

Chapter 2

Land Division and Subdivision Code

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Article A: Adoption; Introduction

Sec. 10-2-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Westport, Dane County, Wisconsin, does hereby order as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Westport.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public or private 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 of Westport.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 10-2-2 Abrogation and Greater Restrictions.

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

Sec. 10-2-3 Interpretation.

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

Sec. 10-2-4 Severability.

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

Sec. 10-2-5 Repeal.

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 10-2-6 Title.

This Chapter shall be known as, referred to, or cited as the "Town of Westport Land Division Ordinance."

Sec. 10-2-7 through Sec. 10-2-9 Reserved for Future Use.

Article B: Definitions

Sec. 10-2-10 Definitions.

- (a) The following definitions shall be applicable in this Chapter.
- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.
 - (3) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (4) **Certified Survey Map.** A map or plan of record of a land division, not a subdivision, meeting all the requirements of section 236.34, Wis. Stats., the Dane County Land Division Ordinances, and this chapter.
 - (5) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (6) **Commission.** The Plan Commission created by the Town Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (7) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
 - (8) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
 - (9) **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.
 - (10) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
 - (11) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
 - (12) **Land Division.** The division of a lot or parcel of land for the purpose of transfer of ownership or building development, where the act of division creates two (2) or more parcels, lots or building sites. The successive land division of a lot or parcel shall not create more than two (2) parcels in any five (5) year period.
 - (13) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

- (14) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (15) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (16) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (17) **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (18) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (19) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (20) **Lot Width.** The width of a parcel of land measured along the front building line.
- (21) **Master Plan.** The comprehensive plan for guiding and shaping the growth and development of the Town of Westport, including all of the component parts, as prepared by the Plan Commission and certified to or approved by the Town Board, which may also be referred to as the Town Land Use Plan.
- (22) **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.
- (23) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (24) **Owner.** Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (25) **Parcel.** Contiguous lands under the control of a subdivider not separated by a roadway.
- (26) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (27) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.
- (28) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision, along with required supporting data to be submitted to the Plan Commission/Town Board of their preliminary consideration, prior to the final plat, and when required, prior to a land division.
- (29) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual

protection against undesirable aspects of development which would tend to impair stability of values.

- (30) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (31) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (32) **Subdivider.** Any person, firm, partnership, corporation, association, estate, trust, or other legal entity, or any agent thereof, dividing or proposing to divide land resulting in a land division, subdivision, or replat, or which requests a review of the same.
- (33) **Subdivision.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (34) **Town.** The Town of Westport, Dane County, Wisconsin.
- (35) **Urban Service Area.** That area in the Town served by sewer facilities, designated on a map adopted by the Town Board and the Dane County Regional Planning Commission.
- (36) **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. (Sec. 23.32(1), Wis. Stats.)
- (37) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 10-2-11 through Sec. 10-2-19 Reserved for Future Use.

Article C: General Provisions

Sec. 10-2-20 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Section 80.08, Wis. Stats.
 - (2) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Town of Westport Master Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Town.
 - (8) Applicable provisions of the Dane County Code of Ordinances.
 - (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Westport. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any land division other than a subdivision, shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats., and in accordance with the requirements of this Chapter.

- (d) **Building Permits.** The Town of Westport shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the Town of Westport on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.
- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (f) **Lot Line Adjustments by CSM, Administrative Review.** Where the sale or exchange of parcels involves only a change of lot lines and not the creation of additional buildable parcels, such lot line adjustments by use of a Certified Survey Map ("CSM") may be approved by the Town Administrator in his or her discretion after a staff review to determine conformance with Town Ordinances. Additionally, prior to approval by the Town Administrator of such a CSM, a notice of potential approval and copy of the CSM shall be provided via hand delivery or first class mail by the Town Administrator to the owners of property located within 100 feet of the CSM property, and also to members of the Town Plan Commission and Board, for review and objection, which objection must be received in writing by the Administrator within 10 days of the date on which notice of potential approval was provided. If a timely objection is received, the CSM must be acted upon by the Board after reviewing the recommendation of the Plan Commission, using the standard Town CSM review process.

Sec. 10-2-21 Land Suitability.

- (a) **Suitability.** No land shall be divided for any use which is held unsuitable for such use by the Town Board, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if so desired. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) Except as provided herein, the Plan Commission shall make a determination regarding land suitability at the time of pre-application conferences, following comment by the Dane County Soil and Water Conservation District, if requested. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the Preliminary Plat or certified survey, the subdivider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

- (1) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to flood plain zoning district limits, if present, channel or stream fill limits and elevations, and flood-proofing measures taken or proposed to be taken.
 - (2) Two (2) copies of a typical valley cross-section showing the channel or the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - (3) Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.
 - (4) Such other data as may be required.
- (c) When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may transmit to the Division of Environmental Protection, Wisconsin Department of Natural Resources, one (1) set of the information required and may request that Division to provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed.
- (d) Where a proposed land division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the applicable County Ordinances shall apply.
- (e) The subdivider may, as a part of the pre-application procedures, request a determination of land suitability providing that he shall provide all necessary maps, data and information for such a determination to be made.
- (f) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (g) **Additional Considerations.**
- (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
 - (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
 - (3) Suitability of land for private sewerage systems shall be determined in accordance with Chapter ILHR 83, Wisconsin Administrative Code.

Sec. 10-2-22 Condominium Developments.

- (a) **Purpose.**
- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose

burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development 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 school;
 - d. Additional traffic and street use.
- (b) **Portions of Chapter Applicable to Condominium Developments.** The following sections of this Chapter shall apply to condominium developments:
 - (1) Sections 10-2-21, relating to land suitability and construction practices;
 - (2) Sections 10-2-30 through 10-2-32, relating to preliminary plat approval. This state of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 10-2-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (3) Section 10-2-35, relating to fees for review;
 - (4) Article F, relating to required improvements;
 - (5) Article G, relating to design standards for improvements;
 - (6) Article H, relating to dedication requirements.
- (c) This Section shall not apply to the following condominiums:
 - (1) Any condominium plat recorded prior to the effective date of this Chapter;
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 10-2-23 Waunakee/Westport Joint Planning Area.

- (a) **Definition.** The Waunakee/Westport Joint Planning Area or JPA is that area of land within the Town of Waunakee and Town of Westport as defined in the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Town of

Waunakee and the Town of Westport dated September 19, 1996, or as amended by the Town and the Town.

- (b) **General Purpose of this Section.** In the above area, the Village of Waunakee and Town of Westport governing bodies have agreed to delegate certain review and approval abilities over land use decisions to the Joint Planning Committee (JPC) created by that agreement. By this section, it is the intent of the Town to specify those powers of the JPC in this area under this Chapter. No action of the JPC is effective unless approved by a majority vote of the entire membership of the JPC.
- (c) **Applicable Provisions.**
 - (1) **Land Divisions.** For those areas of the Town which also lie within the JPA, the JPC shall act as the Plan Commission under Article D of this Chapter for any land division review requested. The JPC shall conduct all public hearings on land divisions requested in this area, as necessary. The Town Board may not approve any land division in the JPA until and unless such land division has been approved by a majority of the members of the entire JPC after any required public hearing.
 - (2) **Variances and Exceptions.** The JPC shall act as the Plan Commission under Article I of this Chapter for variances and/or exceptions from the terms of this Chapter as requested in the JPA. The Town Board may not approve any variance and/or exception in the JPA until and unless such variance and/or exception has been approved by a majority of the members of the entire JPC. All other provisions of that Article not in conflict herein shall apply and shall be followed by the JPC acting as the Plan Commission as to reviews of variances and/or exceptions in the JPA.
 - (3) **Land Suitability.** The JPC shall act as the Plan Commission under sec. 10-2-21 of this Chapter for land suitability decisions in the JPA. All other provisions of that section not in conflict herein shall be followed by the JPC acting as the Plan Commission as to land suitability reviews in the JPA.
 - (4) **Remaining Sections.** The remaining sections of this Chapter, to the extent they do not conflict with the provisions of this section, shall apply in the JPA.
- (d) **Amendment.** The provisions of this section shall not be amended unless and until approval of such amendment has been recommended by a majority vote of the entire membership of the JPC after following the procedures for amendment under section 236.45, Wis. Stats.

Sec. 10-2-24 Land Development Policies to Preserve Rural Character.

- (a) **Purpose.** The purpose of this section is to preserve the Town's rural character and to provide a regulatory mechanism through which development can occur with minimal environmental impact. This section promotes creative development and provides flexibility not generally found in conventional subdivision ordinances. The underlying assumptions and rationale for this ordinance can be found in the Town's Comprehensive Plan. The provisions of this section apply to all land divisions in Rural Preservation or Agricultural Preservation districts in the Town's Comprehensive Plan or a joint planning/zoning area plan.
- (b) **Preliminary Design Assessment.** In addition to those items required for submission, all applicants for land divisions within any Rural Preservation or Agricultural Preservation district in the Town's Comprehensive Plan or a joint planning or zoning area plan must also provide a preliminary design assessment. This assessment shall consist of a graphic and narrative site feature inventory. All significant site features should be included: critical areas, vistas, ridge lines, wetlands, floodplains, slopes, tree lines, stone rows, significant rock outcrops and tree masses, rare and endangered species habitats, game fish maintenance and game fish production streams, and any additional features uniquely affecting a site.
- (c) **Wildlife Management Plan.**
- (1) In projects involving 10 or more acres, a wildlife management plan shall be submitted. This plan shall address measures taken to preserve and improve on-site wildlife habitat. Rare and endangered species habitat protection shall be addressed, if applicable.
 - (2) Open space and conservation easement areas shall be designed with massing and linkage as guiding principles. Open space and conservation areas shall be contiguous both on site and off tract. Stream corridors and contiguous wetlands can provide linkage.
- (d) **General Requirements.**
- (1) *Permitted uses:* Single-family detached housing, agricultural uses, wood lot management, and other preservation or conservation uses.
 - (2) *Maximum total lot disturbance:* Fifty percent of lot area or 25,000 square feet, whichever is less. Site disturbance shall include all areas disturbed for the purpose of constructing buildings and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside the building envelope.
 - (3) *Maximum total tract disturbance for public improvements including streets and stormwater management facilities:* Seven percent of tract area. All improvement-related disturbance shall be included in this calculation, including areas of grading and vegetation removal as well as the driveways, trails and basins.

- (4) *Minimum spacing between building envelopes on adjacent lots: 50 feet.*
 - (5) *Minimum spacing between building envelopes and tract boundary or off-site public street: 50 feet.*
 - (6) *No building envelope shall be placed closer than 50 feet to any lot line.*
 - (7) *Minimum spacing of building envelope from on-site public streets: 100 feet.*
 - (8) *Minimum setback of building envelope from rivers, streams, lakes or ponds: 100 feet.*
- (e) **Design Standards.** The following criteria shall be considered design standards. It is recognized that not all of these standards may be achievable in every land division. For this reason, each application shall be carefully considered, and waiver variances shall be granted where appropriate.
- (1) **Lot frontage.** Where a lot abuts a public street, the minimum lot frontage shall be 100 feet. Lots using private drives for access shall not be required to have frontage on a public street.
 - (2) **Locating building envelopes.**
 - a. Building envelopes shall be selected that do not include the tops of ridge lines.
 - b. Building envelopes shall avoid open fields.
 - c. Building envelopes shall be located on the edges of fields and in wooded areas to minimize the visual impact of development.
 - d. Building envelopes shall not include wetlands, transition areas, and floodplains
 - e. Building envelopes shall not include areas with slopes in excess of 12 percent
 - (3) **Clustering.**
 - a. Clustering shall be permitted upon the submission of an acceptable open space management plan.
 - b. The minimum tract area for the use of the cluster option shall be 25 acres.
 - c. The minimum common open space shall be 10 contiguous acres.
 - d. Each area of common open space shall have at least two 30-foot-wide pedestrian access points accessible from a public roadway.
 - e. If an open space management plan acceptable to the appropriate plan commission is not possible, the building lots shall be increased in size to include the entire tract area, and conservation easements will be used to restrict the area identified as open space on the cluster plan.
 - f. No increase in density shall be permitted when using the cluster option.
 - g. Land divisions where some of the resultant individual lots exceed 10 acres, no further division of these lots shall be permitted. This restriction shall be included in the lot's deed.
- (f) **Conservation Easements/Deed Restrictions.**

- (1) Conservation easements shall be required for all wetland areas and required transition areas.
- (2) Critical areas located outside building envelopes shall contain conservation easements. These critical areas shall include slopes in excess of 12 percent, flood-plains, forests and open water bodies.
- (3) All land division maps shall contain a reference to any required conservation easement.
- (4) All lots created shall include a deed restriction against further division and which restriction shall include the entire parcel from which the new lot was or lots were created.

(g) **Design Standards for Public Roads**

It is the intent of this section to minimize the amount of site disruption caused by roadways and the associated grading required for their construction. In addition to the requirements of this section, the following shall be considered,

- (1) *Path or trail width: 33 feet.*
- (2) *Minimum distance between access points on off-site public roads: 200 feet.*
Access points shall include individual and common driveways and on-site public roadways.
- (3) *Roadways shall follow existing contours to minimize the extent of cuts and fills.*
- (4) *Where sites include linear features such as existing access roads, tree lines, and stone rows, roadways shall follow these features to minimize their visual impact.*
- (5) *Roadways shall not be located in open fields.*

(h) **Driveways**

- (1) The number of driveways accessing off-site public streets shall be kept to a minimum.
- (2) The appropriate use of common driveways is encouraged. Where lots will access an off-site public street, common driveways shall be used where appropriate to minimize the number of driveway cuts required.
- (3) The maximum number of units served by a common driveway shall be four.
- (4) Minimum common driveway width shall conform to the Town's driveway regulation ordinances.
- (5) Paving shall be required in areas where driveway grade is in excess of six percent.
- (6) Maximum length of common driveway: 1,000 feet.
- (7) All driveways in excess of 500 feet shall provide a 10' X 30' turnaround/turnout. The exact location of the turnaround/turnout shall be determined by the Board with the review of the applicable fire department.
- (8) All driveway areas shall be included in the total lot disturbance calculation for the lot on which the driveway is located.
- (9) All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved by the Town Board.

- (i) **Stormwater Management.**
 - (1) Existing natural drainage ways shall be retained.
 - (2) Where stormwater management facilities are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.
 - (3) Retention basins shall be used where basins are required.
 - (4) All basins shall require landscaping plans. The basins shall resemble natural ponds to the maximum extent practical.
 - (5) Basin landscaping materials that enhance wildlife habitat shall be selected.
 - (6) All management plans shall meet a standard of zero runoff in a 100 year storm, meaning that the plan must provide to infiltrate 100% of the increased post-development runoff volume from the 100-year, 24-hour design storm with type-II distribution (as compared to the runoff volume from the pre-development 100-year, 24-hour design storm with type-II distribution). Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55.
 - (7) Deep chisel plowing shall be utilized prior to final landscaping.
- (j) **Landscaping and Lawns.**
 - (1) Existing vegetation shall be preserved in areas when disturbance is not necessary outside the building envelope.
 - (2) The creation of lawn areas in excess 10,000 square feet is prohibited. Lawn areas shall be included in the total site disturbance calculation. In instances where a lot includes open field areas, these areas may be seeded without being included in the 10,000-square-foot total or the total site disturbance calculation.
 - (3) Where landscaping is proposed, native species shall be included in the design. Invasive species and noxious weeds shall be prohibited and removed, which removal shall be confirmed by the Town. A plan which shall include provision for reasonable efforts to remove and control invasive species and noxious weeds shall be provided to the Town prior to the commencement of landscaping.
 - (4) Where building envelopes are located in woodlands, a treed area of at least 30 feet between the building envelope and the common drive or roadway shall be retained.
- (k) **Fencing.**
 - (1) Perimeter fencing of lots is not permitted.
 - (2) Fencing may be constructed on the perimeter of or within the building envelope area of lots.
 - (3) The fencing restriction shall not apply to agricultural areas where fencing may be required by other provisions of this Code.
 - (4) Critical areas such as streams, lakes, ponds, wetlands, floodplains, steep slopes, hilltops, view sheds and native prairie remnants, located outside building envelopes shall not be fenced.

- (l) **Signage.**
 - (1) Permanent on-site development identification signs are prohibited.
 - (2) Where the Board determines that a development identification sign is appropriate, its area shall be limited to eight square feet, its construction shall be of natural materials (i.e., wood and stone), and the base area shall be appropriately landscaped.
 - (3) Resident identification signs are permitted at entrances to driveways in accordance with other provisions of this Code or other applicable law. The maximum height of resident identification signs shall be eight feet. Each individual name sign shall not be more than one square foot.
- (m) **Lighting.**
 - (1) Lighting shall be provided only where site-specific safety conditions warrant.
 - (2) Where street lighting is required, its location and intensity shall be subject to the board's review.
 - (3) Only full cut-off lighting shall be utilized, and lighting shall otherwise conform to the Town's exterior lighting code.
- (n) **Concrete Engineered Structures.** Visible structures such as curbing, culverts, walls, and outlet structures shall not be stark white. The use of dyed and textured concrete as well as of other natural materials is required to minimize the visual impact of these structures.
- (o) **Accessory Buildings and Structures.**
 - (1) Accessory building shall be located within the building envelope areas except as otherwise permitted by this Code.
 - (2) Septics, wells, and driveways may be located outside building envelopes.
- (p) **Existing Structures.**
 - (1) When a tract contains existing structures deemed to be of historic or architectural significance, and where these structures are suitable for rehabilitation, the structures shall be retained.
 - (2) Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.
- (q) **Guardrails.** Where guardrails are necessary, they shall be constructed of wood.

**TABLE 1.
DEVELOPMENT TYPE: SINGLE-FAMILY;
DEVELOPMENT LANDFORM-FARM FIELDS**

GOALS	IMPLEMENTATION TECHNIQUES
Minimize Visual Impact	<ol style="list-style-type: none"> 1. Structures should not be placed in open fields. 2. Residences should be located adjacent to tree lines and wooded field edges. 3. Residences should not front directly on off-site streets. 4. Where clustering will yield open space that can remain in active agriculture, its use should be explored and possibly required.
Retain rural features	<ol style="list-style-type: none"> 1. Existing farm roads should be incorporated into design. 2. Stone rows and tree lines should be preserved. 3. Existing agricultural structures such as barns and silos should be preserved where feasible.
Minimize site disturbance	<ol style="list-style-type: none"> 1. Roads should follow existing contours. 2. Disturbance for the construction of roads, basins, and other improvements should be kept at a minimum. 3. Disturbance on individual lots should be limited.

TABLE 2.

**DEVELOPMENT TYPE: SINGLE-FAMILY DEVELOPMENT;
DEVELOPMENT LANDFORM-LAKEFRONT OR RIVER/STREAMFRONT
DEVELOPMENT**

GOALS	IMPLEMENTATION TECHNIQUES
Minimize visual impact	<ol style="list-style-type: none"> 1. A minimum setback from lakes or ponds, rivers or streams, should be consistently maintained. 2. The maximum linear disturbance per lot should be limited. Disturbances include docks, bulkheads, decks, walkways, lawns, non-native landscaping and beach areas.
Retain water quality	<ol style="list-style-type: none"> 1. A lake/river/stream management plan should be prepared to control chemical pollutants, such as hydrocarbons and fertilizers.
Minimize site disturbance	<ol style="list-style-type: none"> 1. Total disturbance, especially within buffer areas, should be limited. 2. Roads should follow existing contours. 3. Disturbance for the construction of roads, basins, and other improvements should be kept to a minimum.

**TABLE 3.
DEVELOPMENT TYPE: SINGLE-FAMILY DEVELOPMENT
DEVELOPMENT LANDFORM-WOODED SLOPES**

GOALS	IMPLEMENTATION TECHNIQUES
Minimize visual impact of development	<ol style="list-style-type: none"> 1. Structure should not be placed on ridge lines. 2. Trees on ridges should not be removed. 3. Towers should not be placed on top of ridge lines. 4. The height of towers should be limited to an elevation below the crown line of mature on-site trees.
Retain woodland features	<ol style="list-style-type: none"> 1. Stone rows and tree lines should be preserved. 2. Treed areas between the principal structure and the drive or roadway should be retained.
Minimize site disturbance	<ol style="list-style-type: none"> 1. Roads should follow existing contours. 2. Disturbance for the construction or roads, basins, and other improvements should be kept to a minimum. 3. Disturbance on individual lots should be limited. 4. Building envelopes should be limited and located in the most suitable areas for development. 5. Areas beyond reduced envelopes should be restricted against development. 6. Building envelopes should not be drawn into steep slope areas. 7. The maximum amount of natural vegetation on each site should be preserved.

Sec. 10-2-25 2009 Wisconsin Act 376.

To the extent that Title 10, Chapter 2 of this Code contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236, Wis. Stats., the time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Chapter 236, Wis. Stats., shall apply.

Sec. 10-2-26 through Sec. 10-2-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 10-2-30 Preliminary Consultation.

- (a) Before filing a Preliminary Plat or certified survey, the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) **Environmental Assessment.** All applications hereunder shall use the Environmental Assessment Checklist, available from the Town Clerk.
- (1) *Purpose.* The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the affects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Plan Commission will use these procedures in determining land suitability under Section 10-2-21. The goals of the community in requiring this checklist are 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 stormwater 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.
 - (2) *Coverage.* The Environmental Assessment Checklist shall apply to all reviewable subdivisions and certified survey maps. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for certified surveys of less than five (5) acres total area.
 - (3) *Form Preparation.* An Environmental Assessment Checklist form as required under this section shall be prepared by the Plan Commission and made available to the public by the Town Clerk.
 - (4) *Determination of Need for Expanded Environmental Assessment.* The Environmental Assessment Checklist shall be reviewed by the Plan Commission following submittal. The Plan Commission may, for reasons stated in a written

determination, decide that the environmental assessment raises unusually significant questions on the effects on the environment and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. Such a decision shall be made within thirty (30) days of the review, or within forty-five (45) days following submittal, and shall be followed by adoption by the Plan Commission of a resolution setting forth the specific questions on which it requires research, data and input from affected persons. The listing of questions can include items which this Chapter 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 developer or applicant. 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 to be presented.

- (5) *Hearing on Environmental Assessment Report.* Following the return to the Plan Commission of the data called for in the resolution adopted under Subsection (4) above, the Plan Commission shall make such report available for scrutiny by the subdivider or petitioner, by the Town, and by other interested persons or agencies, including all contiguous landowners, who shall be given the opportunity to comment. The Plan Commission may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class I notice under Ch. 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.
- (6) *Review.* The Plan Commission shall review, as part of its analysis of a land division, the Environmental Assessment Report, with supporting data, department, and committee reviews and any other data required for determining the suitability of the land for the proposed development.

Sec. 10-2-31 Submission of Preliminary Plat.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit twelve (12) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Town Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission, and to the Town Engineer for review and written report of recommendations and reactions to the proposed plat.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Town Clerk-Treasurer three (3) complete sets of engineering reports, and preliminary plans for the construction of any public

- improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Town Clerk-Treasurer.
 - (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
 - (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) *Use Statement.* A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) *Zoning Changes.* If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) *Area Plan.* Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or town Board may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
 - (4) *Plat Checklist.* A completed "Checklist for Preliminary Plats" provided by the Town Clerk, the form of which shall be approved by the Plan Commission.
 - (f) **Street Plans and Profiles.** The subdivider shall provide preliminary street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
 - (g) **Soil Testing.** The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 10-2-21, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
 - (h) **Referral to Other Agencies.** Besides referral to any other entities required by law, a copy of the Preliminary Plat and supporting documents shall be supplied by the owner to each Fire District and Emergency Medical Services District servicing the property included in the Preliminary Plat.

- (i) **Drafting Standards.** The subdivider shall submit to the Town Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

Sec. 10-2-32 Preliminary Plat Review and Approval.

- (a) **Plan Commission Recommendation.**
 - (1) After review of the Preliminary Plat and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval or conditional approval of the Preliminary Plat within forty (40) days of the filing date.
 - (2) The Town Clerk-Treasurer shall give notice of the Plan Commission's review of the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the name given to the plat, the address of the property in question and the requested action.
 - (3) The Plan Commission shall refer the Preliminary Plat to the Town Engineer and Town Attorney for comments and recommendations prior to making a recommendation to the Town Board. Additionally, any public input and comments received by the Plan Commission prior to its recommendation shall be reviewed.
- (b) **Board Review; Public Hearing.**
 - (1) The Town Clerk-Treasurer shall schedule a public hearing on the Preliminary Plat before the Town Board. The Town Clerk shall give notice of the Town Board's review and public hearing on the Preliminary Plat or certified survey 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 or general location of the property in question and the requested action. The Town Board may delegate the authority to hold the public hearing required under this subsection to the Town Plan Commission.

- (2) The owners of property located within 1/4 mile of the boundaries of the proposed land division property, or the owners of property abutting the boundaries of the proposed land division and the owners of property which abuts that property (abutters of the abutters), whichever encompasses a greater area within the Town, shall receive written notice of the public hearing. The subdivider shall provide this notice by first class mail at least fourteen (14) days before the public hearing, and shall file proof of mailing with the Town Clerk-Treasurer prior to the hearing.
- (c) **Determination of Adequacy of Public Facilities and Services.**
- (1) A Preliminary Plat shall not be approved unless the Plan Commission, the Sanitary District Commission (if appropriate), and the Town Board determine that adequate public facilities and public services are available to meet the needs of the proposed land division and that no public funds, other than those already provided in an adopted capital or operating budget, are required.
- (2) The applicant shall furnish any data requested by the Town Board or its designee, who shall transmit this information to the appropriate Town commissions(s) and committee(s) for review and shall act as coordinator for their reports to the Plan Commission, Sanitary District Commission and Town Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.
- (3) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
- a. The proposed land division is located in an urban service area where mainline interceptor sewer service is presently available, under construction, or designated by the Town Board or Sanitary District Commission for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Town Board shall also consider the recommendations of the Town Board or its designee and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - b. The proposed land division is located within an urban service area contingent to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Town Board shall consider the recommendations of the Town Board or its designee and the appropriate committee(s) on line capacities, water sources and storage facilities as well as any other information presented.
 - c. The Town Board or its designee and the appropriate committee(s) certify to the Plan Commission and the Town Board that adequate funds, either

public or private, are available to insure the installation of all necessary storm water management facilities.

- d. The appropriate Police or Sheriff's Department and Fire District verify prior to the public hearing on the land division that timely and adequate service can be provided to the residents.
- e. The appropriate School District be given prior to the public hearing on the land division the opportunity to review and comment.
- f. The proposed land division is accessible by existing publicly maintained, all weather roads, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division, or necessary additional roads and road improvements are budgeted in the current adopted budget for construction with public or private financing.
- g. Where the Plan Commission and the Town Board determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

- (d) **Board Action.** After receipt of the Plan Commissions' recommendation, the Town Board shall, within ninety (90) days of the date the plat was filed with the Town Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection unless the time is extended by agreement with the subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Town Clerk-Treasurer shall communicate to the subdivider the action of the Town Board. If the plat is approved, the Town Clerk-Treasurer shall endorse it for the Town Board.
- (e) **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 twenty-four (24) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- (f) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 10-2-33 Final Plat Review and Approval.**(a) Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file twelve (12) copies of the Plat and the application with the Town Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in Section 10-2-32(a)(2). The owner or subdivider shall file the Final Plat not later than twenty-four (24) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant.
- (2) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
- (3) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Town Clerk-Treasurer three (3) copies of the final plans and specifications of public improvements required by this Chapter. Submittal of the Final Plat shall not be considered complete, nor shall the Final Plat review period commence, until all required documents are filed with the Town Clerk-Treasurer.
- (4) The Town Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission and one (1) copy to the Town Engineer. 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 thirty (30) days of the filing of the Final Plat. The Town Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, the Town Engineer shall return them to the owner and so advise the Plan Commission.

(b) Plan Commission Review.

- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Town Board.
- (2) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Town Clerk-Treasurer, recommend approval, conditional

approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) **Board Review and Approval.**

- (1) The Town Board shall, within sixty (60) days of the date of filing the original 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 forwarded to the subdivider. If the Final Plat is not filed within six (6) months of the last-required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
- (2) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (3) After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval.

- (d) **Partial Platting.** The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time. Such Final Plat approval of a portion of a Preliminary Plat does not extend the Preliminary Plat approval time of the remainder under section 10-2-32(e), above.

Sec. 10-2-34 Certified Survey Map Procedure.

When a Land Division Is Created as defined herein which requires the Town's approval of a certified survey map, the subdivider shall first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map, in accordance with section 236.34, Wis. Stats., and this chapter, shall be submitted to the Plan Commission at least ten (10) days prior to the regular meeting of the Plan Commission. The Plan Commission shall, within thirty (30) days of the filing, recommend to the Town Board approval, conditional approval or rejection of the map. The Town Board, after receiving such recommendation, shall approve, or reject the map within ninety (90) days of the filing. If the Town Board fails to act within the ninety (90) day period, the map shall be deemed rejected unless an agreement is entered to extend the review period. The subdivider shall record the map with the applicable county register of deeds within thirty (30) days of its approval. Failure to do so shall necessitate reapproval of the map by the Town Board. To the extent reasonably practicable, the certified survey map shall comply with the provisions of this chapter relating to general requirements,

design standards and required improvements. A copy of the recorded survey map shall be returned to the Town Clerk prior to the issuance of any building permits.

Sec. 10-2-35 Administrative Fees.

- (a) **General.**
- (1) The subdivider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to the recording of a plat or certified survey map.
 - (2) At the time of submitting a plat or certified survey application, the developer shall pay to the Town Clerk filing fees. All filing fees shall be set by Town Board resolution.
- (b) **Engineering and Attorney Fees.** The subdivider shall pay a fee equal to the actual cost to the Town for all engineering and legal work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.
- (c) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.
- (d) **Preliminary Plat And Certified Survey Map Review Fee.**
- (1) The subdivider shall pay a fee established by resolution of the Town Board to the Town Clerk-Treasurer at the time of first application for approval of any Preliminary Plats or certified survey maps to assist in defraying the cost of review.
 - (2) A reapplication fee as established by resolution of the Town Board shall be paid to the Town Clerk-Treasurer at the time of reapplication for approval of any Preliminary Plat which has previously been reviewed.
- (e) **Final Plat Review Fee.**
- (1) The subdivider shall pay a fee as established by resolution of the Town Board 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.
 - (2) A reapplication fee as established by resolution of the Town Board shall be paid to the Town Clerk-Treasurer at the time of a reapplication for approval of any Final Plat which has previously been reviewed.
- (f) **Escrow Account.** At the time of filing with the Town Clerk a proposed subdivision or certified survey, the subdivider shall deposit with the Town Clerk an escrow fund for subdivisions and for certified surveys in amounts as established by resolution of the Town Board. As required at the sole discretion of the Town Board, funds may be drawn from said escrow accounts for payment of engineering, legal and other administrative and review costs under this Chapter incurred by the Town in reviewing the proposed land

division. Monies not required for such administrative costs shall be returned to the applicant. If Town costs exceed the initial escrow account amount, the Town reserves the right to require additional escrow account deposits from the subdivider.

Sec. 10-2-36 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The Town Clerk-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 cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 10-2-37 through 10-2-39 Reserved for Future Use.

Article E: Technical Requirements for Plats and Certified Surveys

Sec. 10-2-40 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS.

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) *Title* under which the proposed subdivision is to be recorded.
 - (2) *Location* of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) *Date, Scale and North Point.*
 - (4) *Name and Addresses* of the owner, subdivider and land surveyor preparing the plat.
 - (5) *Entire Area* contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Town Board, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) *Exact Length and Bearing* of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) *Locations of all Existing Property Boundary Lines*, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) *Location, Right-of-Way Width and Names* of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) *Location and Names of any Adjacent Subdivisions*, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) *Type, Width and Elevation* of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.

- (6) *Location, Size and Invert Elevation* of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) *Corporate Limit Lines* within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) *Existing Zoning* on and adjacent to the proposed subdivision.
- (9) *Contours* within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) *High-Water Elevation* of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) *Water Elevation* of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) *Floodland and Shoreland Boundaries* and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) *Soil Types* and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) *Location and Results of Soil Boring Tests* within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
- (15) *Location and Results of Percolation Tests* within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (16) *Location, Width and Names* of all proposed streets and public rights-of-way such as alleys and easements.

- (17) *Approximate Dimensions of All Lots* together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - (18) *Location and Approximate Dimensions* of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (19) *Approximate Radii of all Curves.*
 - (20) *Any Proposed Lake and Stream Access* with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (21) *Any Proposed Lake and Stream* improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (22) *Any Environmental Corridors* which exist within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
 - (23) *Where the Plan Commission, Town Board or Town Engineer* finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Additional Information.** The Plan Commission and/or Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

Sec. 10-2-41 Technical Requirements for Final Plats.

- (a) **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 Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (1) *Exact Length and Bearing* of the center line of all streets.
 - (2) *Exact Street Width* along the line of any obliquely intersecting street.
 - (3) *Exact Location and Description* of vision triangle easements which shall be required at all street intersections for construction and landscaping as required by the Town Board.
 - (4) *Exact Location and Description* of street lighting and lighting utility easements.
 - (5) *Railroad Rights-of-Way* within and abutting the plat.
 - (6) *All Lands Reserved* for future public acquisition or reserved for the common use of property owners within the Plat.
 - (7) *Special Restrictions* required by the Town Board relating to access control along public ways or to the provision of planting strips.
- (c) **Accuracy Survey.**

- (1) *Examination.* The Town Board shall examine all Final Plats within the Town of Westport 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.
- (2) *Maximum Error of Closure.* Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall be in accordance with chapter 236, Wis. Stats.
- (3) *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, in accordance with chapter 236, Wis. Stats.
- (4) *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 Section 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plan 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.
- (d) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (e) **State Plan Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, 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. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (f) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

Sec. 10-2-42 Technical Requirements for Certified Survey Land Divisions.

- (a) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) *All Existing Buildings,* watercourses, drainage ditches and other features pertinent to proper division.
 - (2) *Setbacks or Building Lines* required by the Town ordinances and the Dane County Zoning Code.
 - (3) *All Lands Reserved* for future acquisition.

- (4) *Date of the Map.*
 - (5) *Graphic Scale.*
 - (6) *Name and Address* of the owner, subdivider and surveyor.
 - (7) *Square Footage* of each parcel.
 - (8) *Present Zoning* for the parcels.
- (b) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (c) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (d) **Recordation.** The subdivider shall record the map with the Dane County Register of Deeds within thirty (30) days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Town Board.
- (e) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width. All Certified Survey Maps shall be prepared by a registered land surveyor.

Sec. 10-2-43 through Sec. 10-2-49 Reserved for Future Use.

Article F: Required Improvements

Sec. 10-2-50 Required Improvements.

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

Sec. 10-2-51 Required Agreement Providing for Proper Installation of Improvements.

- (a) **Contract.** Prior to installation of any required improvements and prior to the meeting at which the Final Plat or Certified Survey Map is approved, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Town Engineer.
- (b) **Financial Guarantees.**
 - (1) The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one and one quarter (1-1/4) times the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
 - (2) If the required improvements are not complete within the specified period, all amounts held under performance bond, deposit or letter of credit, shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may

extend the bond, deposit or letter of credit, period for additional periods not to exceed two (2) years each period.

- (3) The time 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 be a component of the contract.
- (4) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include review and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, and Attorney, as well as other costs of a similar nature.

Sec. 10-2-52 Required Construction Plans; Town Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 10-2-31, preliminary engineering reports, plans and proposed specifications shall be submitted simultaneously 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 who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for approval and for an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Town Clerk-Treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district;
 - (1) *Street Plans and Profiles* showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) *Sanitary Sewer* plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) *Storm Sewer and Open Channel* plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) *Water Main* plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) *Wells Plans* where a well will be utilized to serve more than one lot.
 - (6) *Grading Plans with 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.
 - (7) *Planting Plans* showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.

- (8) *Retention/Detention Ponds* plans showing the locations, sizes, elevations and materials of required facilities.
- (9) *Additional* special plans or information as required by Town officials.
- (b) **Action by the Town Engineer.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
 - (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until the binder course (initial asphalt surface) for the street serving the lot for which the building permit is applied is satisfactorily constructed.
 - (2) Construction of all improvements required by this Chapter shall be completed within 18 months from the date of approval of the Preliminary Plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
 - (3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The owner 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.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made as built drawings showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. One of these drawings shall be prepared on the original mylars of the construction plans, and another set of prints shall also be provided, and both shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the drawings shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

Sec. 10-2-53 Street Improvements.

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

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 10-2-70 and 10-2-71.
- (b) **Grading.**
 - (1) With the submittal of the Final Plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads and streets shown on the plat.
 - (2) 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.
 - (3) After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots.
 - (4) 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.
 - (5) The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
 - (6) 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.
 - (7) Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (c) **Street Construction.** After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, where required by the Town, 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 10-2-70 and 10-2-71. Construction shall be to Town standard specifications for street improvements.
- (d) **Completion of Street and Sidewalk Construction.**
 - (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the Town Engineer and accepted by the Town Board.
 - (2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Town Board.
 - (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

Sec. 10-2-54 Curb and Gutter.

After the installation of all required utility and storm water drainage improvements, the subdivider, when required by the Town Board, shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town Board or its designee.

Sec. 10-2-55 Sidewalks.

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

Sec. 10-2-56 Sanitary Sewerage System.

- (a) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey parcel or land division.
- (b) Subdivisions and certified survey parcels in a designated Urban Service Area shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate utility district. Service laterals shall be provided to all lots served by public sewer.
- (c) Land divisions created by certified survey 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 the Wisconsin Administrative Code Section H 82.20 and with the Dane County Sanitation Ordinance.
- (d) 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.

Sec. 10-2-57 Water Supply Facilities.

- (a) In land divisions within a designated Urban Service Area, or which include five (5) or more lots or residential units, or which are located adjacent to an existing water supply system such as that described below, the subdivider shall construct and pay for a water system approved by the Town Board and in accordance with plans and specifications approved by the Town Engineer, which shall provide service to each lot within the land division from only one well or water source. Such system shall be constructed to be readily available for incorporation into a town water system. Private wells per lot will not be allowed in these land divisions.

- (b) In all other land divisions, private wells on each lot which comply with all federal, state and local requirements may be utilized, unless in the sole discretion of the Town Board, where the public interest so requires, some other type of water supply system shall be utilized as approved by the Town Board.

Sec. 10-2-58 Storm Water Drainage Facilities.

Pursuant to Section 10-2-74, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, stormwater detention/retention, and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider.

Sec. 10-2-59 Other Utilities.

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, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the 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.

Sec. 10-2-60 Street Signs and Lighting.

- (a) The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation as specified by the Town.
- (b) The subdivider shall install street lights at the direction of the Town Board.

Sec. 10-2-61 Street Trees.

- (a) In land divisions where curb, gutter and sidewalks are required, the subdivider shall plant in the terrace area at least one (1) tree of a species acceptable to the Town Board and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Town Board.
- (b) No person without prior approval from the Town Board shall plant or maintain in the terrace area any tree, bush or other vegetation.
- (c) "Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area six (6) feet from the edge of pavement to the lot line or property line of the landowner shall be deemed to be a terrace for the purpose of this Chapter.

Sec. 10-2-62 Erosion Control.

Pursuant to the Town's Erosion Control Ordinance, 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 in accordance with the Town's Erosion Control Ordinance, and in compliance with Wisconsin Best Management Practices.

Sec. 10-2-63 Partition Fences.

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

Sec. 10-2-64 Easements.

- (a) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:

- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
- (2) 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 thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Evidence shall be furnished the Plan Commission and Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

Sec. 10-2-65 through Sec. 10-2-69 Reserved for Future Use.

Article G: Design Standards

Sec. 10-2-70 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 10-2-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Town Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road, except where private roads are allowed by the Town Board.
- (c) **Compliance with Plans.** The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Master Plan or other approved plans and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Plan.** In areas not covered by a Town Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Street Classifications.** Streets shall be classified as indicated below.
 - (1) *Arterial Streets.* Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) *Collector Streets.* Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) *Minor Streets.* Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and

- sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) *Proposed Streets.* Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- (g) **Continuation.** Street shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Dead-end streets not over one thousand (1000) feet in length will be approved when necessitated by the topography.
- (h) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (i) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two (2).
- (j) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (k) **Private Streets.**
- (1) All roads, lanes, highways or other ways to be located within any subdivision, plat or other land division shall be dedicated as public roads, lands, highways and rights of way, unless the Town Board of the Town of Westport otherwise determines, in its sole discretion, to permit private rights of way within the subdivision, plat, certified survey or other land division. Private rights of way shall only be permitted in situations where the installation of public roads will cause undue hardship to the subdivision or where other unusual circumstances exist that require such ways to be private. In determining whether or not to allow for private rights of way, the Town Board of the Town of Westport may impose conditions upon the subdivider relative to the private roadways, which the Town Board believes to be in the best interest of the public and promotive of the public health, welfare and safety.
- (2) No private road shall be subsequently conveyed to the Town, without the road first being brought up to standards applicable to public roads within the Town, unless the Town determines otherwise.

- (l) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections.
- (m) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (n) **Street Grades.**
 - (1) 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 (6%).
 Collector Streets: six percent (6%).
 Minor streets and frontage streets: eight percent (8%).
 Pedestrian ways: Twelve (12) to one (1) pitch or as required by federal or state law for handicap requirements.
 The grade of any street shall in no case exceed ten percent (10%) or be less than one-half (1/2) of one percent (1%).

- (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
- (o) **Radii of Curvature.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial streets and highways: four hundred fifty (450) feet.
 Collector Streets: two hundred fifty (250) feet.
 Minor streets: one hundred fifty (150) feet.

Curves should be provided when centerline deflections exceed one (1) degree in rural areas and in urban areas when deflection exceeds three (3) degrees.

- (p) **Half Streets.** Half streets shall not be allowed.
- (q) **Intersections.**
 - (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of twenty-five (25) feet or of a greater radius where the Town Engineer considers it necessary.
 - (2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, but in no case shall be less than a 70 degree angle.
 - (3) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
- (r) **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 Town Board.

(s) **Cul-de-sacs.**

(1) *Cul-de-sacs.* Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of thirty-six (36) feet. The use of cul-de-sacs should be avoided where possible. No islands within a cul-de-sac shall be allowed.

(2) *Temporary Dead-ends or Cul-de-Sacs.* All temporary dead-ends shall have a maximum length of one-thousand (1000) feet and a temporary cul-de-sac shall have a minimum radius of sixty (60) feet and a minimum inside curb radius of thirty-six (36) feet.

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

(1) *Subdivision Lots.* When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (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."

(2) *Commercial and Industrial Districts.* Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

(3) *Streets Parallel to a Limited Access Highway.* Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(4) *Minor Streets.* Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 10-2-71 Specifications for Preparation, Construction and Dedication of Streets and Roads.

Specifications for preparation, construction and dedication of streets and roads in land divisions shall be as provided in Section 4-2-12 and 4-2-13. The design requirements of those Sections and Section 10-2-70 shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division. All street profiles shall be prepared by a licensed professional engineer.

Sec. 10-2-72 Block Design Standards.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than two hundred forty (240) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathways, not less than twenty (20) feet wide, may be required by the Town Board, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Sec. 10-2-73 Lot Design Standards.

- (a) **Size.**
 - (1) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Dane County Zoning Code or this Chapter, whichever is more restrictive. Lot sizes shall conform to the requirements of the Dane County Zoning Code.
 - (2) Residential lots within each block shall have a minimum average depth of two hundred (200) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions.
 - (3) Every lot which fronts or abuts on a public street shall front or abut for a distance of at least sixty-six (66) feet on a public street, except cul-de-sac lots, which shall provide a minimum of thirty (30) feet of frontage.

- (4) Width of lots shall conform to the requirements of the Dane County Zoning Code, but in no case shall a lot be less than ninety (90) feet in width at the building setback line. Each lot shall be located only within one (1) zoning district.
- (b) **Commercial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Dane County Zoning Code.
- (c) **Lots Where Abutting Major Highway.** Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
- (d) **Corner Lots.** Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Dane County Zoning Code.
- (e) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.
- (f) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (g) **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.
- (h) **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

Sec. 10-2-74 Drainage System.

- (a) **Drainage System Required.** As required by Sec. 10-2-58, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.
- (b) **Drainage Systems Plans.**
 - (1) 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 any damage to the developed

or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.
- (c) **Grading.** The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
 - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed in accordance with the approved plans.
 - (d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
 - (1) *Street Drainage.* All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into a sanitary sewer system within the proposed subdivision.
 - (2) *Off-Street Drainage.* The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Town to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.
 - (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types.

Sec. 10-2-75 Non-residential Subdivisions

- (a) **General.**
 - (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.
 - (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Comprehensive Plan or the Dane County Zoning Code.
- (b) **Standards.** In addition to the principles and standards in this Chapter which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to boundaries of adjacent existing or potential residential areas.

Sec. 10-2-76 through Sec. 10-2-79 Reserved for Future Use.

Article H: Park and Public Land Dedication

Sec. 10-2-80 General Park and Public Land Dedication Requirements.

- (a) **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 be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a land division, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, or Certified Survey Map, and shall comply with the Town of Westport Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 10-2-81 Land Dedication.

- (a) **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 2,200 square feet per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Master Plan or Master Plan component of the Town of Westport is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon the recommendations of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (b) **Shoreland.**
 - (1) *Lake and Stream Shore Plats.* All subdivisions abutting on a navigable lake or stream shall provide public access of at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.

- (2) *Lake and Stream Shore Plats.* The lands lying between the meander line, established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (c) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Dane County Zoning Chapter and this Chapter.
- (d) **Deeded to the Town.** Land dedicated for public purposes shall be deeded to the Town at the time the Final Plat is approved.
- (e) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (f) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.
- (g) Any land dedicated as a requirement of this section shall be reasonably adaptable for the intended park, recreation or other specified uses, and shall be at a location convenient to the people to be served. Factors used in evaluating adequacy shall include, but not be limited to, size, shape, topography, geography, tree cover, access, and location. The determination of land suitability will be at the sole discretion of the Town Board acting on the recommendation of the Plan Commission. All lands dedicated under this section shall have at least one hundred feet of frontage on a public street. The Town Board may adjust this frontage requirement if better alternatives for access are provided. Of the abutting frontage, a maximum of 100 feet of the prorated costs of public streets, sidewalks, and utilities (normally assessable) shall be paid for by the subdivider or developer.

Sec. 10-2-82 Reservation of Additional Land.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 10-2-81, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 10-2-83 Development of Park Area.

- (a) When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;

- (2) Provide surface contour suitable for anticipated use of area; and
- (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Town, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) 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.
- (b) The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the subdivider.
- (c) Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Town Board.
- (d) If the subdivider fails to satisfy the requirements of this Section, the Town Board may contract 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.

Sec. 10-2-84 Fees in Lieu of Land.

- (a) **Method of Calculation.** Where, in the opinion of the Town Board, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the Town's Master Plan or any park plan, or the Town Board determines that a cash contribution would better serve the public interest, the Board may require the subdivider to contribute cash payment in lieu of land according to the following provisions:
 - (1) The amount of any fee imposed in lieu of land dedication shall be \$717.67 for each multi-family housing unit (with 1 bedroom or less) and \$1158.07 for each of all other dwelling unit types. The maximum fee per dwelling unit will be adjusted annually for inflation by using the "Consumer Price Index, National Series (assuming December, 1998=100)" for all nonfood items as published by the U.S. Department of Labor, Bureau of Labor Statistics.
 - (2) Payment shall be in a lump sum prior to the recording of a final plat or certified survey map.
- (b) **Combination.** The Town Board may require or permit the subdivider to satisfy the dedication requirements of this section by combining land dedication with fee payments.
- (c) **Park Fund.** Funds paid to the Town under any Fees in Lieu of Land provision or contributed from other sources for park development and improvements are to be placed in a separate fund designated for park development and improvements projects. The Town Board shall have the final right to approve or reject such projects. Said fund shall be continuing and shall not lapse at the end of a budget period.

Sec. 10-2-85 through Sec. 10-2-89 Reserved for Future Use.

Article I: Variances; Penalties and Violations

Sec. 10-2-90 Variations and Exceptions.

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

Sec. 10-2-91 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and also pay the costs of prosecution for each violation, including the Town's reasonable and actual attorney fees and disbursements incurred in the prosecution of such violations. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e) 10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objections, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

TOWN OF WESTPORT
 ENVIRONMENTAL ASSESSMENT CHECKLIST
 FOR SUBDIVISIONS AND LAND DIVISIONS BY CERTIFIED SURVEY

All yes answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

		<u>Yes</u>	<u>No</u>
(a)	Land Resources		
	Does the project site involve:		
	(1) Changes in relief and drainage patterns	___	___
	(2) A landform or topographical feature of local or regional interest	___	___
	(3) An area having importance for wild plants and animals of community interest	___	___
	(4) An area of soil instability--greater than 12% slope or organic soils, peats or mucks at or near the surface	___	___
	(5) An area of bedrock within 6 feet of the soil surface	___	___
	(6) An area with the groundwater table within 10 feet of the soil surface	___	___
	(7) An area with fractured bedrock within 10 feet of the soil surface	___	___
	(8) A drainage way for 5 or more acres of land	___	___

	<u>Yes</u>	<u>No</u>
(9) More than 50% impermeable surface	___	___
(10) Prime agricultural land	___	___
(11) Wetlands and marshes	___	___
(12) Removal of over 25% of the present trees	___	___

(b) **Water Resources**

Does the proposed project involve:

(1) Location within an area traversed by a navigable stream or dry run.	___	___
(2) Greater than 10% change in the capacity of a water storage facility or flow of a waterway within one mile	___	___
(3) The use of septic tank-soil absorption fields for on-site waste disposal	___	___
(4) Lowering of water table by pumping or drainage	___	___
(5) Raising of water table by altered drainage patterns	___	___
(6) Lake frontage	___	___

(c) **Biological Resources**

Does the project site involve:

Yes No

- | | | | |
|-----|---|---|---|
| (1) | Critical habitat for plants and animals of community interest | — | — |
| (2) | Endangered, unusual or rare species of: | | |
| | a. Land animals | — | — |
| | b. Birds | — | — |
| | c. Plants | — | — |

(d) **Human and Scientific Interest**

Does the project site involve:

- | | | | |
|-----|--|---|---|
| (1) | An area of archaeological interest | — | — |
| (2) | An area of geological interest | — | — |
| (3) | An area of hydrological interest | — | — |
| (4) | An area of historical interest | — | — |
| | a. Historic buildings or monuments | — | — |
| | b. Buildings or monuments of unique architecture | — | — |
| (5) | An area of identified community recreational use | — | — |

(e) **Energy, Transportation and Communications**

- | | | | |
|-----|--|---|---|
| (1) | Does the development increase the traffic flow in any collector system by more than 10%? | — | — |
| (2) | Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, storm sewer)? | — | — |

Yes No

(3) Is safe exit and access provided for? _____

(f) **Population**

(1) Does the development increase by more than 10%
the school population of any school serving the
development? _____

(g) **Comments.** Comments on any of the above which may have a significant environmental impact:

(h) **Appendices and Supporting Material.**

Board shall have the final right to approve or reject such projects. Said fund shall be continuing and shall not lapse at the end of a budget period.