

CHAPTER 10
LAND DIVISION AND SUBDIVISION REGULATIONS

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SECTION 10.01 **PURPOSE OF REGULATIONS**

- (a) The purpose of this Ordinance is to promote the public health, safety, convenience and general welfare of the community and to preserve agricultural land and farming as a viable activity. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to encourage the appropriate use of land throughout the Town; to provide the best possible environment for human habitation; to enforce the goals and policies set forth in the Town of Lodi Comprehensive Plan; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town.

SECTION 10.02 DEFINITIONS

For the purpose 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 number. The word "shall" is mandatory and not directory.

- (a) Agricultural Use. Pursuant to Wis. Stats. § 91.01(1): beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; herb farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program (CRP) and under 16 U.S.C. 3836.
- (b) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (c) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.
- (d) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams, lakes or other bodies of water.
- (e) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the Columbia County Zoning Ordinance's yard and setback requirements.
- (f) Certified Survey Map. A map of land division, prepared in accordance with Wis. Stats. § 236.34, and in full compliance with other applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a land division plat.
- (g) Collector Street. A street which collects and carries traffic within an area such as a residential neighborhood between arterial streets and local streets. It includes principal entrance streets to residential subdivisions. It provides access to abutting property.
- (h) Common Open Space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development or for agricultural purposes. Land shall not be considered common open space if it is part of an individual residential lot or if it is occupied by any substantial building or structure other than a historic structure, archeological site, Indian mound or approved recreational facility or structure including, but not limited to playground equipment, park shelters, and trail or natural history information signs.
- (i) Comprehensive Plan. The Town of Lodi Comprehensive Plan.
- (j) Condominium Development. A real estate development in which the condominium form of ownership pursuant to Wis. Stats. Chap. 703 is utilized.

- (k) Conservation Easement. Pursuant to Wis. Stats. § 700.40, a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in Wis. Stats. § 157.70(1)(b), or preserving the historical, architectural, archaeological or cultural aspects of real property.
- (l) Conservation Subdivision. A housing development characterized by compact lots or placement of structures and areas of common open space developed according to the criteria set forth in Section 10.13 of this Chapter.
- (m) Cul-de-sac. A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround.
- (n) Development Envelopes. Areas designated on a plat or Certified Survey Map within which grading, lawns, pavement and buildings are to be located.
- (o) Easement. An area of land set aside or over or through which a liberty, use, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (p) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities.
- (q) Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (r) Frontage Street. A street auxiliary to and located on the side of a major thoroughfare for control of access and for service to the abutting development.
- (s) Gross Acreage. The total area of a parcel including the area of perimeter road rights of way to the center line of the road.
- (t) Homeowners Association. A non-profit community association, incorporated under Wis. Stats. Chap. 181 or associated under Wis. Stats. Chap. 184 serving to combine individual home ownership with shared use, rights or ownership of property or facilities.
- (u) Local Street. A street used primarily for access to abutting properties and connecting with not more than two local or collector streets and not exceeding 1,000 feet in length.
- (v) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space

provisions of this Ordinance and any applicable zoning ordinance. Among the types of lots are:

- (1) Corner Lot. A lot abutting intersecting streets at their intersection.
 - (2) Reversed Corner Lot. A corner lot which is oriented so that its rear lot line is coincident with or parallel to the side lot line of the interior lot immediately to its rear.
 - (3) Through Lot. A lot having lot lines abutting two more or less parallel public streets which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (w) Lot Area. The area contained within the exterior boundaries of a lot excluding streets and land under bodies of water.
- (x) Lot Lines. The peripheral boundaries of a lot.
- (y) Lot Width. The width of a parcel of land measured along the front building line.
- (z) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (aa) Minor Subdivision. The division of land by an owner or subdivider resulting in the creation of not more than four lots or parcels, or the division of a block, lot or outlot in a recorded plat into not more than four lots or parcels of four acres or less in area without changing the exterior boundaries of said block, lot or outlot.
- (bb) Natural Resource. Air, land, water, ground water, drinking water supplies, wildlife, fish, biota, and other such resources belonging to, managed by, appertaining to, or otherwise controlled by the federal government, state, and/or the Town of Lodi.
- (cc) Nonprofit Conservation Organization. Any bona fide charitable corporation, charitable association or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
- (dd) Outlot. A parcel of land, other than a lot or block, so designated on a plat or certified survey, on which building is prohibited.
- (ee) Owner. The person owning land, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

- (ff) Parcel. Contiguous lands under the control of a land divider(s) not separated by streets, highways or railroad rights-of-way.
- (gg) Parent Parcel. The existing parcel of record as identified by individual tax parcel numbers as of the effective date of this ordinance.
- (hh) Planned Unit Development. A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering buildings, providing common open space, and mixing different types of housing (single family, duplexes and apartments). Ordinances permitting planned unit development permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and subdivision regulation since such developments require exceptions from both types of regulation.
- (ii) Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.
- (jj) Replat. The process of changing, or a plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (kk) Restrictive Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (ll) Shorelands. Those lands within the following distances: 1,000 feet from the high-water mark of navigable lakes, ponds and flowages or 300 feet from the high-water mark of navigable streams or to the landward side of the floodplain, whichever is greater.
- (mm) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (nn) Subdivision. The division of a lot, outlot, parcel or tract of land by the owner thereof, or a subdivider for the purpose of transfer of ownership or building development where the act of division creates:
 - (1) five or more lots or parcels of four acres or less in area; or
 - (2) five or more lots or parcels of four acres or less by successive divisions within a period of five years, whether done by the original or successor owners or subdividers; or
 - (3) a new street or alley, or alters any existing street or alley.

The establishment of a condominium development pursuant to Wis. Stats. Chap. 703 shall be deemed to be a subdivision for purposes of this Ordinance.

- (oo) Urban Service Area. The area in the Town currently served by public sanitary sewer and water facilities, or expected to be served by public sanitary sewer and water within the next 20 year period, as designated on a map adopted by the Town Board.
- (pp) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

SECTION 10.03 **GENERAL PROVISIONS**(a) **Compliance.**

No person, partnership, corporation, or legal entity of any sort shall divide any land located within the Town which results in a land division, subdivision, minor subdivision or replat, and no such land division, subdivision, minor subdivision or replat shall be entitled to be recorded, without compliance with all requirements of this Ordinance and the following:

- (1) The provisions of Wis. Stats. Ch. 236 and 82.18.
- (2) All other Town Ordinances.
- (3) Applicable provisions of the Columbia County Code of Ordinances.
- (4) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies when duly adopted by the Town Board.
- (5) All applicable state and local sanitary codes.
- (6) The provisions of Wis. Admin. Code Trans. 233 for subdivisions, minor subdivisions or replats which abut a state trunk highway.
- (7) The provisions of the Wisconsin Department of Natural Resources relating to floodplain management, wetlands, shorelands, sewers and septic systems and pollution abatement.
- (8) All other applicable state statutes and administrative rules.

(b) **Jurisdiction.**

These regulations shall apply to all lands within the political boundaries of the Town. These regulations shall not apply to:

- (1) Transfers of interests in land by will, succession or Court Order;
- (2) Leases of not more than 10 years, mortgages and easements;
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, or if the effect of the sale or exchange on existing lots does not reduce their size below minimum sizes required by this Ordinance or other applicable laws.

(c) **Building Permits.**

The Town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, minor subdivision or replat originally submitted to the Town on or after the effective date of this Ordinance until the applicant has complied with all of the provisions and requirements of this Ordinance.

(d) **Applicability to Condominiums.**

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

(e) **Land Suitability.**

(1) No land shall be divided or subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board, upon the recommendation of the Plan Commission, for reasons of flooding, inadequate drainage, incompatible surrounding land use, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The determination of land suitability will be evaluated through the Environmental Assessment filed with the preliminary plat. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

(2) In addition to the above, the following criteria are to be adhered to:

(A) All lands to be subdivided shall be at least two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood on record.

(B) No building sites shall be created which do not meet the standards as established in Wis. Admin. Code NR 113 and the Columbia County Sanitary Code.

(C) Any proposed development areas creating more than 50 homesites shall be located in areas that have direct access to County trunk or State trunk highway road systems within the Town.

(3) When applying the provisions of this Ordinance, the Plan Commission and Town Board shall afford the land divider or subdivider an opportunity to present evidence regarding the suitability of the proposed land division at a public hearing. At this hearing, the Commission shall recite the particular facts upon which it bases its recommendation on the land's suitability for the proposed use(s). These facts shall be recorded in the minutes of that public hearing. The Town Board may affirm, modify, or override the Plan Commission's recommendations.

- (f) **Existing Flora.**
The subdivider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses and other non-noxious plants not actually lying in public roadways, drainageways, building foundation sites, private driveways, waste disposal areas, paths and trails. The subdivider shall protect and preserve such trees and other flora during construction in accordance with sound conservation practices (such as the possibility of preserving trees by well islands or retaining walls), whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (g) **Cluster Developments.**
To further the goals and policies of the Town of Lodi Comprehensive Plan, assuming all other provisions of this Ordinance are met, the Town Board will favor plans that provide for cluster developments.

SECTION 10.04 PLAT REVIEW AND APPROVAL PROCEDURE

(a) **Pre-Application Consultation.**

Before filing a Preliminary Plat or certified survey, the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. The subdivider may obtain information on meeting dates, agenda deadlines and filing requirements from the Town Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the other Ordinances and planning rules of the Town and to otherwise assist the subdivider in planning the development. In so doing, the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures. The Town shall charge no fee for this preliminary consultation.

(b) **Preliminary Plat Review and Approval.**

(1) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit 14 copies of the Preliminary Plat, prepared in accordance with this Ordinance. The subdivider shall file copies of the Plat and the application with the Town Clerk-Treasurer at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk-Treasurer shall submit copies of the Preliminary Plat to the Plan Commission and to the Town Engineer for review. The Engineer shall promptly submit to the Plan Commission a written report of the Engineer's recommendations and reactions regarding the proposed plat.

(2) **Supplementary Data Filed With Preliminary Plat.** The subdivider shall also file the following materials with the Preliminary Plat:

(A) **Preliminary Layout of Public Improvements.** The subdivider shall file four complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this Ordinance, specifically addressing sewer and water service feasibility (size, location and grade), drainage facilities (size and location), traffic patterns, typical street cross sections, erosion control measures, pavement design and other improvements necessary in the subdivision.

(B) **Preliminary Street Plans and Profiles.** The subdivider shall provide street layout and profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall meet the approval of the Town Board.

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- (C) Soil Testing. The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in Sec. 3(e), the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the proposed subdivision will not be served by public sanitary sewer, the subdivider shall comply with Wis. Admin. Code. Chap. NR 113, delineating areas with three foot and six foot ground water and bedrock levels.
- (D) Restrictive Covenants. The subdivider shall submit a draft of any proposed deed restrictions and restrictive covenants to the Town Clerk-Treasurer.
- (E) Property Owners Association. If the subdivider proposes that common property or common elements within a subdivision or condominium would be owned or maintained by an organization of property owners or a subunit of the Town pursuant to Wis. Stats. § 236.293, the subdivider shall submit a draft of the legal instruments and rules for the proposed association.
- (F) Use Statement. A statement of the proposed use of lots stating the type of residential buildings with number of proposed dwelling units; types of business or industry intended to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (G) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.
- (H) Area Plan. Where the subdivider owns property adjacent to that proposed for the subdivision, the Plan Commission or Town Board may require that the subdivider submit a Preliminary Plat for the remainder of the property to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate with existing or potential adjacent subdivisions.
- (I) Erosion Control and Storm Runoff. A Preliminary Erosion Control Plan and Stormwater Runoff Plan which complies with the Town Erosion Control Ordinance.
- (J) Environmental Assessment. The subdivider shall submit an environmental assessment in the format specified in Section 10.10. This assessment provides the basis for an orderly, systematic review of the effects of all new subdivisions, minor subdivisions and condominiums upon the community environment. The Town Board and Plan Commission shall use this assessment to determine land suitability under Section 10.03(e). The purpose of this assessment is to eliminate or reduce pollution and siltation to

an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

- (i) Application. The Environmental Assessment shall apply to all subdivisions, minor subdivisions and condominiums. The Plan Commission may waive the requirement for the filing of an environmental assessment for minor subdivisions of less than five acres total area.
 - (ii) Review. The Plan Commission shall review the environmental assessment as soon as possible after submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the subdivider and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions on the effects on the environment and that review by other Town committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions may include items which this Ordinance already enables the Plan Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the subdivider. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is presented.
 - (iii) Hearing. Following the return to the Plan Commission of the data required in the resolution adopted under Section 10.04(b)(2)(J)(ii), the Commission shall make such data available for scrutiny by the subdivider, by Town departments, commissions and committees and by other interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report which may be held at the same or a different time from the general hearing on the preliminary plat. The hearing shall be preceded by a Class I notice.
- (K) Resource Inventory. Every environmental assessment shall be accompanied by an inventory of existing resources with a map at a scale of one inch (1”) equals fifty (50) feet as follows:
- (i) Topographic contours at two foot intervals.

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- (ii) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas or areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury.
 - (iii) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways and steep slopes.
 - (iv) Land cover on the site, according to general cover type (pasture woodland etc.) and stand-alone trees with a caliper of more than twenty-four (24) inches measured four (4) feet off the ground. The map shall describe the health and condition of the vegetation.
 - (v) Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas and all encumbrances such as easements of covenants.
 - (vi) Critical habitat areas for rare, threatened or endangered species.
 - (vii) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with the locations indicated on the map where the photographs were taken.
 - (viii) Unique geological resources such as rock outcrops and glacial features.
 - (ix) Cultural resources including, but not limited to a brief description of historic character of buildings and structures, historically important landscapes and archeological features. Preparation of this inventory shall include a review of any existing inventories such as those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites and burial sites.
- (3) Affidavit. The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and in full compliance with the provisions of this Ordinance.

(4) Referral to Other Agencies.

- (A) The Town Clerk-Treasurer shall, within two days of filing, transmit two copies to the appropriate sanitary district, four copies to the County Planning Agency, two copies to the Supervisor of the Plat Review Section in the Wisconsin Department of Administration, as well as additional copies to said Supervisor of the Plat Review Section for retransmission of two copies to the Wisconsin Department of Transportation, Division of Highways and Transportation Services, if the subdivision abuts a state trunk highway; and/or to the Wisconsin Department of Safety and Professional Services if the subdivision is not served by public sanitary sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, the Wisconsin Department of Safety and Professional Services, and, if applicable, the Wisconsin Department of Natural Resources shall hereafter be treated as objecting agencies under Wis. Stats. § 236.12.
- (B) Within twenty days of the date of receiving the copies of the plat, any state or county agency having authority to object under Section 10.04(b)(4)(A) shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections are satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections are satisfied. If the objecting agency fails to act within the 20 day limit, it shall be deemed to have no objection to the plat except that the Department of Agriculture, Trade & Consumer Protection has 30 days to object. Sanitary districts within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the land division.
- (C) Alternative Referral Procedure. In lieu of the procedure under 10.04(b)(4)(A), the subdivider may submit the original plat to the Department of Agriculture, Trade & Consumer Protection which shall forward two copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Agriculture, Trade & Consumer Protection. After each agency and the

Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the Department fails to act within 30 days of receipt of the original plat, it shall be deemed that no objections exist to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

- (D) Board Review; Public Hearing. The Town Clerk-Treasurer shall schedule a public hearing on the Preliminary Plat before the Town Board. The Town Clerk-Treasurer shall give notice of the Town Board's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Board's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 1000 feet of the proposed land division shall receive written notice of the public hearing.
- (E) Board Action. After review of the Preliminary Plat and negotiation with the subdivider on any changes deemed advisable and the kind and extent of public improvements which are necessary, the Town Board shall, within 90 days of the date the preliminary plat was filed with the Town Clerk-Treasurer, approve, approve conditionally or reject the plat. The Town Clerk-Treasurer shall provide written notice to the subdivider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within 90 days of filing shall constitute approval of the Preliminary Plat, unless an objecting agency files an objection or unless the review period is extended by agreement with the subdivider.
- (F) Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within 36 months of Preliminary Plat approval, conforms substantially to the Preliminary Plat layout and meets the conditions of Preliminary Plat approval, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.

(c) **Final Plat Review and Approval.**

- (1) The subdivider shall file 14 copies of the Final Plat within six months of the approval date of the Preliminary Plat. If the Final Plat is not submitted within said six months, the Preliminary Plat approval is deemed void. The following additional items shall be filed with the Final Plat:

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- (A) A certified abstract of title or title insurance commitment current to within one week prior to filing, showing title or control in the owner or the subdivider. The Town Attorney may require further title evidence as deemed necessary.
 - (B) Six copies of the final plans and specifications of public improvements required by this Ordinance.
- (2) The Town Clerk-Treasurer shall, within two days of filing, transmit copies as required for preliminary plats under § 10.04(c). The Town Clerk-Treasurer shall also refer the Final Plat to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or title insurance commitment may be referred to the Town Attorney for examination and report. The Town Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within 30 days of the filing of the Final Plat. The Town Engineer shall examine the plat and final plans and specifications of public improvements for technical details and, if found satisfactory, shall so certify in writing to the Plan Commission. If the plat or the plans and specifications are unsatisfactory, the Town Engineer shall return them to the subdivider and so advise the Plan Commission. The Town Engineer or Town Attorney shall examine the final plat and provide a conclusion as to whether the final plat conforms substantially to the preliminary plat with a recommendation on approval of the final plat. The conclusions and recommendations shall be made a part of the record of the proceedings where the final plat is being considered.
- (3) 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 in the same manner noted for Preliminary Plats under Section 10.04(b)(4)(B).
- (4) If the Final Plat lies within 1,000 feet of any incorporated municipality, the Town Clerk-Treasurer shall give at least 15 days prior written notice to such municipality of the meeting at which the Final Plat is scheduled for final action by the Town Board.
- (5) The Town Board shall, within 60 days of the date of filing the Final Plat with the Town Clerk-Treasurer, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the subdivider by the Town Clerk-Treasurer. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk-Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met. Failure of the Town Board to act within 60 days of filing, unless the time

has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the plat.

- (6) If the original of the Final Plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Town Board will be inscribed on the original of the Final Plat, the surveyor or the subdivider shall certify the respects in which the original of the Final Plat differs from the true copy, and all modifications must first be approved.
- (7) After the Town Board approves the Final Plat and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk-Treasurer shall execute the certificate inscribed upon the Plat attesting to such approval and return the Plat to the subdivider for recording with the county register of deeds.

(d) **Replat Procedure.**

- (1) Except when an assessor's plat is ordered pursuant to Wis. Stats. § 70.27(1),
- (2) when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40 through 236.445 or 66.296, if applicable. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 10.04(a) through (c).
- (3) The Town Clerk-Treasurer 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 mail notices of the proposed replat and public hearing to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 1000 feet of the exterior boundaries of the proposed replat.

(e) **Minor Subdivision - Certified Survey Procedure.**

- (1) When an owner or subdivider proposes to divide land into two or no more than four lots or parcels, any one of which is less than 40 acres, or when an owner or subdivider proposes to divide a block, lot or outlot into not more than four lots or parcels within a recorded plat without changing the boundaries of said block, lot or outlot, the owner or subdivider may subdivide by use of a Certified Survey Map, prepared in accordance with Wis. Stats. § 236.34 and this Ordinance.

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- (2) Submission and Review. The subdivider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, 14 copies of the final map in the form of a Certified Survey Map shall be submitted to the town. The Certified Survey shall be reviewed, approved or disapproved by the Town Board after consideration of the recommendation of the Plan Commission pursuant to the procedures used for Preliminary Plats in Section 10.04(b), including notice and hearing requirements.

History note: amended by Ord. No. 2010-22, 12/29/10

SECTION 10.05 **TECHNICAL REQUIREMENTS FOR PLATS AND
CERTIFIED SURVEYS**

(a) **Preliminary Plats.**

(1) General. The Preliminary Plat shall be based upon a survey by a registered Land Surveyor and the plat prepared on mylar, tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (A) Title under which the proposed subdivision is to be recorded, which shall not duplicate the name of any plat recorded in Columbia County.
- (B) Location of proposed subdivision by government lot, recorded private claim, quarter-quarter section, section, township, range, county and state noted immediately under the name of the proposed subdivision.
- (C) Date, scale and north point referenced to a magnetic, true or other identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the subdivision is situated.
- (D) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (E) Entire area contiguous to the plat owned or controlled by the owner or subdivider, even if only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

(2) Plat Data. All Preliminary Plats shall show the following:

- (A) Exact location of the proposed subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the subdivision is situated and a corner established in U.S. Public Land Survey that establishes one end of this line. A description of the material of which the corner marker is composed. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two permanent benchmarks shall be located in the immediate vicinity of the plat.
- (B) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on U.S.G.S. datum.

- (C) High water elevation of all lakes, streams, ponds, flowages and wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the plat or located within 100 feet therefrom.
- (D) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (E) Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- (F) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to U.S.G.S. datum.
- (G) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.
- (H) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (I) Location, width and names of all proposed streets and public ways.
- (J) Approximate dimensions and area in square feet of all lots together with proposed lot and block numbers.
- (K) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (L) Approximate radii of all curves.
- (M) Existing zoning on and adjacent to the proposed subdivision.

- (N) Town and corporate limit lines within the exterior boundaries of the subdivision or immediately adjacent thereto.
- (O) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (P) Any proposed lake and stream improvement or relocation, and notice of application for Department of Natural Resources approval, where applicable.
- (Q) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (R) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

(b) **Final Plat.**

- (1) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20 and this Ordinance.
- (2) **Additional Information.** The Final Plat shall also show the following information correctly on its face:
 - (A) Exact length and bearing of the center line of all streets.
 - (B) Exact street width along the line of any obliquely intersecting street.
 - (C) Railroad rights-of-way within and abutting the plat.
 - (D) Setbacks or building lines required by the Town Board.
 - (E) All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
 - (F) Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
 - (G) Exact location and description of street lighting and lighting utility easements.

- (H) Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the land.
- (3) Supporting Documents. The subdivider shall submit the following documents when filing the Final Plat:
- (A) Covenants and Restrictions. All restrictive covenants and deed restrictions for the proposed subdivision.
 - (B) Property Owners Association. The legal instrument(s) creating a property owners association for the ownership and/or maintenance of common lands in the subdivision.
 - (C) All certificates required by Wis. Stats. § 236.21; in addition, the surveyor shall certify full compliance with all of the provisions of this Ordinance.
- (4) Survey Requirements.
- (A) Examination. The Town Board shall examine all Final Plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (B) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (C) Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

- (D) Plat Location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stats. § 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (E) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15.

(c) **Certified Survey Map.**

- (1) General. A Certified Survey Map prepared by a land surveyor registered in this state shall be required for: (a) All proposed minor subdivisions; and (b) All proposed land divisions for rural lots. All required Certified Survey Maps shall comply in all respects with Wis. Stats. § 236.34 of the Wisconsin Statutes and state survey standards.
- (2) Additional Information. The Certified Survey Map shall also show the following information correctly on its face, in addition to the information required by Wis. Stats. § 236.34:
 - (A) All existing buildings, watercourses, drainage ditches and other features pertinent to property division, including the location of water wells, dry wells, drain fields, and pipes, culverts and existing roads.
 - (B) The building envelope and its distance to 2 property lines, if a building location was approved by the Town Board.
 - (C) All lands reserved for future acquisition.
 - (D) Area of rural lot acres or square footage for each lot or parcel.
 - (E) Date of the Map.
 - (F) Graphic scale of 1" = 100'.
 - (G) Name and address of the owner, subdivider and surveyor.
 - (H) Entire area contiguous to plat owned or controlled by land divider or subdivider.
 - (I) Existing zoning on and adjacent to the proposed land division.

- (3) **Information Required on the Signature Page.** A Certified Survey Map shall include in its certifications, in addition to the information required by Wis. Stats. § 236.34, the following:
- (A) A legal description of the parcel or rural lot; surveyor's signature; and a statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance;
 - (B) The owner's name, address and signature; and
 - (C) Signature lines and dates for approval by the Town Chairperson and Town Clerk-Treasurer.
- (4) **Certificates.**
- (A) The surveyor shall certify on the face of the Map full compliance with all the provisions of this Ordinance. The Town Clerk-Treasurer, after a recommendation by the reviewing agencies, and approval of the Town Board, shall certify such approval on the face of the Map.
 - (B) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagees' certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).
- (d) **Recordation.**
The subdivider and land divider shall record the Certified Survey Map with the Columbia County Register of Deeds within thirty days of its approval by the Town Board and any other approving agencies, and shall file a certified copy of the recorded Certified Survey Map with the Town Clerk-Treasurer within 10 days after the Certified Survey Map is recorded. Failure to do so shall necessitate a new review and reapproval of the Map by the Town Board.
- (e) **Subdivision Created by Successive Land Divisions.**
When it is not practicable to require that a Final Plat of a subdivision created by successive divisions be filed in accordance with this Section, the Town Board may in lieu thereof order an assessor's plat to be made under Wis. Stats. § 70.27, and may assess the cost thereof as provided in such section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this Ordinance to the extent that they may reasonably apply.
- (f) **Fees For Review of Plats, Replats and Certified Surveys.**
- (1) **General.** The land divider or subdivider shall pay the Town all fees required herein and at the times specified. In the event fees are not timely paid, the Town shall not be required to take any further action with respect to the plat or certified survey map. Non-payment of fees shall be deemed sufficient cause for rejection of the plat or certified survey map.

- (2) Engineering Fee. The land divider or subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The land divider or subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. The land divider or subdivider shall pay the fee within fifteen (15) days of each billing by the Town Clerk-Treasurer.
- (3) Administrative Fee. The land divider or subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.
- (4) Escrow for Fees. At such time as the land divider or subdivider submits a Preliminary Plat or Certified Survey Map for review by the Plan Commission and Town Board, it shall deposit with the Town Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of all of the Town's fees:
 - (A) Minor Subdivision (Certified Survey Map): \$300.00.
 - (B) Subdivisions - including Condominiums: \$1,000.00 for each five lots or units, up to a maximum of \$5,000.00.
 - (C) Rural Lots. \$250.00.
 - (D) In the event the amount deposited with the Town Clerk-Treasurer falls below 25% of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event subdivider withdraws his plat or minor subdivision, or same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to subdivider. The escrow account shall not draw interest for the benefit of subdivider. The Town Clerk-Treasurer, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.

- (5) Preliminary Plat/Certified Survey Map Review Fee.
 - (A) The land divider or subdivider shall pay a fee of \$50.00 plus \$2.00 for each lot or authorized dwelling unit within the Preliminary Plat or Certified Survey Map to the Town Clerk-Treasurer at the time of first application for Preliminary Plat or Certified Survey Map approval to assist in defraying the cost of review.
 - (B) The subdivider shall pay a reapplication fee of \$10.00 to the Town Clerk-Treasurer at the time of reapplication for approval of any Preliminary Plat which has previously been filed.

- (6) Final Plat Review Fee.
 - (A) The subdivider shall pay a fee of \$25.00 plus \$2.00 for each lot or authorized dwelling unit with the Final Plat to the Town Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
 - (B) The subdivider shall pay a reapplication fee of \$10.00 to the Town Clerk-Treasurer at the time of reapplication for approval of any Final Plat which has previously been reviewed.

- (7) Condominium Development Review Fee. The developer shall pay a fee of \$25.00 plus \$2.00 for each unit shown on a condominium plat, less \$2.00 for each lot shown on a Preliminary Plat or Certified Survey Map for the same project.

SECTION 10.06 **REQUIRED IMPROVEMENTS - SUBDIVISIONS**

(a) **In General.**

- (1) The improvements prescribed in this Ordinance are required as a condition of approval of a land division. The required improvements described in this Ordinance shall be installed, furnished and financed at the sole expense of the subdivider. In the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.
- (2) Non-Specified Standards. The following required improvements in this Ordinance shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Town Engineer.

(b) **Development Agreement.**

- (1) Contract. Prior to installation of any required improvements and prior to approval of the Final Plat, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at the subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the Town Engineer. The developer may construct the project in such phases as the Town Board approves, which approval shall not be unreasonably withheld. If construction in phases is permitted, the amount of any bond or other security required in subsection (b)(2) shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary before commencement of the installation of improvements.
- (2) Financial Guarantees.
 - (A) The agreement shall require the subdivider to furnish subdivider's choice of a letter of credit or a performance bond, the amount thereof to be equal to 120 percent of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
 - (B) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the performance bond or letter of credit shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the

required improvements are not completed within the specified period, the amount of the performance bond or letter of credit shall be delivered to the Town and applied to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the owner or subdivider. The Town Board, at its option, may extend the performance bond or letter of credit period for additional periods not to exceed two years each period.

- (C) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Engineer after consultation with the subdivider. The completion date shall form part of the contract.

(c) **Construction Plans; Inspections.**

- (1) Engineering Reports, Construction Plans and Specifications. As required by Section 10.04(b)(2), preliminary engineering reports and plans shall be submitted with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer registered in the State of Wisconsin under said engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for approval and for estimation of the total cost of the required improvements; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the Final Plat with the Town Clerk-Treasurer, or as soon thereafter as practicable, the subdivider shall furnish copies of the construction plans and specifications for the following public improvements, with a copy sent to the appropriate sanitary district:
 - (A) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (B) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (C) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (D) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (E) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Town's Erosion Control Ordinance.

- (F) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (G) Additional special plans or information as required by Town officials.
- (2) Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the subdivider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (3) Construction and Inspection.
- (A) Prior to starting any of the work covered by the plans approved above, the subdivider shall obtain written authorization to start the work from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Ordinance. The Town shall issue no building permits until all improvements required by this Ordinance are satisfactorily completed.
 - (B) Construction of all improvements required by this Ordinance shall be completed within two years from the date of approval of the Preliminary Plat by the Town Board, unless the subdivider demonstrates good cause for the Town Board to grant an extension.
 - (C) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The subdivider shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
- (4) "As Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans or plans in the current version of AutoCAD showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The subdivider's presentation of the as built plans shall be a condition of final acceptance of the improvements and release of the financial security assuring their

completion. The Town shall retain two copies and forward one copy of such record plans to the appropriate sanitary district.

(d) **Street Improvements.**

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

- (1) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 10.07(a) and (b) of this Ordinance.
- (2) **Grading.**
 - (A) With the submission of the Final Plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - (B) Proposed grades will be reviewed by the Town Engineer for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations.
 - (C) After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - (D) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
 - (E) The subdivider shall grade the bed for the roadways in the street rights-of-way to subgrade elevation.
 - (F) The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
 - (G) Where electric and other communications or utilities facilities are to be installed underground, the subdivider shall grade the utility easements to within six inches of the final grade prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (3) **Street Construction.** After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets and curbs and gutters. The subdivider shall surface

roadways to the widths prescribed by Sections 10.07(a) and (b). Construction shall meet Town standard specifications for street improvements.

(4) Completion of Street Construction.

(A) Prior to issuance of any building permits by the Town for lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the Town Engineer and accepted by the Town Board.

(B) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (such as cement or asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.

(C) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall detail which improvement requirements are temporarily waived and for what period of time.

(5) Curb and Gutter. After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

(e) Sanitary Sewerage.

(1) The subdivider shall provide a sanitary sewerage system in conformity with the master plan of sewers as approved by the Town Board and/or sanitary district.

(2) The subdivider shall make adequate sewerage disposal systems available to each lot within the subdivision or minor subdivision.

(3) Subdivisions and minor subdivisions in the Urban Service Area shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district.

(4) Minor subdivisions outside the Urban Service Area may be served by private sewage disposal systems, if public sewer facilities are not available. Private sewage disposal systems shall comply with Wis. Admin. Code Chap. SPS 383. The subdivider shall provide service laterals to all lots.

(5) The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as

well as providing all sanitary sewer work within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.

(6) The minimum size for public sanitary sewers shall be eight inches in diameter.

(f) **Water Supply.**

(1) The subdivider shall make adequate domestic water supplies available, and pay for such improvements, for each lot within the subdivision or minor subdivision in the Urban Service Area.

(2) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or minor subdivision. The size, type, and installation of all public water mains proposed to be constructed shall comply with plans and specifications approved by the appropriate sanitary district. Water service laterals shall be provided to all lots.

(3) The minimum size for public water mains shall be six inches in diameter.

(g) **Storm Water Drainage.**

The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as are necessary. Storm sewers shall be of adequate size and grade to hydraulically accommodate the ten year frequency storm; culverts shall be designed to accommodate the ten year frequency storm and shall be sized so that the 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized for from 25 to 100 year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall comply with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a 24 inch diameter storm sewer shall be paid by other users connecting to the system by special assessment.

(h) **Other Utilities.**

(1) The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or minor subdivision.

(2) The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the

subdivision or minor subdivision. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

- (A) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (B) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (3) Plans indicating the proposed location of all gas, electric power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk-Treasurer.
- (i) **Street Signs.**
The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Town Engineer.
- (j) **Street Trees.**
- (1) The subdivider shall plant in the terrace area at least one tree of a species acceptable to the Town Board at least six feet in height for each 50 feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Town Board.
 - (2) No person shall plant or maintain in the terrace area any tree of the species Populus Deltoides, commonly called the "Cottonwood," Black Locust, Red Oak, the seedbearing "Box Elder" or Acer Negundo, which may now or hereafter become infested with Box Elder bugs, Russian Olive, White Poplar, Native Elm, Lombardy Poplar, American Ash, any evergreen or fir tree, any fruit or nut tree, or any other species, which in the opinion of the Town Board, will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public. Required terrace trees shall be at least three feet tall at planting.
 - (3) "Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where no sidewalk exists, the area six feet from the curb line shall be deemed to be a terrace for the purpose of this Ordinance.
- (k) **Erosion Control During Construction.**
To minimize erosion during construction, the subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

(l) **Fences Adjacent to Agricultural Lands.**

When the land included in a subdivision or minor subdivision abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the owner and the subdivider, their grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

(m) **Easements.**

(1) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Ordinance to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

(2) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:

(A) The subdivider shall provide a storm water easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or

(B) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.

(C) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a 100 year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

- (3) **Easement Locations.** Such easements shall be at least twelve feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Town Board that easements and any easement provisions incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
- (n) **Street Lamps.** The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as the Town Board requires upon the recommendation of the Town Engineer.
- (o) **Sidewalks.** Sidewalks are required for the rights-of-way of arterial streets and collector streets, as well as in high traffic areas such as the vicinity of schools, commercial areas and other areas of public assemblage. In addition, the Town Board may require sidewalks, upon the recommendation of the Town Engineer, in other locations where necessary for safe and adequate pedestrian circulation.

History note: amended by Ord. No. 2010-22, 12/29/10 and through recodification 8/25/15

SECTION 10.07 **DESIGN STANDARDS - SUBDIVISIONS**(a) **Street Design.**

- (1) Compliance with Statutes. In laying out a subdivision, the subdivider shall conform to the provisions of Wis. Stats. Chap. 236 and all applicable Town regulations. All streets and roads shall comply with Wis. Stats. § 82.50. In all cases where the requirements of this Ordinance are different from the requirements of Chapter 236 or § 82.50, the more restrictive provision shall apply.
- (2) Dedication. The subdivider shall dedicate land and improve streets as provided in this Ordinance. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety. The subdivision or minor subdivision shall be designed to provide each lot with satisfactory access to a public street or road.
- (3) Compliance with Comprehensive Plan and Official Map. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Comprehensive Plan and Official Map and to this Ordinance and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (4) Areas not Covered by Official Map or Comprehensive Plan. In areas not covered by a Town Comprehensive Plan or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (5) Street Classifications. Streets shall be classified as indicated below:
 - (A) Arterial Streets. Arterial streets shall provide through traffic for a heavy volume of vehicles.
 - (B) Collector Streets. Collector streets shall provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the arterial street and major thoroughfare system. Collector streets shall relate properly to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

- (C) Local Streets. Local streets shall conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.
- (D) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is unnecessary or undesirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (6) Reserve Strips. Reserve strips are prohibited on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- (7) Alleys. Alleys are permitted in commercial and industrial districts for offstreet loading and service access, but are prohibited in residential districts. Dead-end alleys are prohibited. Alleys shall not connect to a major thoroughfare.
- (8) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is unnecessary for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length are permitted when necessitated by the topography.
- (9) Number of Intersections. The number of intersections of local streets with major streets shall be the practical minimum consistent with circulation needs and safety requirements, preferably not more than two.
- (10) Frontage Roads. Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such thoroughfare or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (11) Private Roads. Private roads are prohibited, except as part of a condominium development, and the Town Board shall not permit installation of public improvements in any private road.

- (A) All private roads shall be platted as outlots. Every outlot designated as for a private road shall have deed restrictions recorded with the County Register of Deeds, giving enforcement powers to the Town, before a building permit will be issued for a structure on any property served by said private road.
 - (B) The deed restriction shall require the land owners served by the private road to provide for maintenance of the road.
 - (C) If the property owners fail to fulfill their obligations, then the deed restrictions shall give full authority to the Town to fulfill those conditions, and then assess all costs associated with said action, including legal fees, if any, to the property owners served by the road.
 - (D) Each property served by a private road shall have deed restrictions recorded indicating their responsibility for the private road and outlot.
 - (E) Private Road Construction Standards and Specifications. All private roads shall be designed by a Wisconsin registered professional engineer, registered land surveyor, or equivalent, and shall be approved by the Town of Lodi Engineer prior to construction. Private roads shall conform to the following minimum specifications and criteria:
 - (i) The minimum traveled road width shall be sixteen (16) feet for roads serving two or more parcels.
 - (ii) The roadbed shall be stripped of topsoil and vegetation down to a hard firm subgrade. A minimum of six (6) inches of crushed aggregate base course shall be placed on the roadbed and compacted.
 - (iii) It is permissible to provide for overland flow where the terrain is gentle and rolling. In such instances, the existing ground can be matched.
 - (iv) Where cut or fill sections are needed to provide a reasonable profile grade line, the back slopes and fore slopes shall be constructed to a 3:1 section.
 - (v) In all drainage swales crossed by the private road, a culvert shall be provided.
- (12) Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections. Stopping sight distances shall be provided to comply with Chap. 3, "A Policy of Geometric Design of Highways

and Streets," latest edition, published by the American Association of State Highway and Transportation Officials (AASHTO).

- (13) Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets. On all roads, a tangent at least 100 feet long shall be provided between the curve and any intersection.
- (14) Street Grades.
- (A) Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:
- Arterial streets: six percent.
Collector streets: seven percent.
Local streets, alleys and frontage streets: ten percent.
Pedestrian ways: twelve percent unless steps of acceptable design are provided.
- The grade of any street shall in no case exceed eleven percent or be less than one-half of one percent.
- (B) Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and trees, and general leveling of the topography.
- (C) All street grade changes shall be connected by vertical curves of a minimum length equivalent in feet to forty times the algebraic difference in the rate for collector roads and thirty times the difference for local roads. Major roads shall conform to "A Policy of Geometric Design of Highways and Streets," latest edition, of the AASHTO.
- (15) Radii of Curvature. When a continuous street centerline deflects at any one point by more than one degree, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- Arterial streets and major thoroughfares: 500 feet.
Collector streets: 300 feet.
Local streets: 150 feet.
- Curves should be provided when centerline deflections exceed one degree in rural areas and in urban areas when deflection exceeds three degrees.
- (16) Half Streets. Where an existing dedicated or platted half-street is adjacent to the subdivision, the subdivider shall dedicate the other half-street. The platting of half-streets should be avoided where possible.

- (17) Intersections.
- (A) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen feet or greater where the Town Engineer considers it necessary.
 - (B) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (C) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (18) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Town Board.
- (19) Cul-de-sacs.
- (A) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum inside curb radius of 45 feet. The use of cul-de-sacs should be avoided where possible.
 - (B) Temporary Dead-ends or Cul-de-sacs. All temporary dead-ends shall have a maximum length of 800 feet and a temporary cul-de-sac shall have a minimum right-of-way radius of 60 feet and a minimum inside curb radius of 45 feet.
- (20) Major Thoroughfare and Railroad Right-of-way Treatment. Whenever the proposed subdivision contains or is adjacent to a major thoroughfare or railroad right-of-way, the design shall provide the following treatment:
- (A) Subdivision Lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip of at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited."
 - (B) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the major thoroughfare or railroad,

streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

- (C) Streets Parallel to a Major Thoroughfare. Streets parallel to a major thoroughfare or railroad right-of-way, when intersecting a major street or collector street which crosses said railroad or highway, shall be a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (D) Local Streets. Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

(b) **Street Dedication and Construction.**

(1) General Requirements.

- (A) Construction Standards. All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Ordinance, whichever is more restrictive. The design requirements of this Ordinance shall apply to all streets and roads proposed for dedication to the town, regardless of whether such streets or roads are part of a new subdivision or minor subdivision.
- (B) Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the subdivider. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction.
- (C) Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Town, the subdivider shall notify the Town Clerk-Treasurer, who will arrange an on-site meeting attended by the Town Engineer and the subdivider. Plans must be provided in order for the Town Engineer to check the design and the drainage.
- (D) Material Slips. Copies of material slips for all materials furnished for road construction projects shall be delivered to the Town Engineer before the Town approves the final construction.
- (E) Required Inspections. Although the Town Engineer may conduct inspections as necessary at any state of construction, the subdivider shall

contact the Town Engineer for required inspections after the following phases of construction by the subdivider:

- (i) Subbase grading;
 - (ii) Crushed aggregate base course;
 - (iii) Bituminous surface course; and
 - (iv) Shouldering.
 - (v) Any deficiencies found by the Town Engineer shall be corrected before proceeding to the next phase of construction.
- (F) Tests of Materials. The Town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine whether the material meets gradation and soundness requirements.
- (G) Pavement Samples. The Town shall take samples of bituminous asphalt during pavement construction operations for purposes of determining that the material meets specifications.
- (H) Highway Commission Approval. The finished roadway shall require the approval of the Columbia County Highway Commission, since the Town will include this road work in its annual request for highway aid.
- (2) Construction Standards. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following construction standards:
- (A) Right-of-Way Width.
 - (i) Arterial streets: Minimum of 80 feet.
 - (ii) All other streets and roads: Minimum of 66 feet.
 - (iii) Cul-de-sacs and bulb radius: Minimum of 60 feet radius.
 - (iv) Alleys: Minimum of 24 feet.
 - (v) Pedestrian ways: Minimum of 10 feet.
 - (B) Roadway Alignment Details. As specified in this Ordinance or in Chapter 12 of the Columbia County Code of Ordinances, whichever is more restrictive.
 - (C) Roadway Ditches. Minimum ditch slope of 0.50%.

- (D) Roadway Base Thickness.
- (i) Residential and rural roads and streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower layer.
 - (ii) On commercial, arterial or other heavy-use roads, as determined by the Town Board, a base course of ten inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half inches and no greater than ten percent by weight passing a No. 200 sieve or No. 3 crushed rock approximately six inches in depth and one or more layers of fine aggregate, either three-fourths inch crushed gravel, well-graded with no greater than ten percent passing a No. 200 sieve, or three-fourths inch traffic-bound crushed rock.
 - (iii) In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - (iv) In any case, the Town Board shall have the sole discretion to determine the use and construction classification to follow.
 - (v) In all cases, the base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under traffic shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (E) Roadway Sub-Base. Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer.
- (F) Pavement Width. Minimum of 36 feet face of curb to face of curb for Urban Service Area local streets, 40 feet face of curb to face of curb for collector streets or streets serving commercial or industrial areas, as shown on Fig. 1 attached hereto and incorporated herein, 22 feet for rural roads, and wider when required by the "Town Road Standards" as noted in Wis. Stats. § 82.50, or by the Town Subdivision Ordinance, or by the recommendation of the Town Engineer based on projected traffic and parking requirements, the more restrictive of which shall apply. Figure 2, attached hereto and incorporated herein, illustrates the standard rural cross

section. Rural roads shall comply with the specifications for Urban Service Area local streets if located in an area that in the Town Board's opinion might be annexed to the Urban Service Area within five years.

- (G) Pavement Thickness. Residential and rural roads shall have a minimum of three inches thick compacted bituminous pavement, placed in two layers - a binder course of 1-1/2 inches thick and a surface course of 1-1/2 inches. Commercial, arterial or other heavy-use roads shall have a minimum of 3-1/2 inches of bituminous pavement, placed in two layers -a binder course of two inches thick and a surface course of 1-1/2 inches. In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification utilized.
- (H) Shoulder Width. Minimum of two feet wide on each side and wider when required by the "Town Road Standards" as noted in Wis. Stats. § 82.50.
- (I) Shoulder Thickness. Minimum of 2-1/2 inches of compacted in-place crushed aggregate base course - gradation No. 2 or No. 3 over a minimum of eight inches of compacted in-place crushed aggregate base course.
- (J) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Town Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (K) Driveway Culverts. The Town Engineer shall size driveway culverts. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and provided with concrete, metal or landscape timber endwalls.
- (L) Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5% slope shall be protected by erosion control materials such as hay bales, sod, or erosion control mats.
- (M) Drainage Improvements. In the case of all new roads and streets, the Town Board may require the subdivider to construct stormwater retention areas and storm sewers to provide for proper drainage.

(c) **Block and Lot Design Standards.**

- (1) **Block Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,200 feet nor have insufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall be no less than 500 feet in length. A block may have a single tier of lots where it adjoins a railroad, major thoroughfare, river or park.
- (2) **Pedestrian Pathways.** Pedestrian pathways, not less than ten feet wide, may be required by the Town Board through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (3) **Lot Size.** Where a lot is located outside the Urban Service Area, it shall be at least one and one-half acre in size (65,100 square feet). Where a lot is located within the Urban Service Area, the minimum size is 20,000 square feet, with an additional 2,000 square feet per dwelling unit where the development contemplates more than one dwelling unit on a particular lot.

(d) **Stormwater Management System.**

- (1) **Drainage System Required.** The Town Board shall not approve a Final Plat until the subdivider has submitted plans, profiles and specifications for stormwater management prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.
- (2) **Drainage System Plans.**
 - (A) The subdivider shall submit to the Town at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - (i) Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - (ii) Quantities of flow at each inlet or culvert.

- (iii) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (B) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (C) The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.
 - (D) Material and construction specifications for all drainage projects such as pipe, culverts, seed or sod shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.
- (3) Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows: The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
- (A) Block grading shall be completed by one or more of the following methods:
 - (i) A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - (ii) Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line if a drainage easement is provided.
 - (iii) Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled and a drainage easement is provided.
- (4) Drainage System Requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Section 10.07(d)(2)(A).
- (A) Street Drainage. All streets shall be provided with an adequate storm drainage system. All drainage crossing streets shall be conveyed in an underground storm sewer system. On urban streets, maximum inlet spacing shall be 600 feet. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (B) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the

drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Town to provide for the future maintenance of said system. Easements shall be at least 20 feet wide, but the Town may require larger easements if more area is needed due to factors such as topography, or size of watercourse.

- (5) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. Generally, ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be sodded and those with grades over four percent shall be paved.
- (e) **Sanitary Sewer and Water System.**
The subdivider shall comply with the design standards specified for the development's sanitary sewer and water system by the State Department of Natural Resources.
- (f) **Standards for Non-Residential Subdivisions and Minor Subdivisions.**
 - (1) **General.**
 - (A) If a proposed subdivision or minor subdivision includes land that is zoned for commercial or industrial purposes, the layout with respect to such land shall make such provisions as the Town may require.
 - (B) A non-residential subdivision shall also be subject to all the requirements of this Ordinance, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Comprehensive Plan or Official Map, or the Columbia County Zoning Code.
 - (2) **Standards.** In addition to the principles and standards in this Ordinance, the subdivider shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The subdivider shall observe the following principles and standards:
 - (A) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (B) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
 - (C) Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.

- (D) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sanitary sewer and storm water drainage.
- (E) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (F) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 10.08 **DEDICATION REQUIREMENTS - SUBDIVISIONS**

(a) **General Public Land Dedication Requirements.**

- (1) Dedication Requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall dedicate land for park or other public uses.

- (2) General Design. In the design of a subdivision, minor subdivision, planned unit development or condominium project, the developer shall make provision for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites shall be shown on the Preliminary Plat and Final Plat, and shall comply with the Town Comprehensive Plan or component of said Plan, if any exists for the site. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(b) **Land Dedication.**

- (1) Dedication Calculation. All subdividers shall be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of .05 acres per dwelling unit. "Dwelling unit" shall include a unit of a condominium development. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in any Comprehensive Plan or Comprehensive Plan component of the Town is embraced, all or in part, in the tract of land to be subdivided, this land shall be included in the required land dedication. The Town Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

- (2) Shoreland.
 - (A) Lake and Stream Shore Plats. All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side

of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.

(B) Lots Adjacent to Lake or Stream Shore. The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(3) Unknown Number of Dwelling Units. Where the plat, certified survey or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Columbia County Zoning Ordinance and this Ordinance.

(4) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(5) Utility Extensions. The subdivider shall install or provide for installation of water and sanitary lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(c) **Reservation of Additional Land.**

When public parks and sites for other public areas as shown on any Comprehensive Plan or Comprehensive Plan component lie within the proposed area for development and are greater in area than required by Section 10.08(b)(1), the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after Final Plat approval unless extended by mutual agreement.

(d) **Dedicated Parkland Development.**

(1) When parklands are dedicated, the subdivider is required to:

(A) Properly grade and contour for proper drainage;

(B) Provide surface contour suitable for anticipated use of area; and

(C) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Plan Commission, fertilized with 16-6-6 at a rate of seven pounds per one thousand square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt

loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

- (2) The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the subdivider.
- (3) Development of parklands shall be completed as soon as ten percent of the planned lots in the subdivision are sold, as determined by the Town Board.
- (4) If the subdivider fails to satisfy the requirements of this Section, the Town Board may contract for said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(e) **Fees in Lieu of Land.**

- (1) (A) The Town Board, upon the recommendation of the Plan Commission, shall determine whether to require dedication of land or payment of money from any subdivider. If the Town Board has determined to require payment of money in lieu of dedication of land, such money shall be paid to the Town Clerk-Treasurer at the time of first application for approval of a final plat of such subdivision in the amount per dwelling unit within the plat consistent with the standards set forth in Section 10.08(b) of this Ordinance.
- (B) Effective March 31, 1992, the fee per dwelling unit is \$520.00. The fee may be adjusted annually as of January 1st of each year by the Town Board, utilizing the Consumer Price Index -- All Urban Consumers for Small Metro Areas prepared by the United States Department of Labor.
- (2) Funds paid to the Town under this provision or contributed from other sources for parkland and recreational development and improvement shall be placed in a separate nonlapsing fund designated for parkland and recreational development and improvement as recommended by the Town Parks Commission. The Town Board shall have the final right to approve or reject such projects. Said account shall be a continuing account which does not lapse at the end of a budget period.
- (3) No payment may be required for a lot created by the division of land under this Ordinance on which a residential structure already exists, or which is a residual parcel in excess of ten acres not intended for conveyance and development. Where a lot, parcel or dwelling unit for which payment has once been made is further divided, the subdivider shall pay only for the additional lots or parcels created.

SECTION 10.09 PROVISIONS FOR RURAL LAND DIVISIONS

(a) **Special Definitions.**

The following additional definitions shall apply:

- (1) **Rural Lot.** A parcel between 35 and 80 acres, created by land division and zoned agriculture-exclusive.
- (2) **Land Division.** The division of a parcel or tract of land by the owner(s) or the owner's agent for the purpose of sale or building development which creates two or more parcels or building sites, any one of which is greater than 35 but less than 80 acres in area.

(b) **Protection of Agricultural Land.**

No agricultural land shall be divided into Rural lots that the Plan Commission and Town Board determines will materially interfere with existing agricultural use or will conflict with other goals and policies as set forth in the Town Comprehensive Plan.

(c) **Procedures for Approval of Rural Land Divisions.**

Any land divider who shall divide agricultural land located in the Town of Lodi that creates a land division as defined in this section shall comply with the following procedure:

(d) **Application.**

Submit a completed Agricultural Land Division Application with the appropriate fee and the following required attachments to the Town Clerk-Treasurer: plat map, aerial photo/site analysis; soils mapping/U.S.G.S. topography map; site plan; environmental assessment checklist.

(e) **Submission of Certified Survey Map.**

Upon approval of the Agricultural Land Division Application by the Plan Commission and the Town Board, the land divider shall then submit to the Clerk-Treasurer a Certified Survey Map prepared by a registered land surveyor.

(f) **Town Review.**

After reviewing the Certified Survey Map to ensure that it conforms to the Site Plan approved by the Town Board, the Town Chairperson and the Town Clerk-Treasurer shall sign the Certified Survey Map and issue an Agricultural Land Division Approval.

(g) **Other Permits.**

No Driveway Permit or Building Permit shall be issued for construction on a parcel created by a land division that does not comply with the provisions of this section.

SECTION 10.10 ENVIRONMENTAL ASSESSMENT

(a) **Format.**

The environmental assessment required by Section 10.04(b)(2)(J) of this Ordinance shall generally follow the format herein:

ENVIRONMENTAL ASSESSMENT

This assessment shall be prepared for review, if possible, at the pre-application conference. The information sought will assist the Plan Commission and Town Board in determining the suitability of the land for development as required by Section 3(e) and to assess the potential threat to existing flora under Section 10.03(f). All "yes" answers must be explained in detail by attaching maps and supporting documents describing the impact of the proposed development.

	<u>Yes</u>	<u>No</u>
1. <u>Land Resources</u>		
Does the project site involve:		
a. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two foot contour intervals).	_____	_____
b. A landform or topographic feature of local or regional interest	_____	_____
c. A floodplain (if yes, attach two copies copies of a typical stream valley cross-section showing the channel of the stream, the 100 year flood- plains limits and the floodway limits (if officially adopted), of each side of the channel and a cross- section of area to be developed)	_____	_____
d. An area of soil instability – greater than 18% slope and/or organic soils, or mucks at or near the surface	_____	_____
e. An area of bedrock within 6 feet of the soil surface	_____	_____
f. An area with the groundwater table within 10 feet of the soil surface	_____	_____

- g. An area with fractured bedrock within 10 feet of the soil surface _____ _____
- h. A drainageway for 50 or more acres of land _____ _____
- i. Lot coverage of more than 50% impermeable surfaces _____ _____
- j. Prime agricultural land _____ _____
- k. Wetlands and Marshes _____ _____
- l. Mapped environmental corridors _____ _____

2. Water Resources

Does the proposed project have:

- a. Location within an area traversed by a navigable stream or dry run _____ _____
- b. Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within one mile _____ _____
- c. The use of septic tank-soil absorption fields for on-site waste disposal _____ _____
- d. Lowering of water table by pumping or drainage _____ _____
- e. Raising of water table by altered drainage patterns _____ _____
- f. Lake frontage _____ _____

3. Biological Resources

Does the project site involve:

- a. Critical habitat for plants and animals of community interest _____ _____
- b. Endangered, unusual or rare species of
 - 1) Land animals _____ _____
 - 2) Birds _____ _____
 - 3) Plants _____ _____

- c. Do there exist trees and shrubs of greater than 3" DBH; if yes, identify species present and approximate numbers and sizes _____ _____
 - d. Removal or potential damage to over 10% of the present trees, shrubs, vines, grasses and other non-noxious plants; if yes, provide aerial photos and/or vegetation surveys to document extent of potential damage _____ _____
- 4. Human and Scientific Interest
 Does the project site involve:
 - a. An area of archaeological interest _____ _____
 - b. An area of geological interest _____ _____
 - c. An area of hydrological interest _____ _____
 - d. An area of historical interest
 - 1) Historic building or monuments _____ _____
 - 2) Building or monuments of unique architecture _____ _____
 - e. An area of identified community recreational use _____ _____
- 5. Energy, Transportation and Communications
 - a. Does the development increase the traffic flow in any collector system by more than 10% _____ _____
 - b. Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer inter-ceptor, communications, storm sewer) _____ _____
- 6. Population
 - a. Does the development increase by more than 10% the school population of any school serving the development? _____ _____
- 7. Comments on any of the above which may have a significant environmental impact.
- 8. Appendices and Supporting Material, including in all cases the Columbia County Soil Survey Map for the area as prepared by the United States Department of Agriculture, Soil Conservation Service

(b) **Environmental Criteria.**

The following criteria shall serve as guidelines to assist the Plan Commission and Town Board in determining suitability of the land for development:

- (1) Recommendations as to soil suitability contained in the Soil Conservation Service Soil Survey of Columbia County shall govern.
- (2) Land with slopes between 12% and 20% will require special design for limiting storm water runoff and erosion and for sewerage systems.
- (3) Development is prohibited on land with slopes equal to or greater than 20 percent. Under extraordinary circumstances, the Town Board may permit development on land with slopes equal to or greater than 20% only if all of the following minimum criteria are met:
 - (A) At least 60% of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
 - (B) Plans and design calculations acceptable to the Town Engineer are submitted for retaining walls and other erosion control measures for each lot.
 - (C) Lots large enough so that no buildings or driveways shall be constructed on or through land with existing slopes of 20% or greater while maintaining normal building setbacks.
 - (D) The soils as shown on the Columbia County Soil Survey Map for the land have no more than a "slight" erosion hazard potential as determined by the Soil Conservation Service.
 - (E) The soil limitations for dwellings with basements, local streets and roads, septic tank (if applicable) shall be no greater than "moderate" as determined by the Soil Conservation Service.
 - (F) A special public hearing having been held to assess effects of the specific property on surrounding property owners.
 - (G) Such special studies of soils, slope stability, storm water runoff, erosion and safety as have been requested by the Plan Commission having been conducted by the Developer and presented to the Town Board prior to official submittal of the preliminary plat.
- (4) Soils with severe erosion hazard potential as determined by the Soil Conservation Service will require special design to limit storm water runoff and erosion.

- (5) No structure shall be constructed with a basement floor below the normal ground water elevation. Ground water level shall be determined by a minimum of three soil borings.
- (6) Lands known to be habitat for endangered species, as determined by the Department of Natural Resources Bureau of Endangered Resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species and/or habitat.
- (7) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
- (8) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (9) Suitability of land for private sewerage systems shall be determined in accordance with Wis. Admin. Code COMM 83.
- (10) Public utilities shall not be extended through or around vacant land to serve new development.
- (11) Development of Shoreland or Wetlands shall be governed by Chapter 16 of the Columbia County Code.

SECTION 10.11 CONDOMINIUM DEVELOPMENTS**(a) Purpose.**

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Ordinance to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Ordinance applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - (A) Additional population density;
 - (B) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - (C) Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - (D) Additional traffic and street use.

(b) Portions of Ordinance Applicable to Condominium Developments.

The following sections of this Ordinance shall apply to condominium developments:

- (1) Sections 10.03(e) and 3(f), relating to land suitability and construction practices;
- (2) Section 10.04(b), relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 10.05(a) of this Ordinance shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Chap. 703;
- (3) Sections 10.05(e)(1), (2), (3), and (6), relating to fees for review;

- (4) Section 10.06, relating to required improvements;
 - (5) Section 10.07, relating to design standards for improvements;
 - (6) Section 10.08, relating to dedication requirements; and
 - (7) Section 10.13 where the condominium is being developed as a conservation subdivision.
- (c) This Ordinance shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Ordinance;
 - (2) Any conversion of a structure or structures in existence on the effective date of this Ordinance to a condominium after the effective date of this Ordinance.

SECTION 10.12 VARIANCES

- (a) Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat or Certified Survey is filed for consideration, stating fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed project.
- (b) The Plan Commission shall not recommend nor shall the Town Board grant a variance to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- (c) The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk-Treasurer to notify the subdivider.
- (d) 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 Town in accordance with any Town Comprehensive Plan or component thereof, this Ordinance, or the Zoning Code of Columbia County. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes of the Board.
- (e) The Town Board may waive the placing of monuments, required under Wis. Stats. §§ 236.15(b), (c) or (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

SECTION 10.13 CONSERVATION SUBDIVISIONS

This section establishes alternative lot sizes and other standards for developments meeting the criteria set forth herein for all subdivisions, minor subdivisions and condominiums designated as conservation subdivisions. All provisions of this section and all provisions of this chapter not in conflict with this section shall apply to any conservation subdivision.

(a) Purpose.

In addition to the purposes set forth in Section 10.01 this section is adopted for the purpose of:

- (1) Encouraging development that is consistent with and is designed to preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources.
- (2) Preserving scenic views by minimizing the visibility of new development from existing roads.
- (3) Preserving prime agricultural land by concentrating development on lands that have low agricultural potential.
- (4) Providing commonly-owned open space for recreational use by residents of the conservation subdivision or the community at large.
- (5) Providing buffering between residential development and non-residential uses.
- (6) Protecting and restoring environmentally sensitive areas and biological diversity, minimizing disturbance to existing vegetation and maintaining environmental corridors.
- (7) Preserving significant archeological sites, historic buildings and their settings.
- (8) Meeting demands for housing in a rural setting.
- (9) Enhancing the ability to locate and coordinate appropriate areas for development and conservation on the development parcel.

(b) Additional Submittals.

In addition to the information required in Section 10.04(b)(2) of this Chapter, a developer of a proposed conservation subdivision shall submit the following with the preliminary plat, certified survey, or condominium plat application:

- (1) Development Yield Analysis. The subdivider shall submit a yield plan and yield table showing the base development yield which is the maximum number of dwelling units that would be permitted consistent with minimum lot size, lot width, set backs, and other provisions of this Chapter applicable to non-conservation subdivisions compared to the number of dwelling units that would be allowed under this section. The yield plan shall account for the estimated area of rights of way for streets and necessary park dedications as well as land that is

undevelopable for any reason including, but not limited to floodplains, wetlands, steep slopes and drainage ways.

- (2) **Site Analysis.** Using the Environmental Assessment Checklist under Section 10.10, and the development yield analysis provided in subsection (b)(1) above, and applying the standards in subsections (d), (e) and (f) below, the subdivider shall submit a concept plan including the following information at a scale of no greater than one inch equals fifty feet (1" = 50'):

- (A) Open space areas indicating which areas are to remain undeveloped.
- (B) Locations of trails.
- (C) Boundaries of areas to be developed.
- (D) Proposed street and lot layout.
- (E) Number and type of housing units proposed.
- (F) Type and location of water supply, stormwater and sewage treatment facilities.
- (G) Inventory of preserved and disturbed natural features and prominent views.
- (H) Preliminary development envelopes showing areas for lawns, pavement and grading.
- (I) Proposed method of ownership and management of open space.

(c) **Development Yield.**

The base development yield as defined in subsection (b)(1) above, may be increased by no more than thirty percent (30%) under this Section as follows:

- (1) Promoting groundwater quality through the use of clustered or community wastewater treatment systems and community well facilities shall earn up to a fifteen percent (15%) density increase.
- (2) Preserving a significant public view shall earn up to a ten percent (10%) density increase.
- (3) Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs for holding the easement for items including, but not limited to taxes, insurance, maintenance and enforcement shall earn up to a five percent (5%) density increase.
- (4) Reusing historical buildings and structures, including, but not limited to those sites inventoried by the State Historical Society of Wisconsin shall earn up to a five percent (5%) density increase.

(d) **Performance Standards.**

(1) **Residential Lot Requirements.**

- (A) Minimum Lot Size: one-half (1/2) acre.

- (B) Lot Coverage:
 - (i) Lots shall be configured to minimize the amount of impervious surfaces. Maximum lot coverage, including buildings and other impervious surfaces shall not exceed 35% of the lot.
 - (C) Maximum Building Height: 35 Feet
 - (D) Lots shall take access from interior local streets wherever possible.
 - (E) Lots shall be configured to minimize the amount of road length required for the subdivision.
 - (F) Development envelopes shall be configured to minimize the loss of woodlands.
 - (G) If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
 - (H) All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
 - (I) Lots shall be oriented around one or more of the following:
 - (i) A central green or square.
 - (ii) A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
 - (J) Development envelopes shall be screened from peripheral public roads or other visually prominent areas and should not be located on ridges or hilltops.
 - (K) A 30 foot buffer where no land disturbance shall occur shall be maintained around open water areas, unless a specific common beach or grassed area is established.
- (2) Street Standards. Streets shall comply with Sections 10.07(a) and (b) except as follows:
- (A) Right-of-way width may be 49.5 feet for local streets in conservation subdivisions that have an ADT < 100. Streets shall have a surface width of 18 feet and a roadway width of 24 feet.

- (B) Cul-de-sacs may be designed as semi-circular and circular loop roads. A Minimum 30' outside radius around a landscaped island with a minimum 10' radius shall be required. Open space internal to these road features may be counted toward the open space requirements.
- (3) Sidewalks and Trails. Sidewalks may be required on one side of the street. As an alternative, pedestrian walks may be included along some street segments and through common open spaces. Walks may be meandering in alignment, as opposed to concrete sidewalks paralleling streets. Paths or trails leading into and through common open space may consist of mowed turf, woodchips, shredded bark, gravel, or asphalt.
- (e) **Siting Standards.**
 - (1) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more 20 dwelling units.
 - (2) Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
 - (3) Residential clusters shall avoid encroaching on rare plant communities, high quality sites or endangered species identified by the Department of Natural Resources.
 - (4) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
 - (5) Residential clusters should be sited to achieve the following goals, to the extent practicable.
 - (A) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - (B) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
 - (C) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through the use of landscaping or other features.
 - (D) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
 - (E) Landscaping around the cluster shall be provided when necessary to reduce off site views of residences.

(f) **Open Space Design.**

- (1) **Common Open Space.** The minimum open space required shall be owned and maintained under one of the alternatives listed in subsection (g) below as approved by the Town. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The open space shall be undivided and restricted in perpetuity from future development, as specified in Section 5.
- (2) Open space shall be designated as part of the development. If no density bonus is awarded, the minimum required open space is fifty percent (50%) of the gross acreage. If a development bonus is awarded, at no time shall the preserved open space be less than forty (40%) of the gross acreage.
- (3) The areas to be preserved shall be identified on a case-by case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site and to best achieve the purposes of this section.
- (4) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - (A) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - (B) Privately-held buildings or structures provided they are accessory to the use of the open space.
 - (C) Conservation of natural, archeological or historical resources.
 - (D) Meadows, woodland, wetlands, wildlife corridors, game preserves or similar conservation oriented areas.
 - (E) Walking or bicycle trails.
 - (F) Active recreation areas, provided they are limited to no more than ten percent (10%) of the total open space.
 - (G) Agriculture, horticulture or pasture uses provided that applicable best management practices are used to minimize environmental impacts.
 - (H) Landscaped stormwater management facilities, community wastewater disposal systems and off-site individual wastewater disposal systems located on soils particularly suited to such uses.
 - (I) Easements for drainage, access and underground utility lines.

- (J) Other conservation-oriented uses compatible with the purposes of this ordinance.
- (5) Road rights of way shall not be counted towards the required minimum open space.
- (6) No more than 50% of the required open space may consist of water bodies, ponds, floodplain, or wetlands. This paragraph shall not apply to storm water management facilities.
- (7) The portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- (8) Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community garden but should be designed in a manner that avoids adversely impacting archeological sites.
- (9) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned development trails on adjacent parcels shall be identified in the plan.

(g) **Common Open Space Ownership Alternatives.**

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (1) Homeowner's Association. A homeowner's association shall be established if the common open space is proposed to be owned by a homeowner's association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

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

- (A) The legal description of the common land;
- (B) A description of common facilities;
- (C) The restrictions placed upon the use and enjoyment of the lands or facilities;
- (D) Persons or entities entitled to enforce the restrictions;

- (E) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 - (F) A mechanism for resolving disputes among their owners or association members;
 - (G) The conditions and timing of the transfer of ownership and control of land or facilities to the association;
 - (H) Any other matter the developer deems appropriate.
- (2) Condominium Associations. If the common open space and facilities is to be held as a condominium, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a “common element” as defined in Wis. Stats. § 703.01(2). The condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space.
- (3) Non-Profit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization proven to the satisfaction of the Town that it will be willing and able to uphold the terms of the conveyance. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion to the Town in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance. The reversion may go to another nonprofit conservation organization, however, the ultimate reversion must go to the Town.
- (4) Public Dedication of Open Space and Streets.
- (A) The Town may accept the dedication of fee title or dedication of a conservation easement to the common open space. The Town may accept the common open space provided the common open space is accessible to the residents of the town and the Town has adequate access to maintain the common open space.
 - (B) Streets or other public ways which have been designated on a duly adopted official map or element of the Town comprehensive plan shall be dedicated or reserved by the subdivider to the Town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.
- (5) Individual Ownership. An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.

(h) **Maintenance Plan.**

Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Town prior to the final plat approval.

(1) The plan shall do the following:

- (A) Designate the ownership of the open space and common facilities in accordance with subsection (g) above.
- (B) Establish necessary regular and periodic operation and maintenance responsibilities.
- (C) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (D) Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative describing:
 - (i) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - (ii) The proposed end state for each common open space area; and the measures proposed for achieving the end state.
 - (iii) Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
 - (iv) The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

- (2) In the event that the organization established to own and maintain the common open space and common facilities, or any successor organization, fails to maintain all or any portion of the common open space facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the Town may send written notice by certified mail to such organization with copies sent by regular mail to the residents and owners of the common open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in

violation this Ordinance, in which case the security, if any, may be forfeited, and any permits may be revoked or suspended. The costs of corrective action by the Town shall be levied as a special charge pursuant to Wis. Stats. § 66.0627 against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties.

- (3) Management plans can be amended by the owner identified under subsection (g) above with the approval of the plan commission and Town Board.

History Note: Created by Ordinance adopted May 31, 2005; amended through codification; this section moved and renumbered during recodification.

SECTION 10.14 **ENFORCEMENT, PENALTIES AND REMEDIES**

(a) **Violations.**

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor subdivision, replat or condominium development within the jurisdiction 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 or the applicable Wisconsin Statutes.

(b) **Penalties.**

- (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction be subject to the penalties and forfeitures as provided in Wis. Stats. §§ 236.30, 236.31, 236.32, 236.335 and 236.35. Each day a violation exists or continues shall constitute a separate offense.
- (2) Improper recordation has penalties provided in Wis. Stats. § 236.30.
- (3) Conveyance of lots in unrecorded plats has penalties provided in Wis. Stats. § 236.31.
- (4) Monuments disturbed or not placed has penalties provided in Wis. Stats. § 236.32.
- (5) Unlawful sale of lots as a public nuisance, which may be enjoined by a court of record.

(c) **Appeals.**

Any person aggrieved by an objection to a plat or a failure to approve a plat or Certified Survey Map may appeal therefrom, as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(e)(10), 14 and 15, within 30 days of notification of the rejection of the plat.

History Note: this Section moved and renumbered during 2015 recodification.

SECTION 10.15 **INTERPRETATION OF ORDINANCE****(a) Abrogation and More Restrictive Requirements.**

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

(b) Interpretation.

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

(c) Severability.

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

(d) Repeal of Conflicting Ordinances.

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.

(e) Disclaimer.

(1) Multiple Jurisdictions. All persons reviewing the provisions of this Ordinance should be aware that the Town of Lodi is only one of a number of reviewing agencies that may have jurisdiction over proposed land divisions, subdivisions or development. The Town of Lodi cannot make any representations on behalf of any other governmental body. No land division or subdivision may be made unless all required approvals have been given.

(2) Binding Acts. No statement or action by any official, employee agent, or committee of the Town of Lodi should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.

(3) Compliance Assurance. The Town of Lodi expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for assuring the suitability of any property whose subdivision or land division has been approved by the Town Board.

(f) **Effective Date.**

This Ordinance shall take effect upon passage and publication as provided by law.

History Note: Adopted October 18, 1989; amended October 30, 1990; amended March 31, 1992; amended September 28, 1999; re-codified August 29, 2000; this section moved and renumbered during 2015 recodification.

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