town Board;
 - (2) A development agreement has been executed;
 - (3) The Town Engineer, Town Administrator or Town Board has given written authorization to proceed upon receipt of all necessary fees, sureties, and required permits; and
 - (4) A preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the Town Engineer.
- B. Phasing. In accordance with Section 236.13(2)(a) of the Wisconsin Statutes, the Town Board may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat. The Town Board will require security to be provided before improvements required for each phase are commenced and in an amount only for the phase currently being constructed. The required security shall be calculated in accordance with § 350-2H of this Ordinance.
- C. Building and other permits. No zoning, building, sanitary, erosion control, stormwater management, or other permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.
- D. Plans and specifications. Each of the following plans and accompanying construction specifications shall, except for the landscaping plan, be approved by the Town Engineer and any other agency having relevant approving authority before construction or installation of improvements is authorized. The landscaping plan shall be approved by the Plan Commission.
- (1) Street plans and profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required improvements, including street lights, signs, and signals, and any sidewalks and pedestrian/recreational paths to be provided within a street right-of-way.
 - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
 - (3) Stormwater management and erosion and sedimentation control plans, calculations, and profiles meeting the requirements of § 350-9 of this Ordinance and the Town stormwater management and erosion control ordinance.
 - (4) Water supply and distribution plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.
 - (5) Utility plans showing the locations and sizes, where applicable, of all gas, electric power, telephone, cable television, broadband, and other utilities and services.
 - (6) Grading plans showing existing and proposed topographic contours, mass ("rough") and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town Engineer.
 - (7) Landscaping plans showing and describing in detail the locations, sizes, and species of proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable landscaping materials such as rocks, sand, gravel, decorative mulch, and hardscape features; and structures such as walls, fences, trellises, and entryway/gateway signs. Plants shall meet the American Standard for Nursery Stock.
 - (8) Additional special plans or information required by the Town staff, Plan Commission, or Town Board, which may include street lighting plans, land Stewardship plans, hydraulic and hydrologic studies, additional design considerations, and data and computations involved in preparing required plans.
- E. Earth moving. Earth moving, such as grading, topsoil removal, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile removal or laying, dredging, lagooning, and other land surface disturbances, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourses, water regimen, and topography. Earth moving activity shall comply with the Town and County stormwater management and erosion control ordinances, including obtaining required permits.
- F. Preserving of existing vegetation. The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, grasses, and groundcover not actually lying in paved portions of

public street rights-of-way, drainageways, building foundation sites, private driveways, POWTS areas, and pedestrian/recreational paths. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

- G. Inspection. The subdivider, prior to commencing any work within the land division or condominium, shall make arrangements with the Town Engineer or Building Inspector to provide for inspection. The Town Engineer or Building Inspector shall inspect and approve all completed work prior to release of the sureties. The Town Engineer or Building Inspector shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, the Town Engineer or Building Inspector is refused entry after presentation of proper identification, he or she may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes, except in cases of emergency where immediate access is necessary.
- H. Completion of improvements. All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision plat, condominium plat, or certified survey map by the Town Board, except that in lieu of completion of construction, a certified check, surety bond, or letter of credit approved by the Town Attorney may be furnished as provided in § 350-2H.
- I. As-built plans. Within 30 days following completion and acceptance by the Town Engineer of all improvements, the subdivider shall provide plans and profiles in both digital and paper form acceptable to the Town Engineer that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the Town Engineer.

§ 350-11. Fees.

- A. General requirements. The subdivider shall pay to the Town Treasurer all fees as hereinafter required and at the times specified before being entitled to record the plat or certified survey map concerned.
- B. Plat and certified survey map review fees.
 - (1) The subdivider shall pay a fee and escrow deposit as set forth in the Town fee schedule to the Town Treasurer at the time of first application for approval of any preliminary plat, final plat, condominium plat, or certified survey map to assist in defraying the cost of administration and review.
 - (2) A reapplication fee as set forth in the Town fee schedule shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat, final plat, condominium plat, or certified survey map that has previously been reviewed.
- C. Improvement review fee.
 - (1) The subdivider shall pay a fee or present a letter of credit or a bond equal to one percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town for reviewing such plans and specifications.
 - (2) The fee may be recomputed, upon demand of the subdivider, Town Engineer or Town Administrator, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Town Engineer or Town Administrator.
- D. Construction review/inspection fee. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Engineer 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.
- E. Public park site fee.
 - (1) If required by the Plan Commission, a fee for the acquisition or improvement of public park sites, which include but are not limited to public parks, playgrounds, boat access sites, trail corridors, parkways, and open space sites, to serve the residents of the Town shall be paid to the Town

Treasurer at the time of first application for approval of a final plat, condominium plat, or certified survey map of said land division or condominium in the amount set forth in the Town fee schedule. Such fees shall be established in accordance with Section 236.45(6) of the Wisconsin Statutes.

- (2) If the fee is not paid by the subdivider, the public park fee will be paid by the resident as noted on the building permit application for a new residence.
- (3) Public park site fees shall be placed in a non-lapsing separate Park Fund by the Town Treasurer to be used only for the acquisition or improvement of playground, park, parkway, or other open space site that will serve the Town residents. Said fund shall be established on the basis of the service area of existing or proposed park or open space sites.

F. Engineering fee.

- (1) 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.
- (2) Engineering work shall include the preparation of construction plans and standard specifications. The Town Engineer may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

G. Other fees. The subdivider shall pay a fee equal to the cost of any special legal, planning or fiscal work that may be undertaken by the Town in connection with the proposed land division or condominium plat. Legal work shall include the review, negotiation, and drafting of contracts between the Town and the subdivider and the review of land division-related documents by the Town Attorney. These fees may also include the cost of obtaining independent professional opinions of, but not limited to, attorneys, engineers, planners, and landscape architects requested by the Plan Commission or staff in connection with the review of the land division or condominium plat being considered.

H. Appeal of fees. The Subdivider shall have the right to challenge the amount of any fees levied under §§ 350-11C, D, F and G of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the Subdivider and the Town officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

§ 350-12. Definitions.

A. General definitions. For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory and not advisory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

B. Specific words and phrases.

AGENCY, ADVISORY. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not binding on the Town Board or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission (SEWRPC), school districts, and local utility companies.

AGENCY OR AUTHORITY, APPROVING. Each governmental body having authority to approve or reject a preliminary or final plat or certified survey map. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.

AGENCY, COUNTY PLANNING. The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

AGENCY, OBJECTING. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been

certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Safety and Professional Services if the land to be subdivided will be served by POWTS, the Wisconsin Department of Transportation or the Washington County highway department if land to be subdivided abuts, respectively, a State or County trunk highway or connecting highway or street, and the County Planning Agency.

ALLEY. A public way providing secondary access to abutting properties.

ARTERIAL STREET. See "Street, Arterial."

BEST MANAGEMENT PRACTICE. A practice or combination of practices to control erosion and attendant pollution, as defined in the BMP Handbook.

BLOCK. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, Town, or town boundaries.

BMP HANDBOOK. The most recent edition of the Wisconsin Department of Natural Resource's Wisconsin Construction Best Management Practices Handbook.

BUFFER. An area separating land uses and may consist of open areas, existing natural vegetation, or new landscaping, such as trees, shrubs, and berms.

BUILDING. Any structure having a roof supported by columns or walls.

BUILDING LINE. A line generally parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the Town zoning ordinance and the requirements of this Ordinance.

BUILDING SETBACK LINE. See "Building Line."

CERTIFIED CHECK. A form of check in which a bank verifies that sufficient funds exist in an account to cover the check, and the bank certifies accordingly, at the time the check is written. The funds are then held in the bank's internal account until the check is cashed or returned by the payee. Said check shall have sufficient funds, and its liquidity is similar to cash, absent failure of the bank.

CERTIFIED SURVEY MAP. A map prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording a minor land division as defined by this Ordinance; or used to document, for recording purposes, survey and dedication data relating to single parcels. Certified survey maps are also referred to as minor land divisions.

COLLECTOR STREET. See "Street, Collector."

COMMON OPEN SPACE. See "Open Space, Common."

COMPLETE STREETS. See "Streets, Complete."

COMPREHENSIVE PLAN. The extensively developed plan adopted by the Town Board pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan may include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and stormwater management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs.

CONCEPTUAL PLAN. A plan of a proposed land division that is submitted for informal review and shows the proposed general layout of streets, lots, and other features in relation to existing conditions.

CONDOMINIUM. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

CONDOMINIUM ASSOCIATION. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium. The association is responsible for maintaining the common facilities and grounds and delivering services, but does not own the common facilities.

CONDOMINIUM DECLARATION. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

CONDOMINIUM INSTRUMENT. Recorded documents relating the creation and subsequent modification of the condominium, including the declaration, plats, and plans of a condominium together with attached exhibits or schedules and addendums or amendments.

CONDOMINIUM PLAT. See “Plat, Condominium.”

CONDOMINIUM UNIT. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

CONNECTING STREET OR HIGHWAY. See “Street or Highway, Connecting.”

CONSERVATION EASEMENT. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

COUNTY PLANNING AGENCY. See “Agency, County Planning.”

COVENANT. A restriction on the use of land, usually set forth in the deed.

CROSS ACCESS. A shared access drive or traffic aisle between adjoining or adjacent properties with compatible land uses that usually allows access between adjacent parking areas located on different lots without traveling on adjacent public streets or highways.

CSM. Certified Survey Map.

CUL-DE-SAC STREET. See “Street, Cul-de-sac.”

DATUM. A system that serves as the basis for land survey measurements and calculations.

DEED RESTRICTION. A restriction on the use of a property set forth in the deed.

DEVELOPMENT AGREEMENT. An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.

DIVISION OF LAND. An act whereby the title of a parcel of land or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.

EASEMENT. A legal right granting a person or the public the right to use another person’s private property for a specific purpose, such as crossing it or installing utilities. An easement does not give ownership of the property, but it can limit how the property owner can use their land, as they cannot block the use granted by the easement.

ENVIRONMENTAL CORRIDOR. Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated by SEWRPC. These natural resources and resource-related elements include the following: 1) lakes, rivers, and streams, and their associated riparian buffers and floodplains; 2) wetlands; 3) forests and woodlands; 4) prairies; 5) wildlife habitat areas; 6) rugged terrain and high-relief topography; 7) wet, poorly-drained, and organic soils; 8) existing park

and open space sites; 9) potential parks and open space sites; 10) historic sites; 11) significant scenic areas and viewpoints; and 12) natural areas and critical species habitat sites. Also see “Environmental Corridor, Primary,” “Environmental Corridor, Secondary” and “Isolated Natural Resource Area.”

ENVIRONMENTAL CORRIDOR, PRIMARY. A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by SEWRPC.

ENVIRONMENTAL CORRIDOR, SECONDARY. A concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by SEWRPC.

EROSION. The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EROSION CONTROL PLAN/EROSION CONTROL PLAN STATEMENT. A written description of the number, locations, size, and other pertinent information about best management practices designed to meet the requirements of this chapter.

EXTRATERRITORIAL PLAT AND CERTIFIED SURVEY MAP (LAND DIVISION) APPROVAL JURISDICTION. The unincorporated area within 1.5 miles of a fourth-class city or Town and within three miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all points of which are equidistant from the boundaries of each municipality, so that not more than one municipality exercises extraterritorial authority over any area.

FEMA. The Federal Emergency Management Agency.

FINAL PLAT. See “Plat. Final.”

FLOODPLAINS. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 1-percent-annual-probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.

FRONTAGE. The total dimension of a lot abutting a public street measured along the street line. Frontage Street. See “Street, Frontage.”

GREEN DEVELOPMENT. The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green infrastructure; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as “low impact development (LID).”

GREEN INFRASTRUCTURE. Incorporating stormwater management systems (sometimes called “green stormwater infrastructure”) that mimic nature to improve water quality and recharge groundwater by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with underdrains, curb openings into tree wells, rain gardens and barrels or cisterns, rooftop and wall or “vertical” gardens, porous or permeable pavements with restricted salt application for winter maintenance or the application of alternative winter maintenance techniques, drought-tolerant landscaping materials and techniques, and other energy and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (wetlands and woodlands), soil, waterways and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

HEDGEROW. A row of shrubs or trees planted for enclosure or separation of fields.

HIGH GROUNDWATER ELEVATION. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. Mottling is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multicolored effect.

HOMEOWNERS ASSOCIATION. AN ASSOCIATION COMBINING INDIVIDUAL HOME OWNERSHIP WITH SHARED USE, OWNERSHIP, MAINTENANCE, and responsibility for common property or facilities, including private open space, within a land division.

ISOLATED NATURAL RESOURCE AREA. An area containing significant remnant natural resources at least five acres in area and at least 200 feet in width, as delineated and mapped by SEWRPC.

LAND ACCESS STREET. See "Street, Land Access."

LAND DEVELOPMENT ACTIVITY. Any man-made change of the land surface, including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting of trees.

LAND DISTURBING ACTIVITY. Any man-made change of the land surface, including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting of trees.

LAND DIVISION. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section. A land division can be legally created only by means of a subdivision plat or certified survey map, and not a condominium plat.

LANDOWNER. Any person holding title to or having an interest in land.

LANDSCAPING. Living noninvasive plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

LAND USER. A person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his/her land.

LETTER OF CREDIT. An irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.

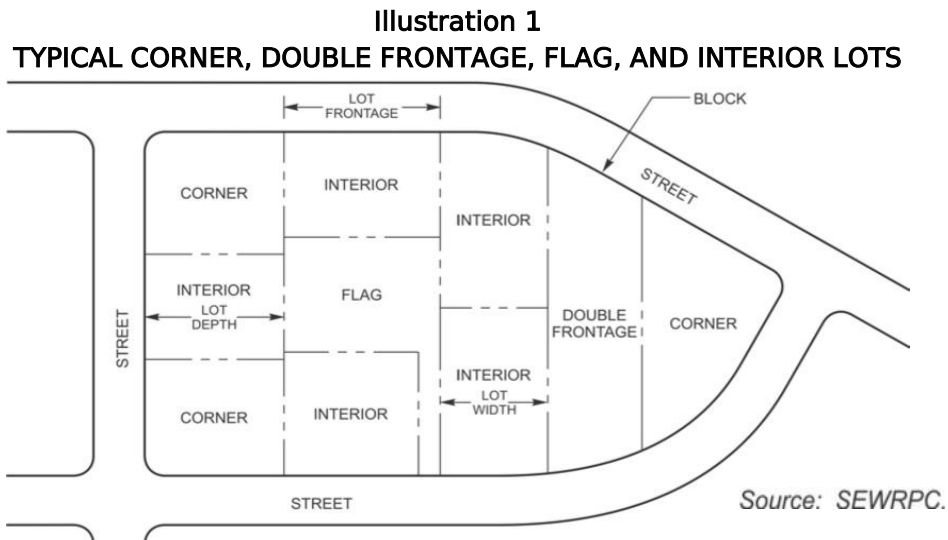
LOT. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the minimum lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the Town zoning ordinance.

LOT, CORNER. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less. (See Illustration 1.)

LOT AREA. The area contained within the exterior boundaries of a lot, excluding streets, and land under navigable bodies of water.

LOT, DOUBLE OR REVERSE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Such lots shall normally be deemed to have two front yards and two side yards and no rear yard. (See Illustration 1.)

LOT, FLAG. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land (sometimes called a “neck,” “narrow leg,” or “flag staff”), easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles (See Illustration 1).



LOT, INTERIOR. A lot with frontage on one street that is bounded by adjacent lots along each side and usually a lot behind it fronting on a different street. (See Illustration 1.)

LOT LINES. The peripheral boundaries of a lot as defined herein.

LOT, REVERSED CORNER. A type of corner lot where the side lot line, which runs along a side street, is a continuation of the front lot line of the adjacent interior lot to its rear. This orientation means the lot's long side is exposed to the side street, unlike a typical corner lot where the side lot line is the shorter one.

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

LOT WIDTH. The width of a parcel of land measured along the front building line.

MINOR LAND DIVISION (CERTIFIED SURVEY MAP). A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five or fewer acres in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision; or
3. Creates not more than 10 parcels, lots, or outlots, inclusive of the original remnant parcel, on land that is zoned for commercial, industrial, multifamily residential, or mixed-use development.
4. Minor land divisions require review and approval of a Certified Survey Map by the Town.

NAVIGABLE WATER. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin that are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

OBJECTING AGENCY. See “Agency, Objecting.”

OFFICIAL MAP. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned street rights-of-way, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

OPEN SPACE. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the Town. Open space may include, but is not limited to, floodplains, wetlands, woodlands, steep slopes, prairie remnants, natural areas, critical species habitat sites, and other natural resource features, including those within environmental corridors and isolated natural resource areas..

OPEN SPACE, COMMON. Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the Town.

OPEN SPACE, PUBLIC. Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Town.

ORDINARY HIGH WATER MARK (OHWM) OR ELEVATIONS. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the point or elevation on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized topographic, geologic, or vegetative characteristic.

OUTLOT. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot that is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space that may accommodate certain recreational amenities and stormwater management facilities. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may be further created if a lot fails to meet requirements for a POWTS, but which may be buildable if public sewer is extended to the lot or land division. Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Town will generally require that any restrictions related to an outlot be included on the face of the plat.

PARCEL. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

PLAT, CONDOMINIUM. A map (not a certified survey map) prepared in accordance with Chapter 703 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording condominium units as defined herein. A “condominium plat” may be used to create condominium units along with specifying a condominium owner’s proportional share or ownership of common facilities and/or grounds and shall not be used to create lots or parcels. The creation of lots or parcels requires a “certified survey map” or “subdivision plat.”

PLAT, FINAL. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

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

PLAT, SUBDIVISION. A map prepared in accordance with Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording a subdivision as defined by this Ordinance.

POWTS. Private Onsite Wastewater Treatment System.

PRAIRIES. Open, generally treeless areas that are dominated by native grasses, as delineated and mapped by the SEWRPC.

PRIMARY ENVIRONMENTAL CORRIDOR. See "Environmental Corridor, Primary."

PUBLIC IMPROVEMENT. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle, or pedestrian/recreation way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

PUBLIC WAY. Any public street, highway, bicycle or pedestrian/recreation way, drainageway, or part thereof.

RECREATION PATH OR WAY. For the purpose of this Ordinance, a multi-use path that provides opportunities for hiking/pedestrians and may accommodate bicycling, rollerblading, skateboarding, and other recreational uses.

REDOXIMORPHIC FEATURES. A feature formed in the soil matrix by the process of reduction, translocation, and oxidation of iron and manganese compounds in seasonally saturated soil that appears "mottled."

REPLAT. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat. Changes to condominium plats, such as merging or removal of condominium units, must meet the requirements of Chapter 703 of the Wisconsin Statutes, and condominium plats may not be used nor are considered a replat of a subdivision, certified survey map, or part thereof.

RESERVE STRIP. Any land that would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities, or other utilities or improvements between two abutting properties.

RESILIENCY. The ability to withstand or recover from social, economic, and environmental crises or disasters.

RUNOFF. The rainfall, snow melt, dewatering or irrigation water flowing over the ground surface.

SITE. The entire area included in the legal description of the parcel or other land division on which the land development or land disturbing activity is proposed in the permit application.

SECONDARY ENVIRONMENTAL CORRIDOR. See "Environmental Corridor, Secondary."

SHORELANDS. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation or mark of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation or mark of a navigable stream, or to the landward edge of the floodplain, whichever distance is greater.

SOIL. The naturally occurring pedogenically developed and undeveloped regolith overlying bedrock.

SOIL, IN-SITU. Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

SOIL HORIZON. A layer of soil material approximately parallel to the land surface and differing from adjacent genetically related layers in physical, chemical, or biologic characteristics.

SOIL HORIZON, "A". A layer of mineral soil or soil material that formed at the surface or below an "O" horizon and 1) are characterized by an accumulation of humified organic matter intimately mixed with the mineral fraction and not dominated by properties characteristic of "E" or "B" horizons or 2) have properties resulting from cultivation, pasturing, or similar kinds of disturbance.

SOIL HORIZON, "A+4". A layer of mineral soil or soil material located typically at ground surface and containing 4 inches of soil below the "A" horizon that is free of any redoximorphic soil features indicative of soil saturation and consist of soil diagnostic characteristics indicative of "B", "C", OR "E" HORIZONS. [For purposes of this Ordinance and the County sanitary code, this is the soil criteria used for all lands being subdivided.]

SOIL HORIZON, "B". A layer formed below an A, E, or O horizon and is dominated by an obliteration of all or much of the original rock structure and by 1) illuvial concentration of silicate clay, iron, aluminum, humus, carbonates, gypsum, or silica, alone or in combination thereof; 2) evidence of removal of carbonates; 3) residual concentration of sesquioxides; 4) coatings of sesquioxides that make the horizon conspicuously lower in value, higher in chroma, or redder in hue than overlying and underlying horizons without apparent illuviation of iron; 5) alteration that forms silicate clay or liberates oxides or both and that forms granular, blocky, or prismatic structure if volume changes accompany changes in moisture content; or 6) any combination of these.

SOIL HORIZON, "C". A layer, excluding hard bedrock, that is little affected by pedogenic processes and lack properties of O, A, E, or B horizons. Most C horizons are mineral layers, but limnic layers, whether organic or inorganic, are included. The material of C layers may be either like or unlike that from which the solum presumably formed.

SOIL HORIZON, "E". A mineral horizon in which the main feature is loss of silicate clay, iron, aluminum, or some combination thereof, leaving a concentration of sand and silt particles of quartz or other resistant minerals.

SOIL HORIZON, "O". A layer dominated by organic material, except limnic layers that are organic. Some layers are saturated with water for long periods or were once saturated but are now artificially drained and others have never been saturated.

SOIL MAPPING UNIT. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Natural Resources Conservation Service.

STABILIZE. To make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel or other measure.

STREET, ARTERIAL. A street used, or intended to be used, primarily for movement of through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets include freeways and expressways as well as standard arterial streets and highways. Certain arterial streets also provide appropriate access to abutting properties.

STREET, COLLECTOR. A street used, or intended to be used, to carry traffic from land access streets to the system of arterial streets, including the principal entrance streets to residential developments/neighborhoods and/or activity or employment centers. This street also provides access to adjacent properties.

STREETS, COMPLETE. Roadways designed and operated to enable safe, convenient, and comfortable access and travel for users of all ages and abilities crossing and traveling by various modes, such as walking, bicycling, transit, or automobile, within the roadway right-of-way.

STREET, CUL-DE-SAC. A local street with only one outlet and having an appropriate turnaround for vehicular traffic.

STREET, FRONTAGE. A land access street auxiliary to and located parallel or adjacent to an arterial street for control of access and for service to the abutting development.

STREET, LAND ACCESS. A street used, or intended to be used, primarily for access to abutting properties. Such streets may be called local streets, minor streets or minor land-access streets.

STREET OR HIGHWAY, CONNECTING. A marked route, not a State trunk highway per se, of the State trunk highway system over certain streets and highways in municipalities that the Wisconsin Department of Transportation has designated as a "connecting highway" (see Section 86.32 of the Wisconsin Statutes).

SUBDIVIDER. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes for the purpose of sale, transfer of ownership or building development. To the extent that there is overlap of ownership between an individual and a firm, corporation or other entity, the owner/subdivider shall be considered the same subdivider. Example: LLC 1 consists of members A and B; LLC 2 consists of members A and C; Member A, LLC 1 and LLC 2 would be considered the same subdivider.

SUBDIVISION. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent (see definition of SUBDIVIDER, above) for the purpose of sale, transfer of ownership, or building development, where:

1. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, any one of which is five or fewer acres in area, by a division or by successive divisions of any part of the original property within a period of five years; or
2. The act of division creates six or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of five years.
3. In accordance with Section 236.34(1)(ar) of the Wisconsin Statutes, the word "subdivision" does not include a division of land that creates not more than 10 parcels, lots, or outlots, inclusive of the original remnant parcel, on land that is zoned for commercial, industrial, multifamily residential, or mixed-use development.

SUBDIVISION PLAT. See "Plat, Subdivision."

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

SUSTAINABILITY. The capacity to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

UNIT. See "Condominium Unit."

TOWN ENGINEER. A professional engineer who is a full-time employee of the Town, or a consulting engineer who provides resident staff services to the Town, and who is duly appointed by the Town Board to the position.

TOWN PERSONNEL/AUTHORIZED PERSONNEL. Employees or agents of the Town of Trenton authorized to implement provisions of this section of the Town of Trenton Code.

WETLAND. 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.

WATERS OF THE STATE. All lakes, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other

surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction. **WISCONSIN ADMINISTRATIVE CODE.** Regulations, commonly referred to as rules, written and promulgated by State agencies to supplement, implement, or interpret laws enacted by the Wisconsin Legislature. The rules are referred to based on the agency that is responsible for administering the rules. For example, "SPS" refers to rules administered by the Department of Safety and Professional Services, "NR" refers to rules administered by the Department of Natural Resources, and "Trans" refers to rules administered by the Department of Transportation. Portions of the Administrative Code that particularly affect planning include SPS 383 (requirements for private onsite wastewater treatment systems); NR 115 (requirements for shoreland areas and shoreland-wetlands in towns and counties); NR 116 (floodplain requirements); NR 117 (requirements for shoreland-wetlands in cities and Towns); and Trans 233 (requirements for subdivisions abutting State highways). The Wisconsin Administrative Code is available on the Legislature's web page at <https://docs.legis.wisconsin.gov/code>.

WISCONSIN STATUTES. The body of law enacted by the Wisconsin State Legislature. Portions of the Wisconsin Statutes that particularly affect planning include Chapter 236 (land division requirements); Chapter 703 (condominium plat requirements); Section 62.23 (zoning and master planning requirements for cities and Towns, and towns that have adopted Town powers); Section 66.1001 (comprehensive planning requirements); and Chapter 59 (zoning requirements for counties). The Wisconsin Statutes are available on the Legislature's web page at <https://docs.legis.wisconsin.gov/statutes>.

WORKING DAY. A calendar day, except Saturdays, Sundays and legal holidays recognized by the Town of Trenton.

WOODLANDS. Upland areas at least one acre in size having 17 or more deciduous trees per acre each measuring at least four inches in diameter at breast height and having at least 50 percent canopy coverage. In addition, coniferous tree plantations and reforestation projects are also classified as woodlands. Woodlands do not include lowland wooded areas classified as wetlands, such as tamarack swamps. Woodlands are delineated and mapped by SEWRPC.

Section 2. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect upon publication or posting by the town Clerk or Zoning Administrator as required, pursuant to Wis. Stat. § 60.80.

Adopted this 17th day of November, 2025.

In favor: 3 Opposed: 0 Abstain: 0 Absent: 0

Mike Lipscomb

ss/___ Mike Lipscomb, Town Chairperson

Tony Thoma

ss/___ Tony Thoma, Town Supervisor

Barbara Davies

ss/___ Barbara Davies, Town Supervisor

Cindy A Komro

ss/___ Attest, Cindy Komro, Town Deputy Clerk

Posted: 11/19/2025