

# LAND DIVISION ORDINANCE TOWN OF ADDISON

## WASHINGTON COUNTY WISCONSIN

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Chairman.....Robert Bingen  
Supervisors .....Don Heesen  
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## Town Staff

Town Clerk ..... Ellen Wolf  
Town Zoning Administrator ..... Jill Fieweger  
Town Building Inspector..... Gordon Hoffmann

# **LAND DIVISION ORDINANCE**

## **CHAPTER 240 OF THE TOWN OF ADDISON GENERAL CODE OF ORDINANCES**

### **TOWN OF ADDISON WASHINGTON COUNTY, WISCONSIN**

Adopted June 22, 1995  
Includes amendments adopted through March 31, 2016

**NOTE: The Town of Addison Land Division Ordinance may be amended by the Addison Town Board at any time. Please contact the Town Clerk or Zoning Administrator to verify land division regulations in effect on your property.**

Assistance Provided by:  
Southeastern Wisconsin Regional Planning Commission



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## **SECTION 1.00 INTRODUCTION**

### **1.01 AUTHORITY**

These regulations are adopted under the authority granted by Section 236.45, Wisconsin Statutes.

### **1.02 SHORT TITLE**

This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, TOWN OF ADDISON, WASHINGTON COUNTY. WISCONSIN," and is hereinafter referred to as the "Ordinance."

### **1.03 PURPOSE**

The purpose of this Ordinance is to regulate and control the division of land within the corporate limits of the Town of Addison in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town and its environs.

### **1.04 INTENT**

It is the general intent of this Ordinance to regulate the division of land so as to:

- A. **Obtain the Wise Use**, conservation, protection, and proper development of the Town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- B. **Lessen Congestion** in the streets and highways.
- C. **Further the Orderly Layout** and appropriate use of land.
- D. **Secure Safety and Resiliency** from fire, flooding, water pollution, disease, disastrous storms, and other hazards to help minimize expenditures for disaster relief and mitigation projects.
- E. **Provide Adequate Light**, air, and water.
- F. **Facilitate Adequate Provision** for housing, transportation, water supply, wastewater, schools, parks, playgrounds, and other public facilities and services.
- G. **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters.
- H. **Preserve Natural Vegetation** and cover and promote the natural beauty of the Town and its environs.
- I. **Preserve the Distinct Character** of hamlets and the rural agricultural character of the Town.
- J. **Restrict Building Sites** on floodplains, shorelands, areas covered by poor soils, or in other areas poorly suited for development.
- K. **Facilitate the Further Division** of larger tracts into smaller parcels of land in accordance with the adopted Town comprehensive plan.

- L. **Ensure Adequate Legal Description** and proper survey monumentation of subdivided land.
- M. **Provide for the Administration** and enforcement of this Ordinance.
- N. **Provide Penalties** for its violation.
- O. **Further the Sustainability**, including resiliency, of the Town by accommodating, where appropriate, green development and infrastructure.
- P. **Implement** Town development standards as set forth in the adopted Town comprehensive plan, adopted plan components, Town Zoning Ordinance, Town Land Division Ordinance, Town Erosion Control and Stormwater Management Ordinance, and Town Building Code.

#### **1.05 ABROGATION AND GREATER RESTRICTIONS**

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

#### **1.06 INTERPRETATION**

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

#### **1.07 SEVERABILITY**

If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **1.08 DISCLAIMER OF LIABILITY**

The Town of Addison does not guarantee, warrant, or represent that only those areas designated as floodplains on plats and Certified Survey Maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of the Ordinance; and thereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for flooding problems, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Ordinance.

#### **1.09 INCONSISTENCY WITH OTHER ORDINANCES**

This Ordinance shall supersede all other general and zoning ordinances, or parts thereof, inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only.

#### **1.10 EFFECTIVE DATE**

This Ordinance and amendments thereto shall be effective after a public hearing, adoption by ordinance by the Town Board, and posting or publications as required by law.

## **SECTION 2.00 GENERAL PROVISIONS**

### **2.01 JURISDICTION AND APPLICABILITY**

Jurisdiction of these regulations shall include all lands and waters within the limits of the Town of Addison, Washington County, Wisconsin.

- A. **Subdivision.** Any division of land within the Town that results in a subdivision as defined in Section 11.02 shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 5.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- B. **Minor Land Division.** Any division of land within the Town that results in a minor land division as defined in Section 11.02 shall be surveyed and a certified survey map of such division approved and recorded as required by Section 6.00 of this Ordinance and Chapter 236, Wisconsin Statutes.
- C. **Condominiums.** Any development within the Town that creates a condominium as defined in Section 11.02 shall be surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 3.08 of this Ordinance and Chapters 236 and 703 of the Wisconsin Statutes. It is the express intent of this Ordinance to regulate condominiums having one or more principal structures on any parcel or lot, except condominium conversions in existing structures where no additional units are being developed, provided such conversions comply with the provisions of Chapter 703. In no case shall the maximum number of units in a condominium exceed the maximum number of lots or dwelling units the same parcel or lot could have accommodated under the Town zoning ordinance if the parcel or lot had been conventionally divided or developed.
- D. **The Provisions of this Ordinance**, as it applies to division of tracts of land into four (4) or less parcels, shall not apply to:
  - 1. Transfers of interest in land by will or pursuant to court order.
  - 2. Leases for a term not to exceed ten (10) years, mortgages or easements.
  - 3. 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 Ordinance, the Zoning Ordinance or other applicable laws or ordinances.
- E. **All of the Following Specific Uses** and activities are exempted from this Ordinance:
  - 1. Cemetery Plats made under Wisconsin Statutes, Section 157.07.
  - 2. Assessors' Plats made under Wisconsin Statutes, Section 70.27, but such Assessors' Plats shall comply with Wisconsin Statutes, Sections 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e.), unless waived under Section 236.20(2)(L).
  - 3. Public transportation project plats made under Wisconsin Statutes, Section 84.095.

4. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town Board and Washington County approve such sale or exchange of the basis of applicable local ordinances or the provisions of Chapter 236, Wisconsin Statutes.

## **2.02 COMPLIANCE**

No person, firm, or corporation shall divide any land, unless exempted under this Ordinance, located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, condominium, or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents:

- A. **Provisions of Chapter 236**, Wisconsin Statutes.
- B. **Provisions of Chapter 703**, Wisconsin Statutes, for proposed condominiums.
- C. **Rules of the Wisconsin Department of Safety and Professional Services** regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- D. **Rules of the Wisconsin Department of Transportation** relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Developer abuts on a State trunk highway or connecting highway or street.
- E. **Rules of the Wisconsin Department of Natural Resources** setting water quality standards, preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- F. **Rules of the U.S. Army Corps of Engineers** and U.S. Environmental Protection Agency.
- G. **The Washington County Land Division Ordinance (Chapter 24)**, Washington County Shoreland, Wetland and Floodplain Zoning Ordinance (Chapter 23), Washington County Sanitary Code (Chapter 25), and all other applicable County Ordinances.
- H. **Rules of the Washington County Highway Department** relating to safety of access of land abutting a County trunk highway.
- I. **Adopted Town of Addison Comprehensive Plan** or comprehensive plan components.
- J. **The Town of Addison Zoning Ordinance**, erosion control and stormwater management ordinance, and all other applicable local ordinances.

## **2.03 DEDICATION, RESERVATION, AND PROTECTION OF LANDS**

- A. **Streets, Highways and Drainageways.** Whenever a tract of land to be divided within the Town encompasses all or any part of an arterial or collector street, drainageway, other public way or public access to navigable lakes or streams, which has been designated in the adopted Town comprehensive plan or adopted comprehensive plan component, said public way shall be made a part of the Plat or Certified Survey Map and dedicated or reserved by the Developer in the locations and dimensions indicated on said comprehensive plan or plan component and as set forth Section 7.00 of this Ordinance.
- B. **Schools, Parks, Environmental Corridors, and Other Open Spaces.** Whenever a tract of land to be divided within the Town encompasses all or part of a school site, park site, environmental corridor

or other open space, other than streets, highways, drainageways, or other public ways, which has been designated in the adopted Town comprehensive plan or adopted comprehensive plan component, said school site, park site, environmental corridor, or other open space shall be made a part of the Plat or Certified Survey Map. School sites shall be reserved and park and open space sites shall be dedicated or reserved by the Developer in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in Section 7.10 of this Ordinance.

- C. **Floodplains and Shorelands.** Whenever a tract of land to be divided within the Town encompasses floodplains, wetlands, or shorelands which have been designated for park, recreation, environmental corridor or other open space land use in the adopted Town comprehensive plan or adopted comprehensive plan component, said floodplains, wetlands or shorelands shall, at the discretion of the Town Board following recommendation by the Plan Commission, be dedicated to the public by the Developer. In lieu of such dedication, all such designated floodplains, wetlands, and shorelands shall be reserved by the Developer for a period not to exceed ten (10) years, unless extended by mutual agreement by the Developer and Town, for acquisition by the State, County, or Town at fair market value at the time of acquisition, or shall be reserved for the recreational use of the future residents of the land to be divided, with stream or lake bank maintenance easements given to the unit of government which has jurisdiction.

D. **Proportionate Payment in Lieu of Dedication.**

1. If the Plan Commission has determined that land dedication for park sites is not feasible or compatible with development of the community, the Developer shall in lieu thereof pay to the Town a fee, as from time to time established by Resolution or Ordinance of the Town Board, to defray the impact that the additional residences will place on the park system. The determination of such fees shall be in accordance with Section 236.45(6)(b) of the Statutes.
2. Such fees shall be placed in a non-lapsing fund and shall be used exclusively for immediate or future site acquisitions or for capital improvements of parks and recreational areas. Capital improvements shall comply with Section 236.45(6)(ac) of the Statutes. Such fees shall apply to units created by subdivision, Certified Survey Map, or Condominium Plat.
3. Where the development results in the creation of not more than one additional unit or parcel of land, payment shall be required only for the additional unit.
4. Payment shall be in a lump sum and paid at the time of final approval of the Plat or Certified Survey Map.
5. Where a lot or parcel for which payment has once been made is further divided, payment shall be required for the additional lots or parcels created.
6. The required payment shall be made before the certification of approval is affixed by the Town Clerk to the Final Plat, Condominium Plat, or Certified Survey Map.

- E. **Open Space.** Whenever land to be divided within the Town encompasses all or any part of open space lands, as defined in Section 11.02 of this Ordinance, such open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:

1. Reservation or dedication to the Town, County, or donation to a nonprofit conservation organization.
2. Conservation easement.

3. Deed restriction or restrictive covenant. Common open space to be permanently preserved shall be protected by providing a deed restriction or restrictive covenant that prohibits any land division or development of said open space.

## **2.04 PROVISION FOR INSTALLATION OF IMPROVEMENTS**

No construction or installation of public improvements shall commence until the Preliminary Plat or Certified Survey Map has been approved. The Developer shall, before recording of the Final Plat or Certified Survey Map, enter into a Development Agreement with the Town agreeing to install the required improvements and shall file with said contract a security bond or a letter of credit with good and sufficient surety or a certified check in an amount equal to the estimated cost of the improvements. Said estimate to be made by the Plan Commission and the Town Board, after review and recommendation by the Town Engineer, as a guarantee that such improvements will be completed by the Developer or his subcontractors not later than one (1) year from the date of recording of the Plat or Certified Survey Map and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- A. **Contracts** and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way, shall be subject to the review and approval of the Town.
- B. **Governmental Units** to which these bonds and contract provisions apply, may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
- C. **Survey Monuments.** Before final approval of any Plat or Certified Survey Map, if applicable, within the limits of the Town, the Developer shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town. The Plan Commission may waive the placing of monuments, required under Section 236.15(1)(b), (c), and (d) for a reasonable time on condition that the Developer execute a performance bond or letter of credit to insure the placing of such monuments within the time required.
- D. **The Developer** shall pay and reimburse the Town in advance of signing the Development Agreement all fees, expenses and disbursements which are incurred by the Town and shall pay and reimburse the Town, without limitation by reason of enumeration, design, engineering, preparing, checking and review of designs, plans and specifications; supervision and inspection to insure that construction is in compliance with the applicable plans, specifications, regulations and ordinances; and planning, legal, administrative and fiscal work undertaken to assure and implement such compliance.

## **2.05 EXISTING SUBSTANDARD LOTS (Legal Lot Status Procedures)**

- A. **Conveyance Restricted.** In the case of a lot of record which does not conform to the zoning regulations of the Town, and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed to another owner nor shall a building permit be issued for a structure on such a lot except in conformity with the following:
  1. **Petition for Determination.** The owner of such substandard lot may, at any time prior to the proposed conveyance of such lot or request for building permit, petition the Town for determination as to the status of such lot.
  2. **Referral to Plan Commission.** Such petition shall be referred to the Plan Commission for study to determine the practical possibility of a re-division of such Ownership to provide lots which will be in conformity to the zoning regulations of the Town.

3. **Time Limit.** The Plan Commission shall make its recommendation to the Town Board no later than 40 days from the date the petition was received and the Town Board shall act no later than 20 days from receipt of the Plan Commission recommendation to give the petitioner a determination.
  4. **Criteria.** The Plan Commission in making its recommendation and the Town Board in making its determination shall give consideration, among others, to the following factors:
    - a. *Compatibility.* The size, quality and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.
    - b. *Sewage Disposal.* Where public sewer is not available, the lot size necessary to insure safe sewage disposal.
    - c. *Practicability.* The economic and engineering practicability of any possible re-division.
    - d. *Hardship.* The degree of practical hardship which may be imposed upon the owner.
  5. **Method of Re-division.** Such re-division may be accomplished as is most appropriate by:
    - a. *Vacation and Re-Platting* of all or a part of a recorded Plat.
    - b. *Combining* of lots or parts of lots.
    - c. *Redefining* of lot lines by a Plat of "other divisions" as provided by this Ordinance.
  6. **Notification Procedure.** The Plan Commission, in making its determination, shall first give notice to all property owners within 100 feet of the perimeter of the subject property that such a request has been submitted for consideration.
- B. **Determination of Ownership.** For the purpose of this Section, lots and property shall be considered in the same ownership when owned by: the same individual or corporation; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenant or tenants owns other lots individually or as joint tenant in common with another; an individual and other lots are owned by his spouse, and when any of said lots are owned by an individual and other lots are owned by a corporation in which said individual is an officer or director or controlling stockholder.
- C. **Prior Approvals.** Where the owner of such substandard lot has been granted "Legal Lot Status" under the provisions of this Section prior to the effective date of this Ordinance, such approval shall be deemed valid.
- D. **Combination of Non-Conforming Lots.** Prior to issuance of a building permit for any one of adjacent non-conforming lots held in single ownership, the owner of said non-conforming lot shall first submit for approval a Certified Survey Map in the manner as set forth in this Ordinance.

## 2.06 EXCEPTION AND MODIFICATIONS

- A. Where in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of Section 7.00 of this Ordinance ("Design Standards") and where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of Section 8.00 of this Ordinance ("Required Improvements") because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper.
- B. No exception or modification to the provisions of this Ordinance shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. ***Exceptional Circumstances.*** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.
  2. ***Preservation of Property Rights.*** That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
  3. ***Absence of Detriment.*** That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and intent of this Ordinance or the public interest.
  4. ***A Minimum of Two-Thirds*** affirmative Plan Commission member votes shall be required to grant any exception or modification of this Ordinance.
- C. When such relief is granted, it shall be without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the Town in accordance with the adopted Town comprehensive plan or adopted plan components. The reasons shall be entered in the minutes of the Plan Commission.

## **2.07 LAND SUITABILITY**

No land shall be subdivided for residential or commercial use which is determined to be unsuitable for such use by the Plan Commission upon the recommendation of the Town Engineer, or upon recommendation of any other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents or users of the proposed development or of the Town. In addition:

### **A. Floodplains.**

1. No lot served by public sanitary sewerage facilities shall have less than its minimum required lot area, as specified in the Zoning District Regulations, below the elevation of the one percent annual probability (100-year recurrence interval) flood. Where such data is not available, the Town may require that the elevation be determined by a professional engineer or professional land surveyor and the sealed documents will be reviewed and recommended for approval by the Town Engineer.
2. No lot of less than 40,000 square feet in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots 40,000 square feet or more in area served by a POWTS shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the one percent annual probability flood. Where such data is not available, the Town may require that the elevation shall be determined by a professional engineer or professional land surveyor and the sealed documents be reviewed and recommended for approval by the Town Engineer.

- B. **Fill Materials (sewage disposal).** Lands made, altered, or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by POWTS except where soil tests prepared by a Certified Soil Tester clearly show that the soils are suited to such use and such use complies with the requirements of the Washington County Sanitary Code. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum



of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town, its agents or employees, for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- C. **Steep Slopes.** Each Lot proposed to be served by a POWTS shall have fifty (50) percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than twelve (12) percent.
- D. **The Plan Commission,** in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Developer an opportunity to present evidence in rebuttal to such finding of unsuitability if the Developer so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

## **2.08 VIOLATIONS**

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a Town Zoning, Building, or Plumbing Permit, authorizing the building on, or improvement of, any lot, block, parcel, Certified Survey Map or any part of any subdivision or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable Wisconsin Statutes.

## **2.09 DRAINAGE TO BE MAINTAINED**

It shall be unlawful to obstruct the flow of surface water contrary to an approved stormwater management plan so as to prevent surface water from reaching a storm sewer or drainage channel without interim ponding, except as provided in an approved stormwater management plan.

## **2.10 ADMINISTRATION**

This Ordinance shall be administered by the Town Zoning Administrator. The Zoning Administrator, in the administration of this Ordinance, shall:

- A. **Receive Plats** and Certified Survey Maps from the Developer. The Zoning Administrator shall distribute copies of Plats and Certified Survey Maps as provided for in this Ordinance and shall receive comments from review agencies, boards, and committees required to comment on such land division.
- B. **Advise the Developer** of all recommendations made by the Plan Commission and actions taken by the Town Board.
- C. **Maintain Records** of Plat and Certified Survey Map filings, approvals, fees paid and other sureties.
- D. **Determine that All Land Divisions** within the Town, requiring review by this Ordinance, have secured the necessary review and approvals.
- E. **Assist the Town Attorney** in the prosecution of Ordinance violations.

## **2.11 PENALTIES AND REMEDIES**

Any person, firm or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but

not exceeding six (6) months; however, the maximum forfeiture where a violation of any provision of this Ordinance which is also a violation of the Wisconsin Statutes shall not exceed the maximum fine imposed by the Statutes. In addition, the Town may seek injunctive relief or other appropriate remedial action and, in addition to the forfeiture, may order an Assessor's Plat to be made under Section 70.27 of the Wisconsin Statutes at the expense of the Developer, or his agent, when a subdivision is created by successive divisions of land. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

- A. **Recordation Improperly** made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- B. **Conveyance of Lots** in unrecorded Plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- C. **Monuments Disturbed** or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

## **2.12 APPEALS**

Any person aggrieved by an objection to a Plat or a failure to approve a Plat may appeal therefrom, as provided in Section 236.13(5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the Plat.

## **SECTION 3.00 LAND DIVISION PROCEDURES**

### **3.01 PRE-APPLICATION CONSULTATION**

Prior to filing an application for approval of a Preliminary Plat or Certified Survey Map, the Developer shall consult with the Plan Commission and/or its staff in order to obtain advice and assistance. A sketch or concept plan of the proposed subdivision or certified survey map shall be brought by the Developer to the meeting. This pre-application consultation is intended to inform the Developer of the purpose and objectives of these regulations, the comprehensive plan, and duly adopted plan implementation devices of the Town and to otherwise assist the Developer in planning the project. In so doing, both the Developer and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed project and its possible effects on the neighborhood and community. The Developer will gain a better understanding of the subsequent required procedures.

### **3.02 PRELIMINARY PLAT REVIEW**

Before submitting a Final Plat for approval, the Developer shall prepare a Preliminary Plat which shall be clearly marked "Preliminary Plat" and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the Developer shall file with the Town Clerk the application and adequate copies of the Plat, as determined by the Zoning Administrator, at least 25 days prior to the meeting of the Plan Commission at which consideration is desired. In addition:

A. **The Town Clerk** shall, within two (2) normal work days after filing, transmit:

1. Two (2) copies to the Washington County Planning and Parks Department, together with one copy of the soil percolation results and soil borings.
2. Adequate number of copies of the Preliminary Plat to the Plan Commission for their review and recommendation.
3. Two (2) copies each of the Preliminary Plat to the following agencies and companies for review and comment concerning matters within their jurisdiction:
  - a. Town Engineer.
  - b. Town Building Inspector.
  - c. The appropriate fire department.
  - d. The Public Works Department.
  - e. Allenton Sanitary District, if applicable.
  - f. The Washington County Highway Department, if the land owned or controlled by the Developer abuts a County trunk highway.
  - g. The Southeastern Wisconsin Regional Planning Commission.
  - h. The appropriate school district.
  - i. The appropriate natural gas and electric power companies.

B. **Wisconsin Department of Administration.** In accordance with Section 236.12(2) of the Wisconsin Statutes, the Developer shall submit an electronic copy of the Preliminary Plat or a copy of the Preliminary Plat that is capable of clearly legible reproduction to the Director of Plat Review of the Wisconsin Department of Administration, who will transmit copies of the Plat at the Developer's expense to objecting agencies.

### C. **Reviewing Agencies:**

1. **The Following are Approving Agencies:** The Plan Commission with respect to Preliminary Plats and the Town Board with respect to the Final Plat; and, when the area lies within the extraterritorial plat review jurisdiction of the Village of Slinger or City of Hartford or West Bend, the applicable Village Board or City Council.
2. **The Following are Objecting Agencies:** The Washington County Planning, Conservation and Parks Committee, the Wisconsin Department of Administration, the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or connecting highway, and the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provisions for that service have not been made.
3. **The Following are Advisory Agencies:** The Wisconsin Department of Natural Resources, the Washington County Highway Department, the Southeastern Wisconsin Regional Planning Commission, the utility companies, and the school district in which the Plat is located.

### 3.03 **PRELIMINARY PLAT APPROVAL**

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the Developer and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of the Plat and shall return that copy to the Director of Plat Review, who shall certify the plat and provide notice to the Town Clerk. If an objecting agency fails to act within twenty (20) days of the date which it received the copy or copies of the plat, and the Wisconsin Department of Administration fails to act within thirty (30) days from the date they received the copy or copies of the plat, it shall be deemed to have no objection to the Plat and, upon demand, the Wisconsin Department of Administration shall so certify on the face of the Plat. In addition:

- A. **The Plan Commission**, with or without the recommendations of the Town Engineer and the objecting or approving agencies, shall, within ninety (90) days of the date of filing of a Preliminary Plat with the Town Clerk approve, approve conditionally, or reject such Plat unless extended by written mutual agreement with the Developer. The Plan Commission shall examine the Preliminary Plat and objections and comments received from the objecting and reviewing agencies for conformance with this Ordinance and all ordinances, rules, regulations, and the adopted Town comprehensive plan and adopted plan components.. One (1) copy of the Plat shall thereupon be returned to the Developer with the date and action endorsed thereon; and if approved conditionally or rejected, the Plan Commission shall state, in writing, any conditions of approval or the reasons for rejection. One copy each of the Plat and letter shall be placed in the Plan Commission permanent files.
- B. **Failure of the Plan Commission** to act within ninety (90) days of the date of filing, or within the times as extended by written agreement with the Developer, shall constitute an approval.
- C. **Approval or Conditional Approval** of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within thirty six (36) months of the last required approval of the Preliminary Plat and conforms substantially to the Preliminary Plat, including any conditions of that approval, and to local plans and ordinances, the Final Plat shall be entitled to approval as provided in Section 236.11(1)(b) of the Wisconsin Statutes. An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide in 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. See Section 3.04.E pertaining to partial platting or phasing.

- D. **If the Developer** creates a substantial change to the subdivision layout after approval or conditional approval of the Preliminary Plat by the Plan Commission, the Town shall require the re-submittal of a Preliminary Plat in conformance with Section 3.02 of this Ordinance. A substantial change to the subdivision layout will have presumed to occur if the external boundaries of the subdivision plat are changed in any manner or there is an increase in the number of lots by more than five (5) percent, or there is a change in street configuration or if a permitting agency denies a permit on which the plat depends. If the change is made at the request of the Town, a substantial change shall not be presumed to occur and the Developer may proceed with submittal of a Final Plat.

### **3.04 FINAL PLAT REVIEW**

The Developer shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file with the Town Clerk the application, together with appropriate fees, and adequate copies of the Plat as determined by the Zoning Administrator at least 25 days prior to the meeting of the Plan Commission at which review is desired. In addition:

- A. **The Town Clerk** shall, within two (2) normal work days after filing, transmit:
1. Two (2) copies to the Washington County Planning and Parks Department.
  2. Two (2) copies to the Washington County Highway Department for review and comment concerning safety of access to highways if the land owned or controlled by the Developer abuts a County trunk highway.
  3. Adequate number of copies for review to the Plan Commission and Town Board.
- B. **Two (2) copies** each of the Final Plat to the following agencies and companies for review and comment concerning matters within their jurisdiction:
1. Town Engineer.
  2. Town Building Inspector.
  3. The appropriate fire department.
  4. The Public Works Department.
  5. Allenton Sanitary District, if applicable.
  6. The Washington County Highway Department, if the land owned or controlled by the Developer abuts a county trunk highway.
  7. The Southeastern Wisconsin Regional Planning Commission.
  8. The appropriate school district.
  9. The appropriate natural gas and electric power companies.
- C. **Wisconsin Department of Administration.** In accordance with Section 236.12(2) of the Wisconsin Statutes, the Developer shall submit an electronic copy of the Final Plat, or a copy of the Final Plat that is capable of clearly legible reproduction, to the Director of Plat Review of the Wisconsin Department of Administration, who will transmit copies of the Final Plat at the Developer's expense to objecting agencies.
- D. **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 Ordinance and all ordinances, rules, regulations, and the adopted Town comprehensive plan and adopted plan components which may affect the Final Plat; and review comments from objecting agencies, Town staff, and other agencies which reviewed and commented on the Final Plat, and shall recommend approval or rejection of the Final Plat to the Town Board.
- E. **Partial Platting.** If permitted by the Town Board, the approved Preliminary Plat may be final platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the

Developer proposes to record at one time; however, it is required that each such phase be final platted and be designated as a phase of the approved Preliminary Plat.

### **3.05 FINAL PLAT APPROVAL**

- A. **If the Final Plat** is not submitted within thirty six (36) months after the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat or may extend the time for submission of the Final Plat.
- B. **The Objecting Agencies** shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Developer and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Wisconsin Department of Administration. If an objecting agency fails to act within twenty (20) days from the date on which it received the Plat, and the Wisconsin Department of Administration fails to act within thirty (30) days from the date on which it received the Plat, it shall be deemed to have no objection to the Plat and, upon demand, the Wisconsin Department of Administration shall so certify on the face of the Plat.
- D. **The Plan Commission** shall, within 45 days of the date of filing of the Final Plat with the Town Clerk, recommend approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.
- E. **The Plan Commission** shall, at the time it recommends approval or rejection of a Plat to the Town Board, give at least ten (10) days prior written notice of its recommendation to the clerk of any local government within 1,000 feet of the Plat, but failure to give such notice shall not invalidate the Plat.
- F. **The Town Board** shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by written agreement with the Developer. No approval by the Town Board can be granted until all formal objections from objecting agencies have been satisfied. All corrections, as required by the objecting agencies, shall be made to the Final Plat prior to placement on the Town Board agenda. 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 Developer. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that no objections were filed within twenty (20) days or, if filed, any objections have been met.
- F. **Failure of the Town Board** to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed and all fees payable by the Developer having been paid, shall constitute approval of the Final Plat.
- G. **After the Final Plat** has been approved by the Town Board and approved by the Washington County Planning, Conservation and Parks Committee, and a Development Agreement and sureties insuring the installation of all required improvements is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Town Clerk shall record the Plat with the Washington County Register of Deeds at the Developer's expense. The Register of Deeds shall not record the Plat unless it is offered within twelve (12) months after the date of the last approval and within thirty six (36) months after the date of the first approval.
- H. **The Developer** shall file with the Town Clerk adequate true copies of the recorded Final Plat, as determined by the Zoning Administrator, for distribution to the Town Assessor, Town Treasurer, Town Engineer, Town Building Inspector, Allenton Sanitary District, Public Works Department, Fire Department, County Sheriff's Department and other affected departments and agencies for their files. One (1) copy of the Plat shall be placed in the Plan Commission and Town Board permanent files.

### 3.06 CERTIFIED SURVEY MAP REVIEW AND APPROVAL (MINOR LAND DIVISION)

Any division of land not defined as a "subdivision" is a minor land division. When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites, inclusive of the original remnant parcel, any one of which is twenty (20) acres or less in size, by a division or by successive divisions of any part of the original parcel within a 5-year period; or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, the Developer shall subdivide by use of a Certified Survey Map. The Certified Survey Map may, at the Developer's discretion, include any other parcels larger than 20 acres in size. When it is proposed to divide land so that no parcel is less than twenty (20) acres in size (thus not constituting a 'subdivision' as defined in Section 11.02 of this Ordinance), no Certified Survey Map is required. The Certified Survey Map shall include all parcels of contiguous or adjacent land under ownership or control of the Developer and shall be prepared in accordance with Section 6.00 of this Ordinance. **Exception:** When the remnant parcel(s) to be created by a Certified Survey Map is more than twenty (20) acres in size and is not intended for development, the Plan Commission may waive the requirement of a Certified Survey Map for that parcel(s).

- A. **A Pre-Application Consultation**, the same as the consultation provisions in Section 3.01 of this Ordinance, is required.
- B. **The Developer** shall file with the Zoning Administrator a letter of application and adequate copies of the Certified Survey Map at least ten (10) normal working days prior to the meeting of the Plan Commission at which first consideration is desired. The Zoning Administrator shall transmit copies of the map and letter of application to the Plan Commission for their review. The Zoning Administrator shall also transmit as necessary two (2) copies each of the Map to the Allenton Sanitary District, the Town Building Inspector, and the affected Fire Department and to all other affected Town committees, departments, commissions or agencies for their review and recommendations concerning matters within their respective jurisdictions. Their comments, if any, shall be transmitted to the Plan Commission within thirty (30) days from the date the Map is transmitted by the Zoning Administrator. A copy of the Certified Survey Map shall also be sent to the Washington County Planning and Parks Department if the land division contains shorelands or floodplains or is to be served by a private onsite wastewater treatment system, and to the Washington County Highway Department if abutting a County Trunk Highway.
- C. **The Plan Commission** shall, within seventy five (75) days from the date of filing of the Certified Survey Map with the Zoning Administrator, examine the Certified Survey Map as to its conformance with this Ordinance, and all ordinances, rules, regulations, and the adopted Town comprehensive plan and adopted plan components which may affect the Map, shall consider review comments from Town staff and other affected agencies and shall recommend approval, approval with conditions and/or deed restrictions, or rejection of the Map and shall transmit the Map along with its recommendations to the Town Board.
- D. **The Town Board** shall approve, approve conditionally and/or with deed restrictions, or reject the map within ninety (90) days from the date of filing of the Certified Survey Map, unless time is extended by written agreement with the Developer. If the Map is approved conditionally or rejected, the Town Board shall state, in writing, any conditions of approval or the reasons for rejection. Failure of the Town Board to act within the ninety (90) days, or any extension of that period, constitutes an approval of the Certified Survey Map and, upon demand, a certificate to that effect shall be made on the face of the Map by the Town Clerk.
- E. **After the Certified Survey Map** has been approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the Map attesting to such approval, and the Town Clerk shall record the Map with the Washington County Register of Deeds at the Developer's expense. The

Register of Deeds shall not record the Map unless it is offered for recording within twelve (12) months after the date of the last approval and within thirty six (36) months after the first approval. The Developer shall be responsible for all recording fees. The Town shall not permit the Developer, title company, or any other entity to record the Certified Survey Map.

- F. **The Developer** shall provide adequate copies of the Map to the Zoning Administrator for distribution of the approved Certified Survey Map as necessary to the Town Assessor, Town Treasurer, Town Engineer, Town Building Inspector, Allenton Sanitary District, and other affected departments or agencies for their files. One (1) copy of the map shall be placed in the Plan Commission and Town Board permanent files.

### 3.07 REPLATS

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 Developer wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. The Developer shall then proceed as specified in Sections 3.01 through 3.05 of this Ordinance.

The Zoning Administrator shall schedule a Public Hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Town is filed, and shall cause notices of the Public Hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed Replat.

### 3.08 CONDOMINIUM PLATS

A Condominium Plat prepared by a professional land surveyor registered in Wisconsin is required for all Condominium Plats. It shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed in the same manner as a subdivision plat as set forth in this Ordinance. Such Plats shall comply with the design standards, improvements and all other requirements of this Ordinance that would otherwise apply to subdivision plats. In addition, such Plats shall further comply with all other Town and County ordinances, as if the same were land divisions. In addition:

- A. **Density.** Adequate open space should be provided so that the average density of land use shall be no greater than that permitted for the zoning district in which it is located. To the extent that such a plan or Plat proposes that particular portions or areas of the development have higher density or intensity of land use, the Plan Commission may require additional information pertaining to such development, including information not otherwise required of subdivision plats. It is the intent of this Section to permit the Plan Commission to have sufficient information, when presented with unique or higher density or intensity of land use development projects, to adequately review the overall development.
- B. **Review and Approval.** The Plan Commission shall review the proposed Plat or plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems and the effects of proposed uses, structures, improvements and operation upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.

The Plan Commission may approve the Plat or plan provided that the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environmental quality, shoreland cover, or property values in the Town.



## SECTION 4.00 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS

### 4.01 GENERAL

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a professional land surveyor and the Plat prepared on tracing cloth, reproducible drafting film or paper of good quality at a preferred sheet size of 22 inches by 30 inches and a map scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

- A. **The Preliminary Plat** shall be clearly noted and labeled on its face "Preliminary Plat."
- B. **Title or Name** under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat unless it is an addition to a previously recorded plat and is so stated on the Plat.
- C. **Property Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
- D. **General Location Sketch** showing the location of the subdivision within the U.S. Public Land Survey section.
- E. **Date**, graphic scale and north arrow.
- F. **Names and Addresses** of the owner, developer and professional land surveyor preparing the Plat.
- G. **Entire Area Contiguous** to the proposed Plat owned or controlled by the Developer shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purpose and intent of this Ordinance and severe hardship would result from strict application thereof.

### 4.02 SITE ANALYSIS INFORMATION

The following site analysis information shall be inventoried and mapped at a scale no smaller than one (1) inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a Preliminary Plat. The site analysis map and accompanying descriptions shall be included with the submittal of the Preliminary Plat. The map shall include:

- A. **Hydrologic Characteristics**, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated on the Wisconsin Wetland Inventory or more precise field identification. The boundaries of the one percent annual probability (100-year recurrence interval) floodplain, as determined by the Federal Flood Insurance Study or other technical document, shall be shown. Where such data are not available, the elevations shall be determined by a professional engineer retained by the Developer and the sealed documents shall be reviewed and approved by the Town Engineer.
- B. **Delineations of Natural Resource Areas**, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern

Wisconsin Regional Planning Commission, and the location and type of any rare or endangered species habitat.

- C. **Soil Types**, as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).
- D. **Existing Vegetation**, including the boundaries and characteristics of woodlands and hedgerows. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.
- E. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- F. **Existing Land Uses** within the proposed subdivision and within 200 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- G. **Public Parks and Open Space Areas** within or adjacent to the proposed land division, and potential open space connections between the proposed land division and adjacent lands.

#### 4.03 PLAT DATA

All Preliminary Plats shall show the following:

- A. **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- B. **Locations of All Existing Property Boundary Lines** and structures thereof, drives, visible and known wells, streams and watercourses, all wetlands, rock outcrops, wooded areas, railroad tracks, environmental corridors, isolated natural resources areas, and other similar significant natural and man-made features within the tract being subdivided or immediately adjacent thereto, within a distance of two hundred (200) feet. First floor elevations may be required if dwellings are within 100 feet of the property line.
- C. **Location, Right-of-Way Width and Names of All Existing Streets**, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the Plat or immediately adjacent thereto, within a distance of two hundred (200) feet.
- D. **Location and Names of Any Adjacent Subdivisions**, parks, and cemeteries and owners of record of abutting unplatted lands.
- E. **Type, Width, and Elevation of Any Existing Street Pavements** within the exterior boundaries of the Plat or immediately adjacent thereto together with any legally established centerline elevations, based on vertical datum approved by the Town Engineer.
- F. **Location, Size, and Invert Elevation of Any Existing Sanitary** or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the Plat, or immediately adjacent thereto, based on a vertical datum approved by the Town Engineer. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, and shall indicate size and invert elevations.

- G. **Corporate Limit Lines**, if applicable.
- H. **Existing Zoning** on and adjacent to the proposed subdivision.
- I. **Existing Contours** at vertical intervals of not more than two (2) feet for slopes less than twelve (12) percent and not more than five (5) feet for slopes twelve (12) percent and greater. Elevations shall be marked on such contours based on a vertical datum approved by the Town Engineer. At least two (2) permanent bench marks shall be located in the immediate vicinity of the Plat and the location of the bench marks shall be indicated on the plat, together with their elevations referenced to vertical datum approved by the Town Engineer, and the monumentation of the bench marks clearly and completely described.
- J. **High Water Elevations (Surface Water)** of all ponds, streams, lakes, flowages, and wetlands, within the exterior boundaries of the Plat and located within one hundred (100) feet therefrom at the date of survey, referenced to vertical datum approved by the Town Engineer.
- L. **Floodplain Limits** of the one percent annual probability (100-year recurrence interval) flood as determined by the Federal Flood Insurance Study or other technical document and the contour line lying a vertical distance of two (2) feet above the elevation of the one percent annual probability flood. Where such data is not available, the elevation shall be determined by a professional engineer and the sealed documents shall be reviewed and approved by the Town Engineer. Both the floodplain limits and the contour line shall be shown on the face of the Plat and within one hundred (100) feet of the exterior boundaries of the Plat.
- M. **Location, Width and Names of All Proposed Streets** and other public rights-of-way such as easements and pedestrian walkways.
- N. **Approximate Dimensions of All Lots** together with proposed lot and block numbers.
- O. **Location and Approximate Dimensions of Any Sites** to be reserved or dedicated for schools, parks, environmental corridors, drainageways or other public use or open space, or which are to be used for group homes, shopping centers, church sites, or other private uses not requiring lotting.
- P. **Approximate Radii** of all curves.
- Q. **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- R. **Any Proposed Lake and Stream Improvement** or relocation and notice of application for approval by the Wisconsin Department of Natural Resources, when applicable.
- S. **Any Additional Information** required by the Plan Commission or Town Engineer including the location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
- T. **Boundaries of Wetlands** as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

#### 4.04 STREET PLANS AND PROFILES

The Plan Commission, upon the recommendation of the Town Engineer, may require that the Developer provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when

requested. All elevations shall be referenced to a datum, and the datum, plans, and profiles shall meet the approval of the Town Engineer.

#### **4.05 SOIL BORINGS AND TESTING**

The Plan Commission, upon the recommendation of the Town Engineer, 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 groundwater table. The Town does not guarantee, warrant or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Town and thereby asserts that there is no liability on the part of the Town Board, its agents or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapters SPS 383 and 385 of the Wisconsin Administrative Code shall be complied with and the appropriate data submitted with the Preliminary Plat and also be provided to the Washington County Planning and Parks Department.

#### **4.06 SOIL AND WATER CONSERVATION**

Upon approval of the Preliminary Plat and prior to approval of the Final Plat, the Plan Commission shall require the Developer to provide stormwater management and soil erosion and sedimentation control plans and specifications prepared by a professional engineer to be submitted and approved in accordance with Chapter 190 of the Town code of ordinances.

#### **4.07 COVENANTS**

When a covenant is proposed whereby the Developer intends to regulate land use in the proposed subdivision and otherwise protect the proposed development, the Plan Commission shall require submission of a draft of protective covenants. The covenants may be subject to the review and approval by the Town; however, the Town shall not be responsible for enforcing private covenants.

The Plan Commission may require a submission of a draft of protective covenants whereby the Developer intends to regulate building sites to protect solar access by the use of setback and height restrictions, which are more restrictive than the regulations of the zoning district where located. Submission of a draft land stewardship plan may also be required, where applicable, for ensuring proper management of common open space in open space subdivisions, sometimes called conservation subdivisions or rural cluster development.

#### **4.08 EASEMENTS**

Easements shall be shown on the Preliminary Plat and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands, or other public lands requiring dedication.

#### **4.09 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 Ordinance.

## **SECTION 5.00 FINAL PLAT SUBMITTAL REQUIREMENTS**

### **5.01 GENERAL**

A Final Plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

### **5.02 ADDITIONAL INFORMATION**

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. **Exact Length and Bearing** of the centerline of all streets.
- B. **Exact Street Width** along the line of any obliquely intersecting street.
- C. **Railroad Rights-of-Way** within and abutting the Plat.
- D. **Setbacks or Building Lines** if required by the Plan Commission in accordance with the guidelines set forth in Section 7.07 of this Ordinance.
- E. **Easements** shall be shown on the Plat and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands, or other public lands requiring dedication.
- F. **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the Plat. A note shall be placed on the face of the Plat noting ownership and maintenance of all common use areas and that the appropriate deed restrictions are on file at the County Register of Deeds.
- G. **A Note** on the face of the Plat noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds, or other facilities shall be required.
- H. **Special Restrictions** required by the Plan Commission and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, preservation of wetlands, more restrictive yard requirements, or special restrictions for environmentally significant lands.
- I. **Location, Area, Depth and Type** of the private onsite wastewater treatment system for each building site, if applicable.
- J. **Floodplain Limits** of the one percent annual probability (100-year recurrence interval) flood as determined by the Federal Flood Insurance Study or other technical document and the contour line lying a vertical distance of two (2) feet above the elevation of the one percent annual probability flood. Where such data is not available, the elevation shall be determined by a professional engineer and the sealed documents shall be reviewed and approved by the Town Engineer. Both the floodplain

limits and the contour line shall be shown on the face of the Plat and within one hundred (100) feet of the exterior boundaries of the Plat.

- K. **Delineation of All Wetlands** and shoreland-wetlands based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission, or other agency or firm certified to make such delineation by the Wisconsin Department of Natural Resources.
- L. **Any Additional Information** required by the Town Board, Plan Commission, or Town Engineer relating to a problem or consideration presented by the proposed development and needed to review the Final Plat.

### **5.03 DEED RESTRICTIONS**

The Town may require deed restrictions to be filed with the Final Plat. When required, such restrictions shall be recorded with the final plat.

### **5.04 SURVEY ACCURACY**

The Plan Commission may direct the Town Engineer to examine all Final Plats within the Town and may make, or cause to be made by a professional land surveyor, such field checks as deemed necessary or desirable for the accuracy and closure of survey, the proper kind and location of monuments, and legibility and completeness of the drawing. In addition:

- A. **The Maximum Error of Closure** before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed that which is permitted by Section 236.15(2) of the Wisconsin Statutes.
- B. **All Street, Block and Lot Dimensions** shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey.
- C. **The Plan Commission** shall receive the results of the Town Engineer's examination prior to approving the Final Plat. The Town Engineer may, however, in accordance with Section 2.04C of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one (1) year, on the condition that the Developer provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Town Engineer's examination required under this Section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the Town Engineer is satisfied with the accuracy of the land surveying concerned.

### **5.05 SURVEYING AND MONUMENTING**

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

### **5.06 WISCONSIN COORDINATE SYSTEM**

The Plat shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The exact grid bearing and ground distance of each tie shall be determined by field measurements. The coordinates, together with a description of the monument marking the section or quarter-section corners to which the Plat is tied, shall be indicated on the Plat. All ground distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the Town Engineer, and shall be adjusted to the control survey network. Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey

distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. 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 land division.

#### **5.07 CERTIFICATES**

The Final Plat shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. In addition, the surveyor shall certify that all provisions of this Ordinance have been met.

#### **5.08 FILING AND RECORDING**

See Section 3.05.G and H of this Ordinance.





## **SECTION 6.00 CERTIFIED SURVEY MAP SUBMITTAL REQUIREMENTS (MINOR LAND DIVISION)**

### **6.01 GENERAL**

A Certified Survey Map prepared by a professional land surveyor shall be required for all minor land divisions and it shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards set forth in Section 7.00 and the improvement requirements set forth in Section 8.00 of this Ordinance.

In accordance with Section 3.01 of this Ordinance, prior to filing an application for approval of a Certified Survey Map, the Developer shall consult with the Plan Commission and/or its staff in order to obtain advice and assistance. A sketch or concept plan of the proposed Certified Survey Map shall be brought by the Developer to the meeting.

### **6.02 REQUIRED INFORMATION**

- A. **The Certified Survey Map** shall be clearly noted and labeled on its face “Certified Survey Map.”
- B. **Date** of the map.
- C. **Insert** showing map of area with property location.
- D. **Graphic Scale** and north arrow.
- E. **Name and Address** of the owner, developer, and professional land surveyor.
- F. **All Existing Structures**, dimensions and horizontal offset to existing and/or proposed property lines, visible and known wells, watercourses, drainage ditches, existing property lines of abutting property, and other features pertinent to proper division.
- G. **Names** of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
- H. **Setbacks** or building lines if required by the Plan Commission in accordance with the guidelines set forth in Section 7.07 of this Ordinance.
- I. **Additional Setbacks** or building lines required by the Plan Commission or proposed by the Developer which are more restrictive than the regulations of the zoning district in which the parcel is located or which are proposed by the developer and are to be included in recorded protective covenants.
- J. **All Lands Reserved** for future public acquisition.
- K. **Floodplain Limits** of the one percent annual probability (100-year recurrence interval) flood as determined by the Federal Flood Insurance Study or other technical document and the contour line lying a vertical distance of two (2) feet above the elevation of the one percent annual probability flood. Where such data is not available, the elevation shall be determined by a professional engineer and the sealed documents shall be reviewed and approved by the Town Engineer. Both the floodplain limits and the contour line shall be shown on the face of the Certified Survey Map, including within one hundred (100) feet of the exterior boundaries of the proposed land division.
- L. **Easements** shall be shown on the Certified Survey Map and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements,

or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands, or other public lands requiring dedication.

- M. **Exact Length and Bearing** of the centerline of all streets.
- N. **Exact Street Width** along the line of any obliquely intersecting street.
- O. **Railroad Rights-of-Way** within and abutting the Plat.
- P. **A Drainage and Grading Plan** for all lots and extending 150 feet from the proposed property lines on the map bearing a statement concerning the relation of all drainage swales, ponds, or other facilities unless waived by the Plan Commission.
- Q. **Special Restrictions** required by the Plan Commission and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, the preservation of wetlands, more restrictive yard requirements, or special restrictions for environmentally significant lands including environmental corridors and isolated natural resource areas.
- R. **Delineation of All Wetlands** and shoreland/wetlands based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission, or other agency or firm certified to make such delineation by the Wisconsin Department of Natural Resources. The limits of the shoreland area shall also be shown.

### 6.03 ADDITIONAL INFORMATION

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

- A. **Existing and Proposed Contours** at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than twelve (12) percent , and of not more than five (5) feet where the slope of the ground surface is twelve (12) percent or more. Elevations shall be marked on such contours based on a vertical datum approved by the Town Engineer. The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
- B. **Soil Type**, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U. S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).
- C. **Location and Number of Soil Boring Tests** adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. The results of such tests shall be submitted along with the Certified Survey Map.
- D. **Location of Soil Percolation Tests** where required by Chapters SPS 383 and 385 of the Wisconsin Administrative Code or the Washington County Sanitary Code, when applicable, taken at the location and depth in which private onsite wastewater treatment systems are to be installed. The results of such tests shall be submitted along with the Certified Survey Map.
- E. **The Plan Commission** may waive the requirement that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the developer be included on the Certified Survey Map; however, this waiver may only occur when the remnant parcel is more than thirty five (35) acres in area and is not intended for development.

- F. **A Conceptual Development Plan** for adjacent and contiguous parcels, whether or not owned or controlled by the developer, may be required by the Plan Commission to determine how the proposed land division fits with the overall development of the surrounding area. This requirement and determination by the Plan Commission may include, but is not limited to, utility systems, street systems, drainage patterns, and impacts on environmentally sensitive lands.
- G. **Any Additional Information** required by the Town Board, Plan Commission, or Town Engineer relating to a problem or consideration presented by the proposed land division and needed to review the Certified Survey Map.

#### **6.04 WISCONSIN COORDINATE SYSTEM**

The provisions of Section 5.05 of this Ordinance for Plats also apply to Certified Survey Maps.

#### **6.05 CERTIFICATES**

The surveyor shall certify on the face of the Certified Survey Map that all provisions of this Ordinance have been met. The Town Board, after approval by the Plan Commission and the recommendation by all reviewing agencies, shall certify its approval on the face of the Map.

- A. **When a Certified Survey Map** includes the dedication of streets and other public areas, an owner's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes shall be required.
- B. **All Certified Survey Maps** shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes.

#### **6.06 FILING AND RECORDING**

See Section 3.06 E and F of this Ordinance.



## SECTION 7.00 DESIGN STANDARDS

### 7.01 STREET ARRANGEMENT

In any new subdivision or minor land division, the street, block and lot layouts shall conform to the arrangement, width and location indicated on the County jurisdictional highway system plan, Town comprehensive plan or plan component, or neighborhood development plan, and shall be so designated as to be within the capability of the land and water resources to least disturb the existing terrain, flora, fauna and water regimen and to meet all the use, site, sanitary, floodplain and shoreland regulations contained in Town, County and State ordinances and regulations. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision or minor land division shall be designed so as to provide each lot with satisfactory solar access and access to a public street.

- A. **Arterial Streets**, as defined in Section 11.02, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- B. **Collector Streets**, as defined in Section 11.02, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, and shopping centers, to other concentrations of population and to the arterial streets to which they are to connect.
- C. **Minor Streets**, as defined in Section 11.02, 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.
- D. **Proposed Streets** shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions, or unless the Plan Commission finds that such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of the adjacent tracts.
- E. **Whenever the Proposed Land Division** contains, or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets consistent with Section 7.02.A of this Ordinance.
- F. **Public Access** shall be provided to all navigable stream or lake shores. Such access shall be at least sixty (60) feet in width platted to the low watermark at intervals of not more than one-half mile as

required by Section 236.16(3) of the Wisconsin Statutes unless greater intervals and wider access is agreed upon by the Plan Commission, Washington County Planning, Conservation and Parks Committee, and the Wisconsin Department of Natural Resources. All platted public access shall front on a public street, highway, parkway, or other public way.

- G. **Reserve Strips** shall not be provided on any Plat or Certified Survey Map to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.
- H. **Access** shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Plan Commission.
- I. **Street Names** shall not duplicate or be similar to existing street names in the Town and existing street names shall be extended or projected wherever possible. Final approval of street names rests with the Town Board upon the recommendation of the Plan Commission, Washington County Sheriff's Department and appropriate Fire Department.

## **7.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT**

Whenever the proposed land division contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

- A. **When Lots** within a proposed subdivision or minor land division back upon the right-of-way of an existing or proposed limited access highway, arterial street, or railroad a landscaped buffering strip at least twenty-five (25) feet in depth shall be provided adjacent to the highway, arterial street or railroad right-of-way 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 or Certified Survey Map: "This strip reserved for the planting of trees and shrubs and the building of all structures excepting public or private utility structures hereon is prohibited."
- B. **In Commercial and Industrial Districts**, streets shall be provided that are approximately parallel to and at least one hundred and fifty (150) feet from the right-of-way of a limited access highway or railroad to allow for the appropriate use of the land between such parallel streets and highway or railroad.
- C. **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 and fifty (250) feet from said highway or railroad right-of-way. The distance shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- D. **Minor Streets** immediately adjacent and parallel to railroad rights-of-way shall be avoided. Minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

## **7.03 STREET AND PEDESTRIAN WAY DESIGN STANDARDS**

The minimum right-of-way, construction standards and roadway width of all proposed streets and alleys shall be as specified by this Ordinance, Town comprehensive plan or adopted plan components, official map, neighborhood development plan, or County Jurisdictional Highway System Plan, and in accordance with plans and standard specifications approved by the Town. The minimum width shall be as shown on Table 1. (See also the details in the Appendix on a standard cross-section for rural minor streets.)

**Table 1**

Urban Street	Minimum Right-of-Way Width
Arterial	100 Feet (minimum)
Collector	80 Feet
Minor	66 Feet
Pedestrian Ways	15 Feet
Rural Street	Minimum Right-of-Way Width
Arterial	100 Feet (minimum)
Collector	80 Feet
Minor	70 Feet
Pedestrian Ways	15 Feet

Street sections are for standard streets only. Cross sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:

- A. **Cul-de-Sac Streets.** Rural cul-de-sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length, except where topographical and particular conditions warrant an extension and will be subject to approval of the Plan Commission. Cul-de-sac streets shall typically terminate in a circular turn-around having a minimum right-of-way radius of eighty-five (85) feet and a minimum outside pavement radius of sixty (60) feet. The size, design, construction and maintenance of an urban cul-de-sac shall be as determined by the Plan Commission. (See also the details in the Appendix on a standard plan and cross-section for rural cul-de-sacs.)
- B. **Alleys.** Alleys shall be prohibited in the Town of Addison unless necessary because of exceptional circumstances as determined by the Plan Commission. The size, design, construction and maintenance of any alley so permitted shall be as determined by the Plan Commission.
- C. **Street Grades.** The maximum centerline grade of any street or public way shall not exceed the following unless otherwise necessitated by exceptional topography, subject to review and approval of the Plan Commission:
  1. Arterial streets: six (6) percent.
  2. Collector, minor, and frontage streets: eight (8) percent.
  3. Sidewalks/pedestrian ways: eight (8) percent. Gradients over five (5) percent shall provide a level resting area at least five (5) feet by five (5) feet every 30 feet in accordance with Americans with Disabilities Act Accessibility Guidelines (ADAAG).
  4. The minimum grade of any street shall be no less than one-half of one percent (0.5%).

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. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for arterial streets, and one-half (1/2) this minimum for all other streets.

- D. **Half-Streets** are streets which are only a portion of the required width and are usually platted along property lines. Where an existing dedicated or platted half-street is adjacent to the parcel being subdivided, the other portion of the street shall be dedicated by the Developer. The platting of new half-streets shall be prohibited unless necessary for the reasonable development of the subdivision or minor land division in conformity with the other requirements of these regulations as determined by the Plan Commission, and where the Plan Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided.
- E. **Roadway Elevations.** Elevations of roadways passing through floodplain areas shall be designed in the following manner:
1. At least two (2) feet above the one percent annual probability (100-year recurrence interval) flood elevation for arterial streets.
  2. At least two (2) feet above the ten percent annual probability (10-year recurrence interval) flood elevation for minor streets.
  3. At least equal to the one percent annual probability flood elevation for collector streets.
- F. **Sight Distance.** Proper sight distances must be provided with respect to both horizontal and vertical alignment. Measured along the centerline, five (5) feet above grade, the sight distance must be five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets, and one hundred (100) feet for minor streets.
- G. **New and Replacement Bridges and Culverts.** All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the one percent annual probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, as established in the applicable Federal Flood Insurance Study or other technical study. Flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure, provided flood easements or other appropriate legal arrangements have been made with all affected units of government and property owners and local zoning ordinances affected by the increase in flood stage are amended. Bridges and culverts shall be designed and constructed to facilitate the passage of ice floes and other debris. All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and plans shall be submitted to the Wisconsin Department of Natural Resources (WDNR) to assure compliance therewith.
- H. **Radii of Curvature.** When a continuous street centerline deflects at any one 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:
1. Arterial streets and highways: 500 feet;
  2. Collector streets: 300 feet;
  3. Minor streets: 150 feet; or
  4. Not less than the Wisconsin Department of Transportation Facilities Design Manual for the design speed of the facility and, if different, the greater of the two radii shall be used.
- A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.



#### 7.04 STREET INTERSECTIONS

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. **The Number of Streets Converging** at one intersection shall be reduced to a minimum, preferably not more than two.
- B. **Arterial Intersections.** The number of intersections along arterial streets and highways shall be minimized and, where practical, the distance between such intersections shall not be less than twelve hundred (1,200) feet.
- C. **Property Lines at Street Intersections** shall be rounded with a minimum radius of fifteen (15) feet or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- D. **Grades at Intersections.** Intersections shall be approached on all sides by grades not to exceed four (4) percent for a distance of no less than fifty (50) feet unless exceptional topography would prohibit these grades.
- E. **Turning Radius.** The minimum turning radius at an intersection shall not be less than forty (40) feet.
- F. **Minor Streets** shall not necessarily continue across collector or arterial streets and collector streets shall not necessarily continue across arterial streets; however, if the centerline intersection of any street is less than two hundred fifty (250) feet from any other centerline intersection, then the locations of the intersections either shall be adjusted so that the distance between intersections is increased, or shall be adjusted so that the connection across the intersection street is continuous and a jog is avoided.
- G. **Curb Ramps or Openings.** On all streets where sidewalks/pedestrian ways are required by the Plan Commission, ramps or openings to accommodate people with disabilities shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes and ADAAG requirements.
- H. **Vision Triangles** providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections. Measured along the centerlines, there shall be clear vision triangle easement with sides as follows: arterial streets, 80 feet; and collector, minor, and frontage streets, 30 feet. No building or obstruction to view is permitted in this triangle area.

#### 7.05 BLOCKS

The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, the limitations and opportunities of topography, and solar access. In addition:

- A. **The Lengths** of blocks in residential areas shall not, as a general rule, be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- B. **Pedestrian Ways** of at least fifteen (15) feet in width may be required where deemed necessary by the Plan Commission to provide safe and convenient pedestrian circulation between the individual lots, streams, lakeshores, park lands, or other public areas or may be required near the center and entirely across any block, where deemed essential by the Plan Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches, parks, open spaces, or

transportation facilities. The Final Plat shall contain a special restriction addressing by whom pedestrian ways will be maintained.

- C. **The Width** of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the contemplated use and the zoning restrictions for such use.

## 7.06 LOTS

The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, a proper architectural setting, and solar access for the building contemplated. In addition:

- A. **Side Lot Lines** shall, where practical, be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- B. **Double Frontage** and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial traffic or to overcome specific disadvantages of topography and orientation. Such lots shall provide an extra lot depth of no less than thirty (30) feet for a landscaped buffering strip and the building of any structures except public or private utility structures within the strip shall be prohibited.
- C. **Access.** Every lot shall front or abut for a distance of at least sixty-six (66) feet on a public street.
- D. **Area and Dimensions** of all lots shall conform to the requirements of the Town Zoning Ordinance. Building sites not served by a public sanitary sewer system or other approved system shall be of sufficient area to permit the use of a private onsite wastewater treatment system (POWTS) designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code and administered by Washington County. In no case shall the width and area of lots located on soils suitable for the use of a POWTS be less than one hundred and fifty (150) feet in average width or less than forty thousand (40,000) square feet in area.
- E. **Whenever a Tract** is subdivided into parcels where any such parcel is more than twice the minimum lot area required for the zoning district in which such parcel is located, the Plan Commission may require such parcels to be arranged and dimensioned so as to allow re-division of the parcels in accordance with the provisions of this Ordinance and in conformance with the Town Zoning Ordinance.
- F. **Depth** of lots shall be a minimum depth of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1), depth to width, shall be considered a desirable ratio under normal conditions. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service(s) and parking required by the contemplated use and the zoning restrictions for such use.
- G. **The Shape** of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street line than at the rear lot line.
- H. **Width** of lots within the interior of a block shall conform to the requirements of the Town Zoning Ordinance, or other applicable ordinance.

- I. **Corner** lots shall have an additional width of at least ten (10) feet to permit adequate building setbacks from side streets. If a corner lot has frontage on an arterial street, access shall be permitted only from the minor street.
- J. **Lands Lying Between the Meander Line** and the water's edge, and any otherwise unplattable lands which lie between a proposed land division and the water's edge, shall be included as part of lots, outlots or public dedications in any Plat abutting a stream or lake.

#### **7.07 BUILDING AND SETBACK LINES**

Building setback lines appropriate to the location and type of development contemplated which are more restrictive than the regulation of the zoning district in which the lot is located may be required by the Plan Commission and shall be shown on the Final Plat or Certified Survey Map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

#### **7.08 SPECIAL RESTRICTIONS**

Special restrictions which are appropriate to the location or design of the land division may be required by the Plan Commission and shall be shown on the Final Plat or Certified Survey Map. Examples of the application of this provision include access control along public ways, required planting and buffering strips, prohibition of structures and vegetative clearing in environmentally significant lands, and proposed future rights-of-way.

#### **7.09 EASEMENTS**

The Plan Commission may require utility easements of widths deemed adequate for the intended purpose, but not less than fifteen (15) feet, on each side of all rear lot lines, on side lot lines, or across lots where necessary or advisable for electric power and communications facilities, storm and sanitary sewers, gas, water, street trees, street lights and other utility lines.

Where a land division is traversed by a watercourse, drainageway channel or stream, an adequate drainage easement shall be provided as deemed necessary by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement may be subject to the approval of the Town Engineer and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, may be subject to review and approval by the Town Engineer. Where deemed necessary, the Town may require these channels to be enclosed with pipe. The Town may also require catch basins or sediment basins to be placed in locations which will prevent erosion and sedimentation within the development and on adjacent lands, said basins to be constructed in accordance with standards established by the Town Engineer. All easements shall be noted on the Final Plat, including Condominium Plats, or Certified Survey Map, shall be referenced to the use or uses for which they are intended, and shall contain a special restriction addressing by whom the easements will be maintained.

The Plan Commission, upon determining from a review of a Plat or Certified Survey Map that certain measures are required to protect solar access, may require protection of the south wall and rooftop of homes or buildings with solar energy systems from shading. Consideration shall be given to orientation of the streets and the topography. Where the Plan Commission determines necessary, a detailed site plan shall be submitted showing that there would be no solar access conflicts with structures and landscaping.

#### **7.10 PUBLIC SITES AND OPEN SPACES**

In the design of the Plat or Certified Survey Map, due consideration shall be given to the reservation or dedication of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, trail corridors, and other public purposes. If designated on the Town comprehensive plan or comprehensive

plan component, such areas shall be made a part of the Plat or Certified Survey Map as stipulated in Section 2.03 of these regulations. If not so designated, consideration shall be given to preserving open space sites such as environmental corridors, scenic and historic sites, stands of fine trees, wetlands, lakes, ponds, and watercourses.

The Developer shall, at the discretion and direction of the Plan Commission, either reserve open space lands designated on the Town comprehensive plan or plan component and pay a public park site fee or, where no open space lands are directly involved, pay a public park site fee. The Plan Commission shall, at the time of reviewing the Preliminary Plat or Certified Survey Map, select one of the following options and record such selection in the minutes of the meeting at which the Preliminary Plat or Certified Survey Map is presented for approval.

- A. **Reservation of Public Site Option.** Whenever a proposed school, playground, park, parkway, or other public open space land designated on the Town's comprehensive plan or comprehensive plan component is encompassed, in whole or in part, within a tract of land to be divided, the proposed public lands shall be made a part of the Plat or Certified Survey Map and reserved at the time of Final Plat approval or Certified Survey Map approval for a period not to exceed three (3) years, unless extended by mutual agreement of the Developer and Town, for acquisition at undeveloped land prices by the public agency having jurisdiction, and the Developer shall pay a public park site fee at the time of submitting an application for Final Plat or Certified Survey Map review and approval at the rate and according to the procedures set forth in this Ordinance. If the land is not acquired within the three-year time period, the land will be released from reservation to the owner.
- B. **Public Park Site Fee Option.** If the proposed land division does not encompass a proposed public park, parkway, or other open space lands, or if the Plan Commission requires the reservation of land, a fee for the acquisition or improvement of land for public park sites to serve the future inhabitants of the proposed land division shall be paid to the Town Treasurer at the time of submitting an application for Final Plat, including Condominium Plats, or Certified Survey Map review and approval for said land division or condominium, or part thereof, in an amount as from time to time established by Resolution of Town Board to defray the impact that the additional residences will place on the park system for each proposed dwelling unit within the Plat or Certified Survey Map. Public site fees collected by the Town Treasurer under the provisions of this Ordinance shall be placed in a non-lapsing special fund for Town parks and shall be separate from the General Fund of the Town. Said special fund shall be used exclusively for the acquisition, development, and improvement of park, recreation, and other open space areas within the Town. In accordance with Section 236.45(6)(ac) of the Wisconsin Statutes, improvements of public park sites include grading and construction or installation of landscaping, utilities, sidewalks, playground equipment, and restroom facilities. Said fund shall be established on the basis of the service area of existing or proposed park or open space sites.
- C. **Unplatted or Undivided Land.** In accordance with the Town code of ordinances, upon applying for a building permit on unplatted or undivided land intended for multiple-family residential or other development, the Developer shall pay a public park site fee in an amount as from time to time established by Resolution of Town Board to defray the impact that the additional residences will place on the park system. Said payment shall be required prior to Final Plat, including Condominium Plats, or Certified Survey Map approval if the area is included on a subdivision plat or Certified Survey Map or prior to the issuance of a building permit if the fee has not been paid as part of the land division review and approval process. In the alternative, the Plan Commission may require the developer of unplatted or undivided lands to dedicate park lands in lieu of the required public site fee. Unplatted or undivided lands dedicated shall be equal to five (5) percent of the total net area of the proposed development.

- D. **The Value of Land** to be dedicated for park or open space purposes shall be agreed upon by the Town and the Developer on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the town or County and the developer, an appraisal board consisting of one appraiser selected by the town or County and retained at the town's or County's expense, one appraiser selected by the Developer and retained at the Developer's expense, and a third appraiser selected by the other two appraisers and retained at a cost shared equally by the town or County and the Developer, shall determine the value of the land.



## **SECTION 8.00 REQUIRED IMPROVEMENTS**

### **8.01 GENERAL**

The Developer shall construct Town roads, private roads, and all other public and private improvements in the land division pursuant to the approved Preliminary Plat, the approved construction plans and time schedule, and the proposed or approved Final Plat or Certified Survey Map and in accordance with the laws of the State of Wisconsin, the ordinances of Washington County, the ordinances of the Town of Addison, and the requirements of the Town pursuant to this Ordinance. Such improvements may include those for “green” infrastructure, subject to Town Engineer approval on a case-by-case basis in accordance with accepted engineering practices to ensure proper functioning and monitoring of green stormwater infrastructure.

The construction of the improvements shall not commence unless a security bond, letter of credit, or certified check is filed with and approved by the Town for the purpose of performing the work required, completing the improvements, and maintaining the improvements as required by the Town. The Town may, from time to time and as the need arises, pursuant to the recommendation of the Town Engineer, reduce or otherwise amend the amount and the terms of the bond or letter of credit. The Town shall have the broadest discretion regarding the terms and amount of the security bond, letter of credit, or certified check regarding land divisions developed in phases, future improvements, and other future activities requiring security regarding the development.

### **8.02 SURVEY MONUMENTS**

The Developer shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town.

### **8.03 GRADING**

- A. **Cut and Filled Lands** shall be graded in accordance with the approved plans or the soil’s angle of repose, whichever is the lesser, and an approved cover shall be established within thirty (30) days following completion of grading operations or such additional time period as may be approved by the Town. All graded lands, with the exception of the roadbeds of streets, shall be treated for sediment and erosion control purposes as set forth in this Ordinance and Chapter 190 of the Town code of ordinances.
- B. **The Developer** shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town. The Developer shall grade the roadbeds in the street rights-of-way to subgrade.

### **8.04 STREET SURFACING**

After the installation of all utility and storm water drainage improvements, the Developer shall surface all roadways in streets proposed to be dedicated to the widths specified by this Ordinance and the Town comprehensive plan or plan components. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town. The second lift of asphalt shall not be installed sooner than one (1) year after the first lift of asphalt is installed or as otherwise specified in the Development Agreement.

When permanent rural street sections have been approved by the Town, the Developer shall finish grade all shoulders and road ditches, install all necessary culverts and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town.

#### **8.05 CURB AND GUTTER**

The Town may require the Developer to construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town. Mountable curbs shall generally be constructed. The cost of installation of all inside curbs and gutters for dual roadway pavements on arterial streets and highways under Town jurisdiction shall be borne by the Town. Openings in curbs for drainage may be allowed, upon approval by the Town Engineer, to accommodate green stormwater management measures such as drainage into street tree wells, infiltration trenches, or bioretention basins with under drains. Curb ramps shall be installed, where applicable, in accordance with Section 66.0909 of the Wisconsin Statutes, ADAAG requirements, and as approved by the Town Engineer.

#### **8.06 SIDEWALKS AND PEDESTRIAN/RECREATIONAL PATHS**

The Town may require the Developer to construct a concrete sidewalk or asphalt off-road path on one side of all frontage streets and on one or both sides of all other streets within the land division. The construction of all sidewalks and asphalt paths shall be in accordance with plans and specifications approved by the Town.

Wider than standard sidewalks or asphalt paths may be required by the Town in the vicinity of schools, commercial areas and other places of public assemblage where the potential pedestrian density may warrant, and the Town may require the construction of sidewalks or asphalt paths in locations other than required under the preceding provisions of this Ordinance if such walks are necessary, in their opinion, for safe and adequate pedestrian or bicyclist circulation.

#### **8.07 SANITARY SEWAGE DISPOSAL FACILITIES**

The Developer shall make provision for adequate private onsite wastewater treatment systems (POWTS), as specified by the Town, County, and State agencies concerned, where public sanitary sewer facilities are not available. When public sanitary sewer facilities are available, the Developer shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the land division. In addition:

- A. **All Land Divisions** within the adopted sanitary sewer service area shall be provided with public sanitary sewer facilities.
- B. **The Developer** shall install sewer laterals to the street right-of-way line for all lots.
- C. **The Size, Type, and Installation** of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Town and the Allenton Sanitary District.
- D. **The Developer** shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenance within the proposed land division, except for the added cost of installing sewers greater than eight (8) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division, unless the over-sizing is required to serve vacant lands owned or controlled by the Developer. In addition, the Developer shall pay to the Town a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed land division is to the total drainage area to be served by such larger sewers.



## **8.08 STORMWATER MANAGEMENT FACILITIES**

The Developer shall construct stormwater management facilities adequate to serve the land division which shall include, but not be limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention facilities, temporary sedimentation basins, and settling basins, including bioretention basins, infiltration trenches and other green stormwater infrastructure. In addition:

- A. **All Such Facilities** shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. The type of facilities required and the design criteria shall be determined by the Town Engineer. All facility plans shall be reviewed and evaluated on a case-by-case basis taking into consideration the nature of the topography and discharge location within and adjacent to the Town. The Developer shall install the size and type of stormwater management facilities proposed to be constructed in accordance with plans and specifications approved by the Town Engineer based on the stormwater management requirements in Chapter 190 of the Town code of ordinances.
- B. **The Developer** shall assume the cost of installing all stormwater conveyances, infiltration facilities, and storage facilities within the proposed land division except for the added cost of installing larger or greater facilities necessary to serve tributary areas lying outside of the proposed land division. In addition, the Developer shall pay to the Town a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed land division is to the total drainage area to be served by such larger sewers.

## **8.09 WATER SUPPLY FACILITIES**

The Developer shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Natural Resources and Wisconsin Department of Safety and Professional Services if public water service is not available. When public water supply and distribution facilities are available, the Developer shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the land division. In addition:

- A. **All Land Divisions** within the water supply service area of the Allenton Sanitary District shall be provided public water supply and distribution facilities or community well facilities.
- B. **The Developer** shall install water laterals to the street lot line for all lots.
- C. **Where a Community Well** is approved by the Town as a water distribution system for the land division, the Developer shall require the installation of water meters in accordance with the rules and regulations of the Town, the Allenton Sanitary District, and/or the State Plumbing Code. The meter water usage shall be the basis for establishing water rates in the subdivision.
- D. **The Size, Type, and Installation** of all public or private water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town and the Allenton Sanitary District.
- E. **The Developer** shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed land division except for the added cost of installing water mains greater than six (6) inches in diameter. The added cost of water mains greater than six (6) inches in diameter shall be borne by the Town and/or the Sanitary District.

## **8.10 OTHER UTILITIES**

The Developer shall cause gas, electric power, cable television, telephone and other communications facilities to be installed in such a manner as to make adequate service available to each lot in the land division. No such electrical, telephone or cable television service shall be located on overhead poles. In addition, plans indicating the proposed location of all such utilities shall be approved by the Town Engineer.

All new electric or communication lines from which lots are individually served shall be installed underground within all newly platted land divisions unless the Plan Commission finds that the lots to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes, may be located above ground. Any landscape screening plan required for such above-ground equipment shall be submitted to the affected utility company for approval.

## **8.11 STREET LAMPS**

The Developer shall pay to the Town the cost to install street lamps of a design approved by the Town on each lot of a land division or at appropriate locations within a subdivision such as at each subdivision street which intersects an arterial or collector street and at such interior block spacing as may be required by the Town.

## **8.12 STREET SIGNS AND SIGNALS**

The Developer shall pay to the Town the costs for installing street signs of a design approved by the Town at the intersection of all streets proposed to be dedicated, which signs shall be provided and installed by the Town. The Developer shall pay for the material and installation of any traffic control signs or signals required, where warranted, as a result of the traffic generated from the proposed land division. Traffic control signs and signals are subject to review and approval by the Town Engineer or the government agency having jurisdiction.

## **8.13 STREET TREES**

The Developer shall plant one tree for each 50 feet of frontage along all streets proposed to be dedicated within and adjacent to the subdivision. Such trees shall be located on the owner's lot, a minimum of ten (10) feet from the Town street right-of-way line, unless otherwise determined by the Plan Commission on the basis of existing conditions in terms of natural tree coverage. The following trees are deemed suitable for tree planting requirements:

- A. Ginkgo – Ginkgo biloba (male only)
- B. Red Maple - Acer rubrum
- C. Sugar Maple - Acer saccharum
- D. Thornless Honeylocust – Gleditsia triacanthos
- E. American Linden or Basswood – Tilia americana
- F. Kentucky Coffeetree - Gymnocladus dioica
- G. Crabapples - Malus Varieties
- H. Hophornbeam or Ironwood - Ostrya virginiana
- I. Red Oak - Quercus rubra

J. Greenspire Littleleaf Linden - *Tilia cordata*

The required trees shall be planted so that they will not interfere with solar access to south walls and rooftops. All trees shall be Class A nursery stock or equivalent, free of all disease, and shall be at least 8 to 10 feet in height with two (2) inch caliper (diameter) measured at breast height (dbh-approximately 4.5 feet) above grade after planting. All trees shall be planted and staked using proper and appropriate methods and no more than fifty (50) percent of any one species may be used on any street. Bonds or letters of credit for all street trees shall be in effect for 18 months after planting. A security shall be submitted in an amount, determined by the Town, to cover the cost of the trees and planting of same and said security will not be released until 18 months after planting. Tree plantings shall be completed by the Developer in accordance with plans and specifications approved by the Plan Commission.

#### 8.14 SHORELAND PLANTING AND SEDIMENT CONTROL

The Developer shall prepare stormwater management and erosion and sedimentation control plans and specifications in accordance with Chapter 190 of the Town code of ordinances and submit such plans and specifications for review and approval by the Town Engineer. The Developer shall plant those grasses, trees, shrubs and vines of a species and size native to Wisconsin and specified by the Plan Commission necessary to prevent soil erosion and protect stream and lake banks. In addition:

- A. **The Town** may require the Developer to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
- B. **Tree Cutting** and shrubbery clearing shall not exceed fifty (50) percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities, and, during foliage, substantially screen any development from stream or lake users.
- C. **Paths and Trails** in wooded and wetland areas shall not exceed fifteen (15) feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs.
- D. **Earthmoving**, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. Such activities shall comply with applicable County and State regulations.
- E. **Review of the Conduct** of such cutting, clearing and earth moving may be requested of the Washington County Planning and Parks Department or Wisconsin Department of Natural Resources by the Town.

#### 8.15 CONSTRUCTION STANDARDS FOR PRIVATE DRIVES

- A. **As Used Herein, the Term "Private Drive"** shall include all private routes of ingress and egress from any public right-of-way which provides access to one (1) residential unit or residential property. This Ordinance shall not apply to private drives that are two hundred (200) feet in length or less, as measured from the edge of the public right-of-way to the nearest exterior point of the principal residence located on that property.
- B. **All Private Drives** shall be constructed, at a minimum, utilizing five (5) inches of one and one-half (1-1/2) inch crushed stone material, compacted in place, over which five (5) inches of three-quarter (3/4) inch crushed gravel material shall be compacted in place.

- C. **All Private Drives** shall have a gravel or paved surface not less than fourteen (14) feet in width and shall have a turn-around area at the end of the private drive for emergency vehicle use.
- D. **All Vegetation**, trees and shrubbery must be cut back so that a ten (10) foot clearance height is provided. All branches and shrubbery shall also be cut back to a distance of fifteen (15) feet on either side of the center line of the traveled surface portion of the private drive.
- E. **All Curves** and bends in the surface shall be constructed with a minimum 40 foot radius.
- F. **All Costs** necessary for the maintenance of the private drives to conform to these standards for safe passage shall be at the property owner's expense.
- G. **The Cost of Reviewing the Plans** for private drives by the Town, as well as any inspection services required by the Town to insure installation of the private drive and/or private street in accordance with this Ordinance, shall be borne by the property owner.

#### **8.16 WOODED AREAS AND NATURAL TREE SETTINGS**

The Developer shall not remove trees in anticipation of a land division until he has gained Preliminary Plat approval. Heavily wooded areas should be preserved insofar as possible and by application of reservation and dedication provisions of this and other applicable ordinances.

#### **8.17 IMPROVEMENT OF EXISTING HALF-STREETS**

Where a subdivision or minor land division abuts an existing street or half-street, and lots within the subdivision or minor land division access the existing street or half-street, the Developer shall be responsible for installing and paying for half the improvements in the existing street or half-street right-of-way. The Town shall be responsible for paying the remaining half of the improvements. The Town's responsibility may include conducting special assessments for the benefited properties.

#### **8.18 IMPROVEMENTS EXTENDED TO LIMIT OF PARCEL OR LOT**

Any and all improvements or utility services required by this Ordinance for land divisions and condominiums shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the Developer is exempted from meeting such requirement by the Town Board after considering a recommendation from the Town Engineer. In the event the improvements are required to the end of the parcel or lot, the Developer shall be required to post bond or other financial sureties with the Town if improvements are not installed.

## **SECTION 9.00 CONSTRUCTION OF IMPROVEMENTS**

### **9.01 COMMENCEMENT**

No construction or installation of improvements shall commence until the Preliminary Plat or Certified Survey Map has been approved, until the Developer has entered into a Development Agreement with the Town agreeing to install the required improvements, until the Town Board has given written authorization to proceed, and until all fees have been paid to the Town by the Developer as set forth in Section 10.00 of this Ordinance.

### **9.02 BUILDING AND OTHER PERMITS**

- A. **No Building** shall be constructed prior to the issuance of the necessary zoning, building, sanitary or other permits. No building, zoning, sanitary, or other permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.
- B. **Agents of the Town** shall have access to premises and structures during reasonable hours to make those engineering inspections as deemed necessary to ensure compliance with this Ordinance. If entry is refused after presentation of proper identification, the Town shall procure a special inspection warrant in accordance with Wisconsin Statutes, except in cases of emergency when the immediate right of entry is permitted.

### **9.03 IMPROVEMENT PLAN APPROVAL PROCEDURE**

The following procedure shall be followed for all land division construction/improvement plans and submittal of revised plans:

- A. **Copies of Each Plan** shall be submitted to the Zoning Administrator, to the Allenton Sanitary District if within the sewer service area, and to the Town Engineer if so directed by the Town. The submittal shall include grading plans, drainage plans, public improvement plans (including streets, sanitary sewer, storm sewer, water and other utilities), landscape plans, and erosion and sedimentation control plans. An individual plan may be submitted if it is one of the total set of plans and is being submitted as a revised plan wherein the remaining plans have been previously approved.
- B. **Any Preliminary Meeting** between the Town Engineer and the Developer must be authorized by the Town and there may be a fee for this meeting depending on the scope and length of the meeting.
- C. **Each Copy of the Plans** shall have a drawing and/or revision date in order for it to be accepted and routed for review.

### **9.04 REQUIRED PLANS**

The following plans and accompanying construction specifications shall be provided by the Developer and reviewed and approved by the Town and any other agency having relevant approving authority before construction or installation of improvements is authorized:

- A. **Street Plans** and profiles showing existing and proposed grades, elevations, cross sections, materials, and other details of required improvements.

- B. **Sanitary Sewer Plans** and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. **Stormwater Management Plans**, calculations, and profiles showing the locations, grades, sizes, cross sections, elevations, materials, and other details of required facilities.
- D. **Water Supply and Distribution Plans** and profiles showing the locations, sizes, elevations and materials, and other details of required facilities.
- E. **Utility Plans** showing the location and size, where applicable, of all gas, electrical power, telephone, and other communications facilities.
- F. **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 in accordance with Chapter 190 of the Town code of ordinances.
- G. **Master Site Grading Plan** showing the finished grades of each lot in the land division.
- H. **Landscaping Plans** showing the locations and species of any required grasses, vines, shrubs and trees and specifying the age and caliper of proposed trees.
- I. **Additional Special Plans** or information as required by the Town Engineer, Plan Commission, or Town Board.

#### **9.05 INSPECTION**

The Developer, prior to commencing any work within the land division, shall make arrangements for a pre-construction meeting conducted by the Town or Town Engineer where all details regarding the installation and inspection of the required improvements shall be presented and reviewed. All construction and engineering inspections shall be made by the Town or the relevant approving authorities. The Town shall inspect and recommend for approval all completed work prior to release of the sureties and acceptance of dedicated land division improvements by the Town Board.

#### **9.06 AS-BUILT PLANS REQUIRED**

Within thirty (30) days following the completion and acceptance by the Town of all improvements, the Developer shall provide two (2) complete sets of plans and profiles that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the Town Engineer. Public sewer and water system as-built plans shall be prepared by the Town at the Developer's expense.

#### **9.07 EXISTING FLORA**

The Developer shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, private onsite wastewater treatment system areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands, temporary fencing or retaining walls whenever abutting grades are altered. In addition:

- A. **Temporary Vegetation** and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.
- B. **Construction** at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

## **SECTION 10.00 FEES**

### **10.01 GENERAL**

The Developer shall pay all fees required by this Ordinance to the Town Treasurer, at the times specified, before being entitled to record a Plat or Certified Survey Map.

### **10.02 DEVELOPMENT DEPOSIT**

At the time of application, the Developer shall pay a "Development Deposit" fee, as from time to time established by Resolution of the Town Board, to defray the cost of giving notice, administrative processing, engineering, planning, fiscal, and legal review required for review of a Preliminary Plat or Certified Survey Map.

### **10.03 PRELIMINARY PLAT, FINAL PLAT, AND CERTIFIED SURVEY MAP REVIEW FEES**

- A. **The Developer** shall pay a fee to the Town Clerk at the time of first application for approval of any Preliminary Plat, Final Plat, Condominium Plat, or Certified Survey Map to assist in defraying the cost of administration and review. The Plat and Map review fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate.
- B. **A Reapplication Fee** shall be paid to the Town Clerk at the time of reapplication for approval of any Preliminary and Final Plat (including Condominium Plats) or Certified Survey Map which has previously been reviewed and approved or denied. The reapplication fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate.

### **10.04 ENGINEERING AND ADMINISTRATIVE FEE**

The Developer shall pay a fee equal to the actual cost of any engineering, planning, legal, administrative, or fiscal work which may be undertaken by the Town in connection with the Plat or Certified survey Map. Legal Work may include the drafting and/or review of contracts between the Town and the Developer. The fees may also include the cost of obtaining professional opinions including, but not limited to, attorneys, engineers, landscape architects, and land planners, as requested by the Town Board or Plan Commission in connection with the land division being considered. Such fees shall first be credited against the Development deposit fee as described in Section 10.02 of this Ordinance.

### **10.05 INSPECTION FEE**

The Developer shall pay a fee which shall be added to the "Developer's Deposit" or to the Letter of Credit or Bond equal to the actual or projected cost of inspection by the Town, or other agencies having jurisdiction for inspections, to assure that the construction of the required improvements is in compliance with plans, specifications and ordinances.

### **10.06 PUBLIC PARK SITE FEE**

- A. **If Required** by the Plan Commission under Section 7.10 of this Ordinance, a fee for the acquisition or improvement of public park sites, which include but are not limited to public parks, playgrounds, boat access sites, trail corridors, parkways, and opens space sites, to serve the future inhabitants of the proposed land division or condominium shall be paid to the Town Treasurer at the time of submitting

an application for Final Plat, including Condominium Plats, or Certified Survey Map review and approval of said land division or condominium in the amount set forth in the Town fee schedule. Park improvements shall comply with the requirements of Section 236.45(6) of the Wisconsin Statutes.

- B. **Public Park Site Fees** shall be placed in a nonlapsing separate fund by the Town Treasurer to be used only for the acquisition or improvement of playground, park, parkway, or other open space site that will serve the proposed land division or condominium.

#### **10.07 APPEAL OF FEES**

The Developer shall have the right to challenge the amount of any fees levied under Sections 10.03 to 10.06 of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the Developer and the Town officials can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness on the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.



## **SECTION 11.00 DEFINITIONS**

### **11.01 GENERAL DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall be used. Certain words or phrases have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning as defined in this Section. Words used in the present tense in the Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she." A singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not discretionary, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Ordinance shall be presumed to have their customary dictionary definitions.

### **11.02 SPECIFIC WORDS AND PHRASES**

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

**Alley.** A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

**Approving Agency.** Any agency empowered to approve a subdivision plat or minor land division pursuant to Chapter 236 of the Wisconsin Statutes. The Town Board, and the governing body of the municipality having extraterritorial plat approval authority such as the Village of Slinger or the City of Hartford or West Bend are approving agencies.

**Arterial Street** (See "Street, Arterial").

**Block.** A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railway rights-of-way, bulkhead lines or shorelines of navigable waterways, and municipal boundaries.

**Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

**Building Line.** A line generally parallel to any lot line and at a distance from the lot line, as specified in the Town Zoning Ordinance, which delineates the buildable area of the lot or parcel.

**Certified Survey Map.** A map prepared by a professional land surveyor in accordance with Section 236.34, Wisconsin Statutes. Certified Survey Maps may, under the terms of this Ordinance, be used to create "minor land divisions" of not more than four (4) parcels, any one of which is less than thirty five (35) acres in area. Certified Survey Maps shall be prepared on map sheets measuring 8 1/2 inches by 14 inches at a map scale not to exceed 1 inch equals 500 feet (1" = 500').

**Clerk.** The Clerk of the Town of Addison, or the Clerk's designee.

**Collector Street** (See "**Street, Collector**").

**Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

**Comprehensive Plan.** Any extensively developed plan, sometimes called a Master Plan, adopted by the Town Board pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan may include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and stormwater management system elements, and neighborhood unit development plans, provided such plan components are adopted as part of or as an amendment to the Town comprehensive plan. Devices for the implementation of these plans include zoning, official mapping, and land division ordinances.

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

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

**Copy.** A true and accurate copy of all sheets of the original subdivision Plat or Certified Survey Map. Such copy shall be on durable white matte finished paper with legible dark lines and lettering.

**Cul-de-Sac Street** (See "**Street, Cul-de-sac**").

**Datum.** A system that serves as a basis for land survey measurements and calculations.

**Developer.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, replat, or Certified Survey Map.

**Development Agreement.** An agreement by which the Town and the Developer agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Development Agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the Town from the Developer.

**Development (Urban).** Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time police and fire protection and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities; public water supply facilities and public solid waste removal; storm sewers; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and may impact ground and surface waters. Urban development occurs when residential development is concentrated in densities in excess of one (1) dwelling unit per 40,000 square feet.

**Development (Rural).** Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Rural residential

development densities are equal to or less than 1 dwelling unit per 40,000 square feet and traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore less impact on the natural environment.

**Dwelling Unit.** A building or part of a building used for a place of abode and occupied by one family.

**Environmental Corridor.** Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated in the comprehensive planning program of the Southeastern Wisconsin Region by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). These natural resource and resource-related elements include the following: 1) lakes, rivers, and streams, together with their natural floodplains; 2) wetlands; 3) forests and woodlands; 4) wildlife habitat areas; 5) rough topography; 6) significant geological formations; 7) wet or poorly drained soils; 8) existing outdoor recreation sites; 9) potential outdoor recreation and related open-space sites; 10) historic sites and structures; and 11) significant scenic areas or vistas.

**Environmental Corridor, Primary.** A concentration of significant natural resources at least 400 acres in area, at least two (2) miles in length, and at least 200 feet in width as delineated and mapped by SEWRPC.

**Environmental Corridor, Secondary.** A concentration of significant natural resources at least 100 acres in area and at least one (1) mile in length as delineated and mapped by SEWRPC. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply.

**Extraterritorial Plat and Certified Survey Map Approval Jurisdiction.** The unincorporated area within one and one-half (1 1/2) miles of a fourth-class city or a village and within three (3) miles of a first-, second-, or third-class city.

**Financial Guarantee.** A letter of credit, cash or certified check guaranteeing performance of a contract or obligation through possible forfeiture of the surety bond, letter of credit, cash, or certified check if said contract or obligation is unfilled by the Developer.

**Fill.** Sand, gravel, earth or other materials of any composition whatever placed or deposited by human beings.

**Final Plat.** A map prepared in accordance with the requirements of Chapter 236, Wisconsin Statutes, and this Ordinance, for the purpose of dividing larger parcels into lots and conveying those lots within a subdivision.

**Floodplains.** Those lands, including the floodplains, floodways, floodplain fringe, and channels, subject to inundation by the one percent annual probability (one hundred (100) year recurrence interval) flood, or, where such data is not available, the maximum flood of record.

**Frontage (Lot).** The smallest dimension of a lot abutting a public street measured along the street line.

**Frontage Street** (See "Street, Frontage").

**Green Development.** The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green

infrastructure; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as “low impact development (LID).

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

**High Groundwater Elevation.** The highest elevation to which subsurface water rises based on accepted engineering practices. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

**High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage or wetland referred to a datum approved by the Town Engineer or where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

**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.

**Irrevocable Letter of Credit.** An agreement guaranteeing payment for land division improvements, entered into by a bank, savings and loan or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Town.

**Isolated Natural Resource Area.** An area containing significant remnant natural resources at least five (5) acres in area and at least 200 feet in width, as delineated and mapped by SEWRPC.

**Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other requirements of the Town of Addison Zoning Ordinance.

**Lot, Corner.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

**Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) street yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

**Lot, Flag.** A lot fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, and where the area of the lot, for zoning purposes, may not include the narrow strip.

**Lot, Interior.** A lot other than a corner lot, with frontage on one street.

**Minor Land Division** (See "**Certified Survey Map**"). Any division of land not defined as a "subdivision".

**Minor Street** (See "**Street, Minor**").

**Municipality.** An incorporated village or city.

**Navigable Water.** Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) & DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

**Objecting Agency.** An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. Objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Safety and Professional Services (SPS), and the Washington County Planning, Conservation and Parks Committee. Washington County is also an approving authority for land divisions submitted for review under the Washington County Land Division Ordinance.

**Open Space.** Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately- or publicly-owned and substantially free of structures, but may contain recreational facilities approved by the Town. Such open space may include, but are not limited to, floodplain, wetlands, woodlands, steep slopes, environmental corridors, and isolated natural resource areas.

**Ordinary High Water Mark.** The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**Outlot.** A parcel of land, other than a lot or block, so designated on the plat but not of standard lot size or otherwise considered unbuildable because of soils limitations or other physical characteristics. The outlot shall either be owned by a lot owner, be combined with other adjacent parcels, be dedicated to the public, or owned as an undividable interest by all owners in the subdivision plat.

**Owner.** An individual, firm, association, syndicate, partnership, or corporation having a proprietary interest in a parcel of land.

**Plan Commission.** The Plan Commission of the Town of Addison, created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes.

**Plat.** A map of a subdivision.

**Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

**Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.

**Recording a Plat.** The filing of the Final Plat with the Washington County Register of Deeds.

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

**Sanitary Sewer Service Area.** The area within the Town that is served or is planned to be served with public sanitary sewerage facilities.

**Shorelands.** Those lands in the unincorporated areas of Washington County lying within the following distances: one thousand (1,000) feet from the ordinary high water mark of navigable lakes, ponds and flowages; or three hundred (300) feet from the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

**Soil Mapping Unit.** Soil types, slopes and erosion factors delineated on detailed operational soil survey maps prepared by the U.S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).

**Solar Access.** Access to solar rays so there is no shading to the south wall or rooftop of any proposed structure.

**South Wall.** Any wall facing within 45 degrees of due south.

**Street, Arterial.** A street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways and parkways.

**Street, Collector.** A street used or intended to be used to carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets to residential developments.

**Street, Cul-de-sac.** A minor street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

**Street, Frontage.** 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.

**Street, Minor.** A street used or intended to be used primarily for access to abutting properties.

**Subdivider** (See "Developer").

**Subdivider's Agreement** (See "Development Agreement").

**Subdivision.** The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of sale or transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel, of less than thirty five (35) acres each in area, by a division or by successive divisions of any part of the original property within a period of five (5) years. Other divisions of land shall be termed "minor land divisions".

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

**Town.** The Town of Addison, the Town Board of Supervisors, and the Town Plan Commission.

**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.

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

**Wisconsin Statutes.** The body of law enacted by the Wisconsin State Legislature. Portions of the Wisconsin Statutes that particularly affect planning include Chapter 236 (subdivision requirements); Section 62.23 (zoning and master planning requirements for cities and villages, and towns that have adopted village powers); Section 66.1001 (comprehensive planning requirements); and Chapter 59 (zoning requirements for counties). The Wisconsin Statutes are available on the Legislature’s web page at <https://docs.legis.wisconsin.gov/statutes>.

**Zoning Administrator.** The Officer designated by the Addison Town Board to administer this Ordinance.

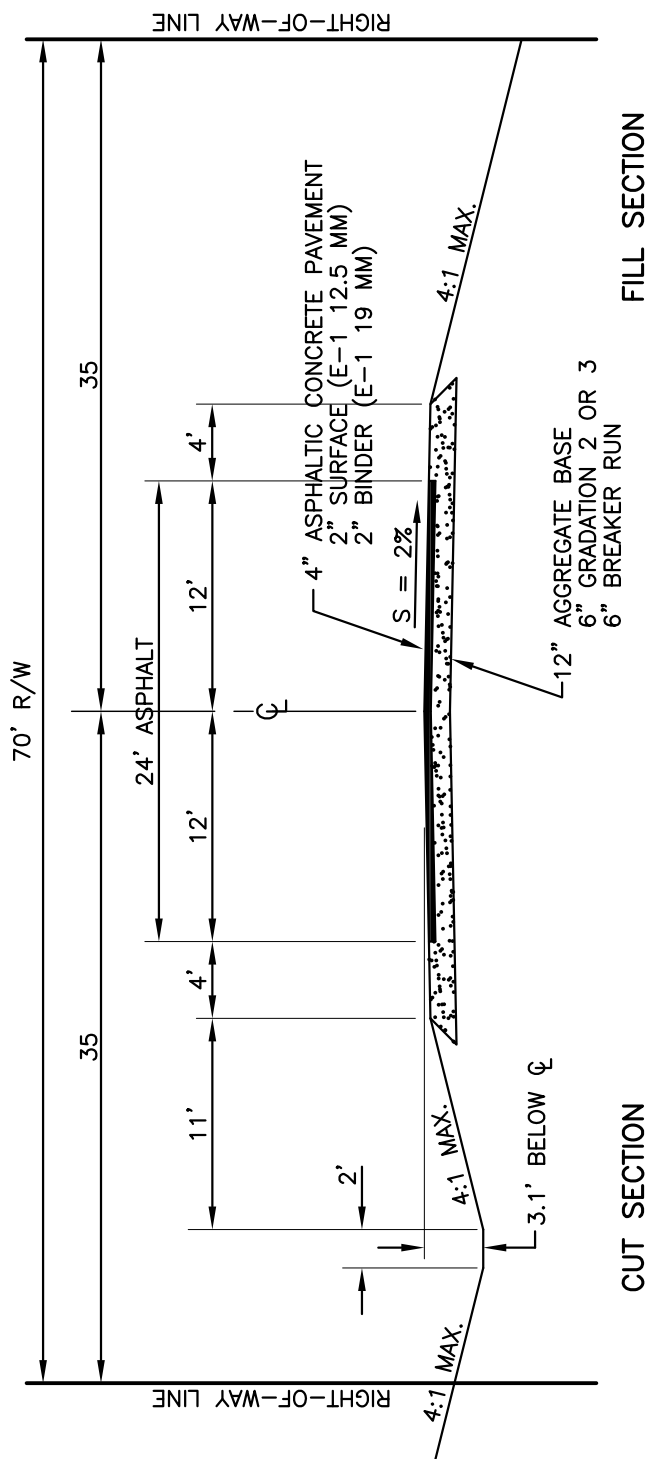




## **APPENDIX**

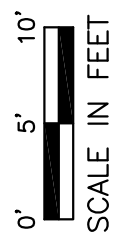
**STANDARD CROSS-SECTION FOR TYPICAL RURAL MINOR STREETS AND  
STANDARD PLAN AND CROSS-SECTION FOR TYPICAL RURAL CUL-DE-SACS**

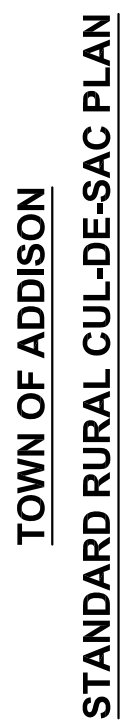


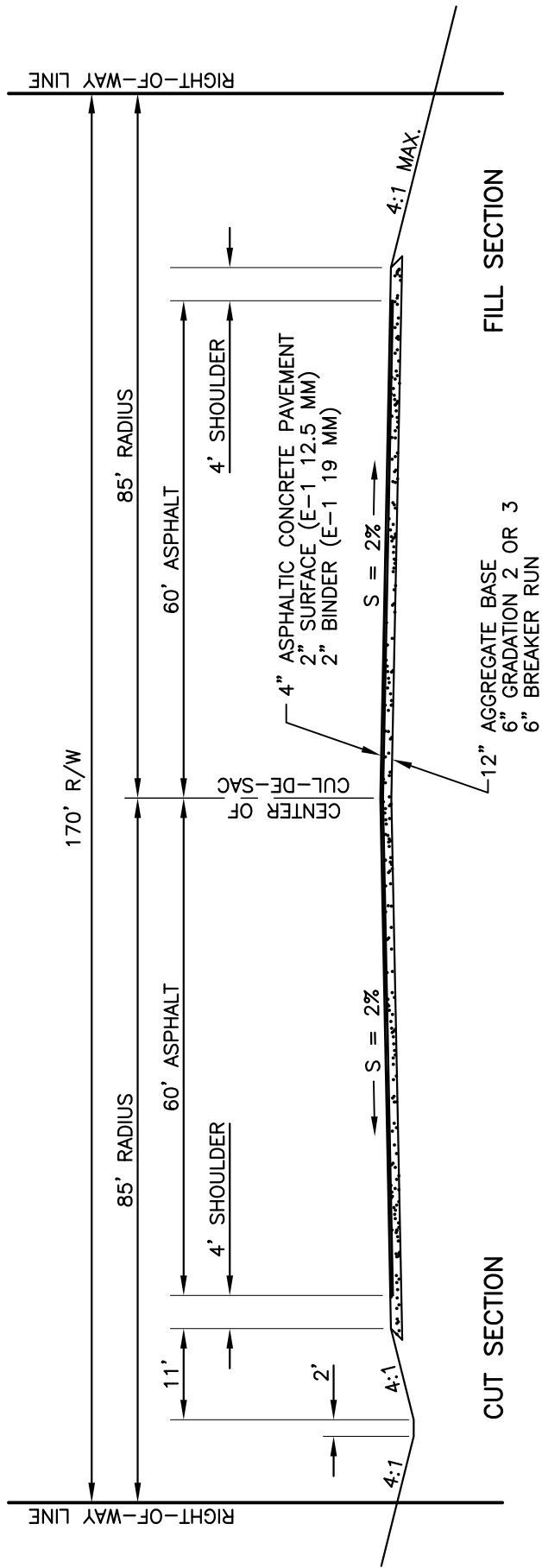


## TOWN OF ADDISON

### STANDARD RURAL MINOR STREET CROSS-SECTION







## TOWN OF ADDISON

### STANDARD RURAL CUL-DE-SAC CROSS-SECTION

