

# ATTACHMENT B

## TOWN OF DUNN

### ORDINANCE #12-3 (B)

#### SUBDIVISION ORDINANCE

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#### Section 1: Definitions

The following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

1. ASSESSOR. The assessor for the Town of Dunn
2. BOARD. The Dunn Town Board.
3. BASE FARM TRACT. Lands of over 35 acres under contiguous ownership as of September 1, 1979, except lots determined to have been legally created prior to September 1, 1979, as determined by a parcel status determination approved by the Plan Commission.
4. CERTIFIED SURVEY MAP. A map of land division meeting all of the requirements of Section 236.34 of the Wisconsin Statutes and in full compliance with the provisions of this ordinance.
5. CLERK. The Dunn Town Clerk.

6. **CLUSTER DEVELOPMENT.** A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design.
7. **COMPREHENSIVE DEVELOPMENT PLAN (CDP).** A total site plan of an area of contiguous land 35 acres or more in size all under the control of a developer(s) at the time of submission for review. Such a plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths, and common open space.
8. **CONDOMINIUM.** Property subject to a condominium declaration established under Wis. Stats. Chapter 703.
9. **CONTIGUOUS OWNERSHIP.** All parcels under common ownership that share a common boundary. A public road, navigable waterway, or connection at only one point should not be considered to break up contiguity.
10. **DRAINAGEWAY.** A route or course along which water moves or may move to drain an area.
11. **EASEMENT.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
12. **GOVERNMENTAL UNIT.** Any municipality or the State of Wisconsin.
13. **GREENWAY.** An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including, but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basin, park development and other related uses.
14. **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.
15. **LAND DIVISION.** The division of a lot, parcel or tract of land where the act of division creates fewer than five lots, parcels or building sites. Any land divisions within the Town of Dunn must be in accordance with the Land Division Ordinance, Chapter 12-3

(A).

16. LOT. A parcel of land defined by a Certified Survey Map or Plat.
17. MASTER PLAN. Any master, development, or regional plan adopted pursuant to Section 62.23, 236.46 or 66.1001 of the Wisconsin Statutes which is applicable to the Town of Dunn.
18. NET ACREAGE. Total property acreage not including road ownership or other public right-of-way.
19. OFFICIAL MAP. A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks and playground as adopted and amended by the Town Board pursuant to Section 62.23(6) of the Wisconsin Statutes.
20. OUTLOT. A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.
21. PARCEL. Contiguous land under the control of a subdivider whether or not separated by streets, highways, or railroad rights-of-way. May not correspond with tax parcels.
22. PARENT PARCEL. The original parcel which the subdivider seeks to divide.
23. PLAN COMMISSION. The Dunn Plan Commission.
24. PLANNED UNIT DEVELOPMENT (PUD). Planned unit development. A form of land development permitted after following the procedures for creating a planned unit development district as provided in the Dane County Code of Ordinances section 10.153. The planned unit development district is designed to allow variation in the types and arrangements of land uses and structures in developments conceived and implemented as cohesive, unified projects.
25. PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision, as described in Section 4, submitted to the Town for purpose of preliminary consideration prior to all final plats and, when required, prior to all land divisions.
26. PUBLIC WAY. Any public road, street, highway, walkway, drainageway, or part thereof.
27. REPLAT. Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but is a land division.

28. RESIDENTIAL DWELLING UNIT. A single family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct set of inhabitants.

29. RURAL CHARACTER. Patterns of land use and development:

- (A) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (B) That provide visual landscapes that are traditionally found in rural areas and communities;
- (C) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (D) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (E) That generally do not require the extension of urban governmental services; and that are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

30. STREET. A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

- (A) Arterial Streets and Highways. Those street which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.
  - 1. Principal Arterials. Those street serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.
  - 2. Primary Arterials. Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.
  - 3. Standard Arterials. Those street which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower order activity areas not served by such routes.
- (B) Collector Streets. Those streets which provide moderate speed movement persons and goods within large areas. They are basically local streets which

usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual purpose streets of the collector family are also subclassified into two subclasses, namely Connectors and Distributors.

1. Connector Streets. Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.
  2. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.
- (C) Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.
- (D) Marginal Access Streets. Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- (E) Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.
31. **STRUCTURE**. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires temporary or permanent location on the ground or attachment to something having temporary or permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.
32. **SUBDIVIDER**. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a subdivision.
33. **SUBDIVISION**. The division of a lot, parcel or tract of land where the act of division:
- (A) Creates five or more lots, parcels or building sites; or
  - (B) Creates five or more lots, parcels or building sites by successive divisions within a period of five years.
34. **TAX PARCEL**. A unit of land delineated for the sole purpose of creating a complete, accurate, and equitable unit of taxation in support of taxpayers contributing a fair share

of support for the community services received. Tax parcel boundaries may not correspond to Parcels as defined above.

35. TOWN. The Town of Dunn situated in Dane County, Wisconsin.

36. TOWN ATTORNEY. Any attorney engaged by the Town to perform legal work relating to this Ordinance.

37. TOWN ENGINEER. Any registered professional engineer engaged by the Town to perform engineering work relating to this Ordinance.

Section 2: Introduction

(1) AUTHORITY. This ordinance is adopted pursuant to the Village Powers of the Town under Sections 60.10(2)(c), 60.22(3), 61.34(1) of the Wisconsin Statutes, the authority contained in Section 236.45 of the Wisconsin Statutes, and the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes.

(2) PURPOSE.

(A) To guide the future growth and development of the Town consistent with the Town of Dunn's current adopted Comprehensive Plan;

(B) To promote the public health, safety, and general welfare of the community;

(C) To preserve agricultural land and farming as a viable activity;

(D) To encourage the appropriate use of land throughout the Town;

(E) To guide the detailed analysis of development proposals so as to locate and coordinate appropriate areas for development and conservation;

(F) To preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources;

(G) To preserve prime agricultural land by clustering development on lands that have low agricultural potential;

(H) To provide buffering to reduce conflicts between residential development and non-residential uses;

(I) To protect and enable the restoration of environmentally sensitive areas and biological diversity, and maintain environmental corridors;

(J) To preserve archaeological sites, historic buildings and their settings;

(K) To provide for the most efficient use of public infrastructure and related public facilities;

(L) To provide for the most efficient use of lands deemed suitable for development.

(3) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to

laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

- (4) INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (5) PLAN COMMISSION. The authority to approve or object to preliminary or final plats, is, to the extent necessary to implement the provisions of this ordinance delegated to the Plan Commission
- (6) SEVERABILITY. The provisions of this ordinance are severable. If any provision of the ordinance is invalid or unconstitutional, or if its application to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (7) REPEAL. All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.
- (8) TITLE. This ordinance shall be known as, referred to, or cited as the "Town of Dunn Subdivision Ordinance."
- (9) EFFECTIVE DATE. This ordinance shall take effect on the day after its publication as provided by law.

Section 3: General Provisions

- (1) JURISDICTION. Jurisdiction of these regulations shall include all lands within the Town. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:
  - (A) Transfers of interests in land by will or pursuant to court order;
  - (B) Leases for a term not to exceed ten years, mortgages or easements;
  - (C) The sale or exchange of parcels of land between owners of adjoining property via lot line adjustments if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or any other applicable laws or ordinances. Such lot line adjustments will not increase or decrease the allotted building sites on either

property.

(2) COMPLIANCE. No person shall divide any land located within the Town which results in a subdivision, land division, certified survey map or replat; and no such subdivision, land division, certified survey map or replat shall be entitled to be recorded; and no street be laid out or improvements placed therein without compliance with all requirements of this ordinance and the following:

- (A) The Town of Dunn Comprehensive Plan
- (B) All applicable provisions of the Dane County Code of Ordinances
- (C) The provisions of Wis. Stats. Chapter 236 and Wis. Stats. 80.08
- (D) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
- (E) The rules of the Wisconsin Department of Safety and Professional Services, contained in Chapter SPS 383 and related chapters of the Wisconsin Administrative Code for land divisions not served by public sewer.
- (F) The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut a state trunk highway or connecting street.
- (G) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
- (H) The rules of the Wisconsin Department of Natural Resources contained in Chapter NR 115 of the Wisconsin Administrative Code, for shoreland protection .
- (I) All other applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection and
- (J) All applicable Town of Dunn and Dane County ordinances and regulations, including land division, subdivision, zoning, sanitary, building and official mapping ordinances.

(3) IMPROVEMENTS.

(A) Contract. Before any final plat or certified survey map is inscribed by the clerk the subdivider shall enter a contract with the Town wherein the subdivider agrees to install all required improvements within eighteen (18) months of the of Town Board approval, or the approval shall lapse.

(B) Security Required.

1. At the time said contract is entered, the subdivider shall file a performance bond or irrevocable letter of credit with the Town in an amount equal to the estimated cost of the required improvements as

determined by the subdivider's engineer and approved by the Town Engineer.

2. The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a letter of credit is posted as security the Town must be the beneficiary.
3. The security deposit shall guarantee that all required improvements will be completed according to Town specifications by the subdivider or its contractors not later than **eighteen (18) months** from the date that the plat is recorded and shall be used, applied, or released pursuant to Section 11(2).

(C) Governmental Units to which these security provisions apply may file, in lieu of said security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

#### (4) RESERVATION AND DEDICATION OF LAND.

(A) Public Ways. Whenever a tract of land to be divided or subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in any applicable master plan or official map, said public way shall be made a part of the plat and dedicated by the subdivider in the locations and dimensions indicated on said plan or map.

(5) CERTIFIED SURVEY. Any land division other than a subdivision, shall be surveyed with a certified survey map prepared by a licensed surveyor as provided in Sec. 236.34, Wis. Stats., and in accordance with the requirements of this ordinance and Town of Dunn Ordinance #12-3 (A), the Land Division Ordinance.

(6) NON COMPLIANCE. No person, partnership, firm, corporation, or entity of any sort shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division, subdivision, or replat within the jurisdiction of this ordinance not approved by the Plan Commission as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Plan Commission or Town Board may deny requests for building permits, rezoning or other approvals for any person, firm or corporation who fails to comply with the provisions of this ordinance.

(7) APPLICABILITY TO CONDOMINIUMS. This ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or

parcel created by the act of land division or subdivision.

- (8) SURVEY MONUMENTS. Before final approval of any plat or certified survey map within the corporate limits of the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer. The Town Board may waive the placing of monuments required under Section 236.15(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.
- (9) LAND SUITABILITY. No plat shall be approved if the resulting lots are determined to be unsuitable for a developed use by the Plan Commission for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, inadequate drainage, inadequate water or sewage disposal capabilities, or any other condition which is potentially harmful to the health, safety, or welfare of the future residents of the proposed lots, adjacent lots, or of the community. A portion of a proposed lot may contain such conditions, provided the overall lot is not deemed unsuitable.
- (A) Lands that are unsuitable for development include, but are not limited to:
1. All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or Dane County Zoning. When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may request technical assistance from any of these agencies in determining whether the land is suitable or unsuitable for the use proposed.
  2. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 100 foot buffer (around wetlands with an area of 2 acres or greater). The applicant may petition the Plan Commission to waive the 100 foot buffer.
  3. All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources.
  4. All areas having slopes 15 percent or greater.
  5. Areas that provide habitat for threatened, endangered, or special concern species in the opinion of a natural resource specialist.

6. Burial sites and Indian mounds.
  7. Drainageways that contain running water during spring runoff, or during storm events plus a 25 foot buffer from the edge of the drainageway.
  8. Lands having bedrock within six (6) feet of the natural undisturbed surface.
  9. For unsewered development, all soil types as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service, which have very severe limitations, unless in conformance with the applicable state administrative code and the Dane County Private Sewage System Ordinance.
  10. Lands that are encumbered by a conservation easement which prohibits the land division or the type of development proposed.
  11. Areas of archaeological, historical, or geological importance.
- (B) The Plan Commission, when applying the provisions of this section, shall recite the particular reasons upon which it bases its conclusion that the land is not suitable for a proposed use, and afford the subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.
- (C) The subdivider shall provide all necessary maps, data, and information for determining suitability.
- (10) **OUTLOTS.** No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Chapter 236 of the Wisconsin Statutes and the provisions of this ordinance. No outlot in a subdivision may be used as a building site unless it is in compliance with all the provisions of this ordinance. An outlot may be conveyed whether or not it may be used as a building site.
- (11) **VIOLATIONS.** It shall be unlawful to build upon, rezone, divide, further divide, convey, record or monument any land in violation of this ordinance or of the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes.
- (12) **PENALTIES.**
- (A) Any person, firm or corporation who 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) and the costs of prosecution for each violation, including the Town's reasonable and actual attorney fees and disbursements incurred in the prosecution of such violations, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

- (B) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
- (C) Conveyance of lots in unrecorded plats has penalties provided in Sec. 236.31, Wis. Stats.
- (D) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
- (E) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive land divisions.

(13) APPEALS.

- (A) The following decisions of the Plan Commission may be appealed to the Town Board:
  - 1. Rejection of a preliminary plat;
  - 2. Rejection of a final plat;
  - 3. Rejection of a comprehensive development plan (CDP);
  - 4. Determination that land is unsuitable for subdivision;
  - 5. Determination that a change in a recorded CDP and its exhibits is a major change;
  - 6. Rejection of a proposed change in a recorded CDP and its exhibits.
- (B) A written Notice of Appeal must be filed with the Clerk within 14 days of the date of the Plan Commission action.
- (C) The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions, shall specify the reasons why the landowner believes said action was inappropriate; shall include an agreement to extend the time for acting on the

certified survey, for a period of ninety (90) days from the date of the Plan Commission action; and shall state the names and addresses of the owners of all properties within 300 feet of the proposed land division.

- (D) The Clerk shall file the Notice of Appeal with the Board and shall schedule the appeal for consideration by the Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk shall send notice of the time scheduled for the consideration of the appeal to the landowner and to all property owners within 300 feet of the proposed land division at least ten (10) days prior to the hearing of the appeal.
- (E) Within thirty (30) days of the appeal hearing, the Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Board shall be sent to landowner and the Plan Commission.

#### Section 4: Procedure

- (1) PRE-APPLICATION. Prior to the filing of an application for the approval of a certified survey map or preliminary plat, the subdivider shall consult with the Plan Commission to obtain their advice and assistance, to be informed of the presence and objectives of these regulations, of any applicable master plans and of any plan implementation devices, and to be otherwise assisted in planning the subdivision or land divisions. The Plan Commission may require the subdivider to furnish such maps or other information as will assist it during the pre-application phase.
- (2) PRELIMINARY PLAT REVIEW.
  - (A) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval, and shall file five (5) copies of the plat and the application with the Town Clerk. The subdivider shall also forward a copy to the local electric and telephone utilities. When the subdivider expects the Town to act as the transmitting authority in accordance with Section 236.12 Stat., the application shall state that the transmittal responsibility lies with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
  - (B) The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at the time, and shall be prepared in accordance with this

ordinance. The Plan Commission may waive the requirement that the preliminary plat cover the entire area where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of 35 acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire area, he may elect to submit a comprehensive development plan.

- (C) The Clerk shall forward two copies of the preliminary plat to the Plan Commission which shall examine it for conformity with the requirements of this ordinance and with the requirements of any other ordinances, statutes or administrative rules and regulations, and for compliance with any applicable master plan.
- (D) Within 90 days of the receipt of the application, the Plan Commission shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection. The Plan Commission shall establish as a condition of approval that within a reasonable time limit the subdivider shall meet or enter an agreement to meet all other conditions of approval. One copy of the preliminary plat shall be returned to the subdivider, his surveyor, or engineer with the date and action attached hereto; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action herein required within ninety (90) days of filing of the preliminary plat shall constitute an approval of the preliminary plat.
- (E) Approval or conditional approval of a preliminary plat entitles the final plat to approval provided the final plat conforms substantially to the preliminary, including any conditions of that approval, and conforms to any applicable local plans and ordinances. If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.
- (F) Whenever a proposal to replat or subdivide one or more recorded subdivisions, or any part of a recorded subdivision, is filed with the Plan Commission, it shall schedule and hold a public hearing on the proposed preliminary plat of the replat or resubdivision before taking action. The Plan Commission shall mail notices of the proposed replat or resubdivision and of the scheduled hearing thereon at least 10 days prior to the time of such hearing to the owners of all properties within 300 feet of the proposed replat or resubdivision.

(3) FINAL PLAT REVIEW.

- (A) The subdivider shall prepare and file seven (7) copies of the final plat together with a written application for approval with the Clerk within thirty-six (36) months of the approval of the preliminary plat.
- (B) The Clerk shall forward two (2) copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the preliminary plat and any conditions of approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.
- (C) The Plan Commission shall approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider or subdivider's agent. The shall establish as condition of final approval that within a reasonable time limit, the subdivider shall meet or enter and agreement to meet all requirements and conditions of approval. One copy of the plat shall then be returned to the subdivider, his surveyor, or engineer with the date and action attached thereto, and the conditions or requirements of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Plan Commission, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.
- (D) The final plat may, if permitted by the Plan Commission, include only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (E) The final plat is entitled to approval provided that it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and conforms to any applicable local plans and ordinances. If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, the Plan Commission may reject the final plat regardless of any prior action on the preliminary plat.
- (F) After the final plat has been approved by the Board and the contract is entered and security filed in accordance with Section 2(3) hereof, and all other conditions of approval have been met, the subdivider shall submit the final plat to the Clerk. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.
- (G) The subdivider shall file two (2) certified copies of the final plat with the Clerk

within ten days after it has been recorded.

(4) COMPREHENSIVE DEVELOPMENT PLANS.

- (A) When the subdivider has 35 acres or more of contiguous land under his control, he may elect to file a comprehensive development plan (CDP) in lieu of a preliminary plat for the entire lands under his control.
- (B) The subdivider shall file seven (7) blueline prints and seven (7) copies of all exhibits as required hereinafter together with a written application for approval with the Clerk.
- (C) The Clerk shall forward three (3) copies of the CDP to the Plan Commission and shall schedule a public hearing before the Plan Commission. Notice of the proposed CDP and public hearing shall be mailed to the owner of all land within one-quarter (1/4) mile of the exterior boundaries of the proposed CDP.
- (D) The CDP and exhibits shall be reviewed by the Plan Commission which shall also refer them to the Dane County Regional Planning Commission for review and comment.
- (E) The Plan Commission shall recommend approval or conditional approval of the CDP to the Board or shall reject the CDP. If approval or conditional approval is recommended, the CDP shall be referred to the Board for consideration. The Board shall then approve, conditionally approve, or reject it. The Plan Commission shall recommend and the Board shall establish as a condition of approval that within a reasonable time limit, not to exceed six (6) months, the subdivider shall meet or enter an agreement to meet all other conditions of approval. One copy of the CDP shall be returned to the subdivider with the date and action attached thereto and if approved or rejected, the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within ninety (90) days of the filing of the CDP shall constitute an approval of the CDP.
- (F) The subdivider shall record the CDP, together with the exhibits, after it has been approved by the Board and shall file a certified copy of the CDP with the Clerk after it has been recorded.
- (G) No major change in a recorded CDP or its exhibits can be made without the approval of the Board. Any proposed change in the CDP or its exhibits shall be filed with the Clerk. The Plan Commission shall determine whether the change is major and within thirty (30) days of filing shall recommend approval or

conditional approval of the change to the Board or shall reject the change. If approval or conditional approval is recommended, the proposed change shall be referred to the Board for consideration. The Board shall then approve, conditionally approve, or reject the proposed change within fifteen (15) days. Any approved major change to a CDP and its exhibits shall be recorded and the subdivider shall file a certified copy of the recorded instruments with the Clerk.

(5) REPLATS.

- (A) When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries, or any part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes and shall then proceed as specified in Sections 3 through 7.
- (B) The Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat is filed and shall cause notices of the proposed replat and public hearing to be mailed, at the subdivider's expense, 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 300 feet of the exterior boundaries of the proposed replat.

(6) LAND DIVISIONS BY CERTIFIED SURVEY. Refer to Ordinance 12-3 (A), the Land Division Ordinance

Section 5: Preliminary Plat

- (1) GENERAL. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. A preliminary plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
  - (A) Title under which the proposed subdivision is to be recorded.
  - (B) Location of proposed subdivision by: government lot, quarter-quarter section, township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and to existing streets.
  - (C) Date, scale and north point.
  - (D) A description of the material of which the corner marker is composed.

- (E) Names and addresses of the owner, subdivider, the surveyor, the engineer, and the professional land planner involved in the plat preparation.
  - (F) The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.
  - (G) The present zoning and any proposed zoning change for the plat and all lands adjacent thereto.
- (2) 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 U.S. Public Land Survey and the total acreage encompassed thereby.
  - (B) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than twenty (20) percent, and or not more than five (5) feet where the slope of the ground surface is twenty (20) percent or more. Elevations shall be marked on such contours based on USGS data.
  - (C) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
  - (D) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (E) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
  - (F) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
  - (G) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catchbasins, hydrants, power

and telephone poles; and the location and size of any existing water and gas mains or water wells within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

- (H) Location of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (I) Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.
- (J) Any proposed lake and stream improvement or relocation.
- (K) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (L) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines, and in such event, it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.
- (M) Existing zoning on and adjacent to the proposed subdivision.
- (N) Corporate limit lines.
- (O) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (P) Dimensions of all lots and outlots together with proposed lot, outlot and block numbers.

- (Q) Depth to ground water throughout the proposed subdivision.
- (3) STREET PLANS AND PROFILES. The subdivider shall 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 based upon USGS data, and plans and profiles shall meet the approval of the Town Engineer.
- (4) TESTING.
  - (A) The Town Engineer may require, and where sanitary sewers are unavailable shall require, that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
  - (B) Where sanitary sewers are unavailable, the soil and percolation tests required by Wis. Adm. Code section H.65.06 shall be performed and the results shall be submitted with the preliminary plat. After approval of the preliminary plat but prior to submitting an application for approval of the final plat, each individual lot shall be tested for percolation as specified in Wis. Adm. Code section H.62.60 and the results of such tests shall be submitted to the Plan Commission.
- (5) COVENANTS. The Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect to proposed development.
- (6) 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 provision of this ordinance.

Section 6: Final Plat

- (1) GENERAL. A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.
- (2) INFORMATION REQUIRED. The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes and Section 4 hereof, the following:
  - (A) Exact length and bearing of the center line of all streets.
  - (B) Exact street width along the line of any obliquely intersecting street.

- (C) Railroad rights-of-way within and abutting the plat.
  - (D) Setbacks or building lines required by the Town Plan Commission.
  - (E) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - (F) Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips.
  - (G) The rural fire number assigned to each lot.
- (3) DEED RESTRICTIONS. The Plan Commission may require that deed restrictions be filed with the final plat.
  - (4) SURVEY ACCURACY. The accuracy of the final plat must be certified by the Wisconsin Department of Development.
  - (5) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
  - (6) CERTIFICATES. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.
  - (7) APPLICATION FOR APPROVAL. The plat shall be accompanied by a written application for approval on forms furnished by the Plan Commission, and, if they have not been previously submitted, by the plans, profiles and specifications required by Section 4(3) and 10(1) and by the results of the soil and percolation tests required by Section 4(4).

Section 7: Comprehensive Development Plans

- (1) REQUIREMENTS. Any comprehensive development plan shall include the following:
  - (A) A plan, drawn to scale of 1"=200' which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad right-of-way. The plan shall show the information required by Sections 4(1) through 4(2)(O) and all proposed collector and arterial streets.
  - (B) If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefore.

- (C) The projected population broken down into single-family and multi-family units.
  - (D) The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.
  - (E) A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.
- (2) DESIGN STANDARDS. The design standards set forth in Section 8 of this ordinance shall apply to a comprehensive developmental plan. However, if the comprehensive development plan consists of a cluster development or other innovative designs which negate the necessity for meeting those standards, they may be waived by the Board upon recommendation of the Plan Commission and the Town Engineer.
- (3) DEDICATIONS, TESTING, AND IMPROVEMENTS REQUIRED. Comprehensive development plans shall be subject to the provisions of Section 294) concerning reservation and dedication of land; to the provisions of Section 9 concerning required improvements; and to the provisions of Section 4(4) concerning borings, soundings, and percolation tests.

Section 8: Design Standards

- (1) STREET ARRANGEMENT. Street layouts shall conform to the arrangement, width and location indicated on any official map, master plan or component neighborhood development plan of the Town. In area 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 land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of the subdivision or land division must have frontage and satisfactory access to a public street.
- (A) Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points and beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major 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 shall be arranged so as to provide ready collection of the traffic from residential areas and conveyance of this traffic to the major street and

highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major street into which they feed.

- (C) Local Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (D) Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision. Where it appears to the Town that a temporary turnaround may require the subdivider to pave the turnaround or may use the security deposit for that purpose.
  - (E) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major 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 nonaccess reservation along the rear property line, or by the use of frontage streets.
  - (F) Stream or Lake Shores shall have sixty (60) feet of public access platted to the low water marker at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes. The Town is not required to improve lands provided for public access under this subsection.
  - (G) Reserve Strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Town under conditions approved by the Plan Commission.
  - (H) Alleys shall be provided in commercial and industrial districts for off-street loading and service access when required by the Plan Commission but shall not be used in residential areas. When required, alleys shall not be less than 24 feet wide and shall be continuous through blocks. Deadend alleys shall not be approved, and alleys shall not connect to a major thoroughfare.
- (2) STREET NAMES AND BUILDING NUMBERS.

- (A) Street names and building numbers shall be assigned in accordance with the provisions of Chapter 19 of the Dane County Ordinances.
- (B) Duplication of existing street names by similar word, spelling, or sound shall not be permitted.
- (C) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
- (D) A street name shall be changed when required to conform to the proposed or existing house numbering base.
- (E) A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- (F) The following designations shall be used only in the situations indicated:
  - 1. Boulevard - A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same street name and suffix shall continue.
  - 2. Lane - A street, one block long, not ending in a cul-de-sac.
  - 3. Circle - A cul-de-sac of nine lots or more.
  - 4. Court - A cul-de-sac of eight lots or less.
  - 5. Parkway - A street abutting a park or greenway or creek.
- (G) The maximum number of street names at one intersection shall be three.
- (H) Street names shall be assigned so that no two intersections shall have the same exact street names.
- (I) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
- (J) The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other

provisions of this section.

- (K) Service roads and highways served by them shall have the same street name and designation.
  - (L) Approval of street names on a preliminary plat will not reserve the names nor shall the Town be required to accept such names at the time of the final platting.
  - (M) A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix shall not exceed twelve.
- (3) LIMITED ACCESS HIGHWAYS AND RAILROAD RIGHT-OF-WAY. Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
- (A) In Residential Districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat:  
  
"This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
  - (B) Commercial and Industrial Districts shall have on each side of the limited access highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred and fifty (150) feet.
  - (C) Streets Parallel to a Limited Access Highway or railroad right-of-way shall, when intersecting a major street and highway or collector street which crosses said railroad or highway, be located at a minimum distance of two hundred and fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
  - (D) The Location of Local Streets immediately adjacent and parallel to railroad rights-of-way, and in residential areas immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided.
- (4) STREET DESIGN STANDARDS.

- (A) Minimum Right-of-Way. The minimum right-of-way of all proposed streets and alleys shall be of the width specified by any applicable master plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

<u>Type of Street</u>	<u>R.O.W Width</u>
Principal & Primary Arterials	120 feet
Standard Arterial & Collector Streets	80 feet
Local Streets	66 feet
Marginal Access Streets	66 feet
Alleys	24 feet

(B) Cul-de-Sac Streets.

1. Streets designed to have one end permanently closed shall not exceed 1,600 feet in length.
2. Except as provided in Section 8(4)(B)(3), streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet, and a minimum outside curb diameter of 86 feet. The reverse curve on a cul-de-sac shall have a 50 foot minimum radius when the bulb is centered on the street and a 100 foot minimum radius when the bulb is offset.
3. All streets which are designed to have one end permanently closed, in business, commercial, industrial and manufacturing areas, shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet, and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a 50 foot minimum radius when the bulb is centered on the street and a 100 foot minimum radius when the bulb is offset.

(C) Street Grades.

1. Unless necessitated by exceptional topography and subject to the approval of the Town Engineer, the maximum street grades shall not

exceed the following:

- a. Arterial streets and highways: 6 percent.
  - b. Collector and local streets and alleys: 8 percent.
  - c. Pedestrian Ways: 10 percent unless steps of acceptable design are provided.
2. The grade of any street shall in no case exceed 10 percent.
  3. All changes in street grades shall provide sight distances as conditions require as determined by the Town Engineer.
  4. Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(D) Radii of Curvature.

1. 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:
  - a. Arterial streets and highways: 500 feet.
  - b. Collector streets: 300 feet.
  - c. Local streets: 100 feet.
2. A tangent at least one hundred (100) feet in length and shall be provided between reverse curves on arterial and collector streets.

(E) Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

(5) STREET INTERSECTIONS.

(A) Streets shall intersect each other at as nearly right angles as topography and

other limiting factors of good design permit.

- (B) The number of streets converging at one intersection shall not be more than two.
  - (C) The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.
  - (D) Property lines at street intersections shall be rounded with a minimum radius of 15 feet except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Plan Commission may require a larger radius where desirable.
  - (E) Local streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within one hundred-fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.
- (6) BLOCKS.
- (A) 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; and the limitations and opportunities of topography.
  - (B) Blocks in residential areas shall not be less than six-hundred (600) feet nor more than fifteen (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting design factors.
  - (C) Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in the length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
  - (D) Width. Blocks shall have sufficient width to provide for two 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 use contemplated and the area zoning restrictions for such use.

- (E) Utility Easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.
- (7) LOTS.
- (A) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
  - (B) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
  - (C) Where sanitary sewers can presently be served by sanitary sewers, they shall have a minimum area of 20,000 sq. ft. Where sanitary sewers are not presently available, the minimum size of a lot shall be one (1) acre. In sewerred areas only, the Plan Commission may in its sole discretion permit smaller size lots when it determines:
    - 1. The size of the newly created lots will be compatabile with the sizes of already existing lots in the immediate area, and
    - 2. The size of the newly created lots will not be detrimental to the public health or welfare or public policies as expressed in the provisions of this Ordinance or any applicable master plan.
  - (D) Residential lots to be served by private sewage disposal facilities shall comply with the rules of the Wisconsin Department of Health and Social Services, and the State Board of Health.
  - (E) Access to public street. Every lot shall front or abut on a public street for a distance of at least fifty (50) feet.
  - (F) Side lot lines shall be substantially at right angles or radial to street lines.
  - (G) Lots shall follow municipal boundary lines rather than cross them whenever practicable.
  - (H) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

- (I) Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 (2:1) shall be considered as a desirable ratio under normal conditions.
  - (J) Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
  - (K) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
  - (L) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
  - (M) Lands lying between the meander line and the water's edge and other otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (8) **BUILDING SETBACK LINES.** Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as required by the Plan Commission.
- (9) **EASEMENTS.**
- (A) Lines to be Underground in Newly Platted Areas.
    - 1. All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly-platted area, mobile home park, cluster development or planned development, shall be underground at the expense of the subdivider unless the Plan Commission shall specifically find after study that:
      - a. The placing of such facilities underground would not be compatible with the planned development;
      - b. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or

- c. The lots to be served by said facilities can be served directly from existing overhead facilities.
2. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.
3. The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan, certified survey map or planned commercial site plan.
4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed unless an exception is granted by the Plan Commission pursuant to Section 8(9)(A)(1).
5. Easement Conditions.
  - a. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, and communication lines. Such easements as required by the Town or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

- b. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mound or mounds of direct shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.
- c. Where the electric or communications facilities or both are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

(B) Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details shall be prepared by subdivider's engineer and submitted for review and approval by the Town Engineer and Plan Commission. Where feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

Section 9: Required Improvements

- (1) **STREETS AND STREET LIGHTS.** Standard street improvements and, where required by the Plan Commission, street lights shall be installed in all subdivisions and unless waived pursuant to Section 9(8) in all land divisions. The Town may require installation or

paving by a subdivider or land divider of all or a portion of a street outside the subdivision or land division if that street provides access to the land division or subdivision.

(2) SANITARY SEWERS AND WATER MAINS. Where public utilities are available, sanitary sewers and water mains shall be installed in all subdivisions.

(3) WATER SUPPLY SYSTEM.

(A) A closed loop water supply system, including fire hydrants, shall be installed in all subdivision.

1. No water supply system serving or intended to serve more than four (4) but less than fifteen (15) parcels of land within the subdivision shall be constructed unless such system is designed and constructed in accordance with all federal, state and local statutes, ordinance and regulations which are applicable to public waterworks and water supply systems including, but not limited to, the administrative regulations with respect thereto adopted by the Wisconsin Department of Natural Resources, the Wisconsin Department of Health and Social Services, and the Wisconsin Public Service Commission, which regulations are incorporated herein and adopted by reference.
2. Prior to commencing construction of a water supply system, the subdivider shall submit the proposed plans, specifications, construction schedule, and contract to the Town Engineer for review and approval.
3. As used in this section the term "water supply system" means any facilities installed or constructed to obtain, store, treat, or convey water for human consumption or domestic use.

(B) Where no public water supply system is available, a well shall be installed for each residential or commercial parcel created by a subdivision.

(4) STORM SEWER AND STORM WATER DRAINAGE.

(A) Storm sewers shall be constructed where required by the Plan Commission.

(B) Ditches shall be constructed where required by the Plan Commission.

1. Roadside ditches shall not exceed 10% of grad nor have less than a 1% grade. The maximum single ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

<u>Ditch Grade %</u>	<u>Q (c.f.s)</u>
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

2. Ditches shall be restored with 4" topsoil, fertilizing, seeding and mulching in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. All sod shall be bluegrass, free of sedges, quackgrass and bentgrass.
  3. Where ditches are required, streets shall be constructed as indicated by the Town Engineer. The thickness of the pavement shall be determined and prescribed by the Town Engineer in accordance with the functional classification of the proposed street and soil subgrade data available. Any soil subgrade data required by the Town Engineer shall be obtained by the developer's soils engineer and furnished to the Town Engineer without cost.
- (C) At the time the preliminary plat, or plans for any comprehensive development are submitted to the Plan Commission for review, the Plan Commission may require the Town Engineer to prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing of storm sewer and storm water drainage facilities throughout the basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable those to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required facilities is attributable to such increase in capacity.
- (D) The cost of constructing storm sewer and storm water drainage facilities which serve the plat or project but which are not necessary to serve the entire drainage basin or subbasin in which it is located shall be borne solely by the subdivider. Those costs which are attributable solely to increasing the capacity of the required storm sewer and storm water drainage facilities to enable them

to serve the entire drainage basin or subbasin shall be paid by the Town and recovered through area charges or special assessments levied against all benefited properties. Any area charge or special assessment levied pursuant to Section 9(4)(D) shall be paid before the final plat is inscribed by the Town Clerk or before any building permit is issued.

- (E) Area charges levied pursuant to Section 9(3)(D) shall be subject to adjustment based upon the Engineering News Record Construction Price Index. In making such adjustments the year that the area charges for the drainage basin or subbasin were established shall be used as the base year. A copy of said Construction Price Index shall be kept on file at the office of the Town Engineer and shall be made available to the public for inspection and copying upon request.
- (5) IMPROVEMENTS TO BOUNDARY LINES. All required street, sidewalk, sanitary sewer, water main, and storm sewer improvements shall be installed to the boundary line of the subdivision or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.
- (6) PARTITION FENCES. When the land included in the plat or certified survey map abuts upon is adjacent to land used for farming or grazing purposes, the developer shall erect, kept and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. The Town may require a fence which exceed the minimum statutory requirements for a legal fence where appropriate to protect the public health, safety and welfare. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the final plat or certified survey map.
- (7) DRIVEWAYS.
  - (A) Approval Required. No person shall establish or construct a private driveway, road or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway permit from the Town Clerk.
  - (B) Specifications. No driveway shall be less than twenty-four (24) feet in width at the outer edge, unless special permission is obtained from the Town. Prior to the issuance of the permit, the location of said driveway shall be approved by the Town Board. Each driveway shall have a culvert with end sections at the ditch line, unless special permission is obtained from the Town. The subdivider

shall be responsible for furnishing all required culverts whose diameter has been determined by the Town. Installation of the culvert shall be by the Town within a reasonable time after issuance of the permit.

- (8) WAIVER.
- (A) Where, in the judgment of the Plan Commission, it would be inappropriate to apply to the provisions of Section 9 to a land division because extraordinary or undue hardship would result, the Plan Commission may recommend that the Town Board waive or modify any requirement, other than the recording of the certified survey map to the extent deemed just and proper.
  - (B) The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this ordinance, or impair the intent and purpose of this ordinance, or impair the desirable general development of the community in accordance with the master plan.
  - (C) Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the land division.
  - (D) Section 9(8) shall not apply to subdivisions.

Section 10: Required Improvements Procedure

- (1) PLANS AND CONSTRUCTION SPECIFICATIONS. Prior to commencing construction of any required improvement, the subdivider shall retain an engineer who shall prepare construction plans and specifications and submit them to the Town Engineer for review and approval. The subdivider shall notify the Town in writing of the name and address of the subdivider's engineer and shall notify the Town in writing of any change in engineer. The Town Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:
- (A) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - (B) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (C) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

- (D) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - (E) Planting plans showing the locations, age and species of any required street trees.
  - (F) Such additional special plans or information as may be required by the Town Engineer.
- (2) PRIVATE CONTRACTS. The developer shall engage one general contractor for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction. The subdivider shall provide the Town Engineer with copies of such construction documents, including change orders, as the Town Engineer may require to keep arised of the progress of construction. No private contract shall be awarded until all bids have been reviewed by the Town Engineer.
- (3) SCHEDULING. All scheduling of the contemplated improvements shall be approved by the Town Engineer. Construction cannot be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Board. Construction shall not proceed until all State of Wisconsin approvals are granted.
- (4) STREET GRADING.
- (A) The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets and approval of street grades by the Town Engineer, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdivider's plat or abuts the plat, he shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. The grading of rights-of way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Town Engineer prior to the sale of

affected properties.

(B) The developer shall engage a registered engineer to set sub-base grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

1. The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.
2. Grading of full street rights-of-way to be a tolerance of 0 to 0.2 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.
3. Grading beyond right-of-way to insure that the established grade will be preserved.
4. Grading of vision clearance triangle on corner lots. (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection street lines of their projections and a line joining points on such street lines located 25 feet from the street intersection).
5. Where a public greenway is included in the plat, the developer is responsible for an acceptable continuous drainageway in the greenway as determined by the Town Engineer.
6. All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval.

(5) UTILITIES.

(A) Upon approval of the subgrading and installation of barricades, the developer shall proceed with the utility contract. All outstanding charges due against the lands for local sewer, interceptors, force mains, and lift stations previously installed by the town sanitary district shall be paid in full prior to the Town granting final approvals of a utility contract.

(B) Provisions must be made for mechanical compaction of all ditches for underground utilities that fall within the street right-of-way.

- (C) Prior to commencing construction of any required utilities, the developer's engineer shall submit his proposed construction schedule, plans, specifications, and contract to the Town Engineer.
- (6) GREENWAYS. Greenways included within platted or replatted areas shall receive the following prescribed treatment by the owner of the subdivision.
- (A) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Engineer. The subdivider shall furnish the Town Engineer with a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Town Engineer a set of cross-sections (on 50' stations) of the greenway orientated upon a base line as prescribed by the Town Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Town Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agent, he shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Town Engineer, where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot wide ditch bottom with four to one side slopes, all to be seeded.
  - (B) The subdivider shall install permanent pipes or culverts and end sections at a grade designated by the Town Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a street crossing a greenway unless done pursuant to written agreement between the Engineer and the subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at his expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Engineer.
  - (C) All ditching and culvert installation shall be done in strict accordance with grades approved by the Town Engineer. The subdivider's engineer shall be responsible for setting those required grades in the field for construction purposes.

(D) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four (4) feet above the flowline of the greenway, or where designated to an elevation established by the Town Engineer, prior to the sale of affected properties. The flowline grade shall be proposed by the subdivider's engineer and approved by the Town Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Town Engineer.

(7) STREET CONSTRUCTION.

(A) General. The street shall be constructed only after completion of the underground utilities and after the evidence of approval by utility personnel has been submitted to the Town Engineer.

(B) Standard Street Improvements.

1. Standard street improvements may include, in the sole discretion of the Plan Commission, concrete curb and gutter, pedestrian walkways in unserved areas, and ornamental street lights; and shall include bituminous base course, bituminous surface course, culverts and end sections, and, in any areas served by sanitary sewers, pedestrian walkways. Where pedestrian walkways are required and the street connects with any city or village street, curb ramping shall also be provided as required by Section 66.0909 of the Wisconsin Statutes.
2. The construction of standard street improvements can begin only when the construction of underground utilities including mechanical compaction has been completed according to standards approved by the Town Engineer.
3. Upon satisfying the requirements of the preceding Section, the developer's engineer shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Town Engineer. The Town Engineer shall review the plans and specifications; and shall determine and prescribe the thickness of the pavement in accordance with the functional classification of the proposed street and the soil subgrade data.
4. Upon written approval by the Town Engineer, the developer can proceed with the construction of the standard street improvements. Standard street improvements shall be according to current Standard

Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation unless this ordinance provides otherwise. Street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

- a. Local streets shall be constructed as indicated in Figure 1 provided, however, that a greater or lesser roadway width may be required by the Town Engineer where necessary to assure uniformity along the entire length of any street. The roadway width as indicated in Column 2 of Table 1 shall be required where the entire length of any street including any future extension thereof exceed 1,600 feet and may be required by the Engineer based on anticipated traffic or land use. The thickness of the pavement shall be as prescribed by the Engineer.
  - b. Collector streets shall be constructed as indicated in Figure 2. The width of the roadway shall be as prescribed by the Town Engineer based upon the Area Transportation Studies when available unless a greater or lesser roadway width is necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be as prescribed by the Town Engineer.
  - c. The thickness and width of an arterial street shall be as prescribed by the Town Engineer based upon anticipated traffic volume and any applicable federal, state, or county requirements.
- (8) CHANGE ORDERS. When extra work not specified in the contract is required to complete the project, the Town will notify the Developer or his engineering representative. No extra work shall proceed until the Developer or his representative has entered into a written agreement for the additional work.
- (9) EROSION CONTROL. Prior to commencement of construction the subdivider's engineer shall submit an erosion control plan to the Town Engineer and obtain his approval. Within fourteen (14) days of completion of any activity which, in the sole discretion of the Town Engineer, may give rise to an erosion control problem, the subdivider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing, and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and other activities by the subdivider or his contractors. Methods of control shall include, but not be limited to, seeding and mulching, sodding, berm construction, ponding construction, and watering. In such cases where the method of control has failed, the

subdivider shall clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Town Engineer's decision may be appealed to the Board.

- (10) FLOOD PLAIN. All provisions of Dane County Ordinances relating to flood plain zoning Chapter 17 are incorporated herein and adopted by reference.
- (11) INSPECTION. Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or any release of the securities deposited pursuant to Section 2(3).

Section 11: Acceptance of Improvements

- (1) RESOLUTION. After the subdivider has installed all required improvements, he shall notify the Town Engineer in writing that the work is complete and ready for final inspection. Prior to acceptance of improvements by the Town, the subdivider shall furnish to the Town Engineer such "as built" drawings as the Town Engineer requires to show the specifications of completed construction. The Town Engineer shall inspect the improvements and forward a letter to the subdivider indicating his approval or disapproval. When the improvements have been approved by the Town Engineer, the clerk will prepare a final billing for engineering, inspection, and legal fees and submit it to the subdivider for payment. In addition, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, sub-contractor, materialman, or laborer. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be adopted by the Town Board.
- (2) RELEASE OF SECURITY.
  - (A) The security furnished pursuant to Section 2(3) shall remain in full force for a period of one (1) year after the completion of the project and acceptance by the Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have

appeared and have not been repaired, the Town will release the security to the subdivider upon expiration of one (1) year guarantee period.

- (B) The Town may from time to time but not more often than monthly during the course of construction, partially release the security furnished pursuant to Section 2(3) when:
  - 1. The reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least twenty-five percent (25%) of the total cost of improvements, whichever is greater; and
  - 2. Affidavits of lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the subdivision improvements which have been completed, are submitted with the request for a partial security release; and
  - 3. An application for a partial security release has been filed with the Town Engineer on or before the 10th day of the month.

Section 12: Signing of Plat

After entering the contract to provide all required improvements, after posting the security required by Section 2(3), after payment of any fee imposed pursuant to Section 2(4)(B) and of any area assessments, and after the subdivider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the subdivider for recording.

Section 13: Building Permits

No building permits shall be issued for the construction or erection of any structure on any parcel created by any land division or subdivision or comprehensive development of land until all required improvements have been made and installed, and have been inspected and accepted in accordance with Section 11 of this Ordinance.

Section 14: Fees

- (1) GENERAL. The subdivider shall pay the Town all fees as hereinafter required and at the times specified.
- (2) PRELIMINARY PLAT AND CERTIFIED SURVEY REVIEW FEE.
  - (A) The subdivider shall pay a fee as specified in the Town of Dunn Fee Schedule to

the Treasurer at the time the application for approval of any preliminary plat or certified survey is filed.

(3) ENGINEERING, INSPECTION AND ATTORNEYS FEES.

- (A) The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of legal documents, and with such inspections as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town of any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the Town on the basis of submitted invoices plus the hourly rate (salary + benefits) costs for time spent by any employees of the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Board.
- (B) To guarantee payment of the engineering, inspection and attorneys fees, the subdivider shall deposit the required deposit fee established in the fee schedule with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is inscribed by the Town Clerk or thirty days after the preliminary plat, certified survey, or final plat is rejected. In the event that the subdivider fails to pay such fees within fourteen days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the deposit for fees or the security deposit.

The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at a regular meeting held on September 21, 2015.

APPROVED:

  
\_\_\_\_\_  
Edmond P. Minihan, Town Chairman

ATTEST:

  
\_\_\_\_\_  
Cathy Hasslinger, Town Clerk

Adopted: 09/21/2015  
Published: 09/29/2015