

Chapter 235

LAND DIVISION AND SUBDIVISION DEVELOPMENT

[HISTORY: Adopted by the Town Board of the Town of Erin 2-12-1979 by Ord. No. 79-3; as amended through 12-4-1989 by Ord. No. 89-23. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Zoning Administrator — See Ch. 90, Art. II.

Building construction — See Ch. 162.

Zoning — See Ch. 360.

§ 235-1. Intent and purpose.

This chapter is intended to regulate and control the division of land within the Town of Erin in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of buildings placed upon the land by furthering the orderly layout and use of land; insuring proper legal description and proper monumenting of land; preventing overcrowding of land and avoiding undue concentration of population; lessening congestion in the streets and highways; securing safety from fire, flooding, water pollution and other hazards; providing adequate light and air; facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, stormwater drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements; facilitating further resubdivision of larger parcels into smaller parcels of land; insuring the enforcement of and compliance with the goals, standards, policies and criteria of the Town of Erin Land Use Policy Plan and related components, Chapter 360, Zoning, sanitary codes, established street and highway width map of Washington County and all other applicable county and Town ordinances.

§ 235-2. Abrogation and greater restrictions.

It is not the intent of this chapter to repeal, abrogate, annul, impair or interfere with existing rules and regulations governing the subdivision of land; provided, however, that where this chapter is more restrictive, the provisions of this chapter shall govern.

§ 235-3. Interpretation.

The provisions of this chapter shall 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.

§ 235-4. Nonliability.

The Town of Erin does not guarantee, warrant, or represent that only those areas

designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies, or employees for any flood damages, sanitation problems or structural damage that may occur as a result of, or reliance upon, or conformance with this chapter.

§ 235-5. Title.

The name of this chapter shall be known and cited as the "Land Division and Subdivision Development Ordinance for the Town of Erin."

§ 235-6. Compliance.

No person, firm or corporation shall divide any lands located within the jurisdictional limits of these regulations which results in a subdivision, minor land division or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter, and:

- A. Provisions of Chapter 236, Wisconsin Statutes, Chapter 360, Zoning, Washington County Sanitary Ordinance, Washington County Shoreland and Floodplain Ordinances, Established Street and Highway Width Maps, duly approved Town of Erin Land Use Policy Plan or plan components, and all other applicable Town or county ordinances;¹
- B. The rules of the Department of Commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for public sewer service has not been made;
- C. The rules of the Department of Transportation relating to provision for the safety of entrance upon and departure from the abutting state trunk highways or connecting highways and for the preservation of the public interest and investment in such highways;
- D. Rules of the Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland and shoreland areas.²

§ 235-7. Definitions.

For the purposes of this chapter, the following definitions shall be used. See § 235-33I for additional definitions.

BERM — A man-made linear mound of earth of uniform height exceeding three feet. The side slopes of a berm are generally of uniform pitch. The purpose of a berm is to block or obscure the view of the interior of a parcel of land from the road or from

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Original Sec. 1.19E, which duplicated language now located in § 235-6A and which previously followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

adjacent lot lines. Berms are prohibited in the Town of Erin. [Added 5-16-2005 by Ord. No. 05-03]

CERTIFIED SURVEY MAP — A map of land split prepared in accordance with § 236.34, Wis. Stats.

COUNTY — Washington County Land Use and Park Department.

CUL-DE-SAC — Minor street closed at one end with turnaround provided for passenger vehicles.

LANDSCAPING BERM — A man-made curvilinear mound of earth with varying height and widths. The landscaping berm's primary function is to provide decorative space for tree and shrub plantings without obscuring the view scape. Landscaping berms for the purpose of individual lot beautification, less than three feet in height, are exempt from the provisions of this chapter. Landscaping berms between three and six feet in height may be approved by the Zoning Administrator. Landscaping berms over six feet in height may be permitted by conditional use permit issued after submittal and review of site plans designed by a landscape architect or professional engineer. Site plans shall be prepared to the standards described in § 360-21 of Chapter 360, Zoning. [Added 5-16-2005 by Ord. No. 05-03³]

MINOR LAND DIVISION — Any division of land other than a subdivision as defined herein, which creates one or more parcels.

PARKWAY — A continuous or semicontinuous park or drive, usually along a watercourse or park, where the land is owned or reserved for public or semipublic purpose and having access to it.

PLAN COMMISSION — The Plan Commission of the Town of Erin established under § 360-75 of Chapter 360, Zoning.⁴

REPLAT — The changing of any interior or exterior boundaries of a recorded subdivision plat, as defined in Wis. Stat. 236.02 (11).

SUBDIVISION — The division of a lot, parcel or tract of land by the owner thereof, or his agent for the purpose of sale or of building development where:

- A. The act of division creates five or more parcels or building sites of 10 acres each or less in area; or
- B. Five or more parcels or building sites of 10 acres each or less in area created by successive divisions within five years.

§ 235-8. Dedication and reservation.

In order that adequate open spaces and sites for public uses may be properly located and preserved as the Town develops; and in order that the costs of providing public park,

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

recreation and open space sites and facilities necessary to serve the additional number of people brought into the community by the subdivision development may be most equitably apportioned on the basis of the additional need created by such developments, the following provisions are established:

- A. The Town Board shall, as a condition for the approval of any certified survey map or subdivision plat for the division of land for development purposes, require the payment of a sum of money for park, playground, recreation and open space purposes.⁵
- B. Where a subdivision abuts a public use area such as a park, lake, stream, hunting grounds or any similar type of public recreational area, the subdivider, at the option of the Town Board, shall provide a pedestrian access easement at least 20 feet wide connecting such public area with a public street at such location as the Plan Commission and Board shall approve.
- C. The land to be dedicated or acquired and the money to be paid in lieu thereof shall be held for such public use by the Town or such agency as it shall create, and all monies received shall be held for the acquisition or capital improvement and maintenance of such areas.
- D. Where the proposed division abuts an existing or proposed state, county, or town road, the subdivider shall be required to dedicate any additional lands abutting the road in accordance with the width as required by the County Established Street and Highway Width Map or any other officially approved plan or ordinance in effect in the area.
- E. The dedication of land for public purposes, such as rights-of-way, parks, school sites and easements, becomes effective at the time of approval and recording of the final plat or map. The acceptance of the constructed roadway for maintenance purposes shall be by separate resolution adopted by the Town of Erin.
- F. Where the lot or parcel for which payment has been once made is further divided, payment shall be required only for the additional residential units created.
- G. No payment shall be required for a parcel on which a permanent residential structure has existed for at least one year prior to the date of the division.
- H. No payment shall be required for any lot or parcel in any recorded map or plat unless the same is further divided into additional home sites.

§ 235-9. Improvements.

Prior to approval of the final plat, the subdivider shall install street and utility improvements or provide a cash payment to the Town in lieu of such improvements. See § 235-38 for additional details.

⁵. Editor's Note: Original § 1.21B, which immediately followed this subsection and dealt with the fee for park, recreation and open space, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 235-10. Land suitability.

- A. No land shall be subdivided for residential use which is deemed by the Town unsuitable for such use for reason of flooding, inadequate drainage, adverse soil or rock formations, unfavorable topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision of the community. In applying the provisions of this section, the Town shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Town may affirm, modify or withdraw its determination of unsuitability.
- B. In addition to the above, the following criteria are to be adhered to:
- (1) All lands to be subdivided shall be at least two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.
 - (2) No building sites shall be created which do not meet the standards as established in Chapter COMM 83 of the Wisconsin Administrative Code and the Washington County Sanitary Code.⁶
 - (3) Any proposed development areas creating more than 50 homesites shall be located in areas that have direct access to county trunk or state trunk highway road systems within the Town.

§ 235-11. Issuance of building permits.

No building or occupancy permits shall be issued for erection of a structure on any lot not of record until all of the requirements of this or any other Town or Washington County ordinance applicable have been met.

§ 235-12. Preapplication.

It is recommended that prior to filing of an application for the approval of a preliminary plat, the subdivider consult with the Town Plan Commission and the Soil Conservation Service in order to obtain its advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the Town of Erin Land Use Policy Plan or components thereof, and the duly adopted plan implementation devices of the Town, including Chapter 360, Zoning, the water drainage problems, and to otherwise assist the subdivider in planning his development.

§ 235-13. Preliminary plat review.

- A. Prior to the submittal of a final plat, the subdivider shall file a preliminary plat and a letter of application to the Town along with sufficient number of copies to be forwarded within two days to the following agencies involved with reviewing the

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

plat:

- (1) Two copies to the Department of Administration, additional copies to be supplied for retransmission of two copies each to the Department of Transportation, if the plat abuts or adjoins a state trunk highway, and the Department of Commerce, if the plat is not to be served with municipal sewers, along with the original copy of the percolation results and soil borings.
 - (2) Two copies to any municipality exercising extraterritorial plat jurisdiction pursuant to §§ 236.02(5), 236.10(1)(b)(2), and 236.12 of the Wisconsin Statutes.⁷
 - (3) Two copies to the Washington County Land Conservation Department and two copies to the Washington County Land Use and Park Department.
 - (4) Four copies to be retained by the Town along with two copies of soil percolation and boring results.
 - (5) One copy to be forwarded to each of the utility companies serving the area. This is to inform the utility companies that there is a pending development in the area. It will be the responsibility of the subdivider and the utility company to arrange for the services needed and their location within the plat.
- B. The Wisconsin Department of Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall be hereinafter referred to as "objecting agencies." All other agencies mentioned, excepting the utility companies, shall be hereinafter referred to as "approving agencies."
- C. Within 20 days of the date of receiving the copies of the plat, any agency having objecting authority shall notify the subdivider and all approving and other objecting authorities of any objections which it may have, based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If, within 30 days, there are no objections, it shall so certify on a copy of the plat and return that copy to the approving authority from which it was received. If any objections are made by an objecting authority, a resubmittal of the preliminary plat shall be required with the required corrections noted. Such resubmittal shall be filed as required by Subsection A of this section. If the objecting agency fails to act within the established twenty-day period, it shall be deemed to have no objection to the plat.
- D. After all objections have been formally removed and the plat is so certified by the objecting authorities, the approving agencies may approve the plat upon compliance with all other rules, regulations or plans which are in effect in the area of the plat. This decision shall be made within 90 days of the date of receiving, unless objections are received from any objecting authority. Failure of the Town to act within the prescribed 90 days shall constitute an approval of the plat.

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months of the last required preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat may be entitled to approval with respect to such layout, unless conditions in the area of the plat have changed substantially to require an alteration to the plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and as a guide to the preparation of the final plat which will be subject to further consideration by the Town and the county at the time of its submission.⁸

§ 235-14. Final plat review.

The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission at which action is desired. In addition:

- A. The Town Clerk shall, within two normal workdays after filing, transmit four copies to the Washington County Land Use and Park Department; two copies to Washington County Land Conservation Department; two copies to the Wisconsin Department of Administration; additional copies to the Wisconsin Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation (if the subdivision abuts or adjoins a state trunk highway or a connecting street); the Wisconsin Department of Commerce (if the subdivision is not served by a public sewer and provision for such service has not been made); and the Wisconsin Department of Natural Resources (if shorelands or floodlands are contained within the proposed subdivision); and the original final plat and an adequate number of copies to the Town Plan Commission.
- B. In lieu of the procedure set forth in Subsection A above, the subdivider may, pursuant to § 236.12(6), Wis. Stats., submit the original drawing of the final plat directly to the Wisconsin Department of Administration who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it is the responsibility of the subdivider to submit sufficient additional copies of the final plat to the Town Clerk for review by the Town Plan Commission.
- C. The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, the Town of Erin Land Use Policy Plan, and components thereof, and Chapter 360, Zoning, which may affect it and shall recommend approval, or rejection, of the plat to the Town Board.
- D. Partial platting. If permitted by the Town Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposed to report at one time.

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

However, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

§ 235-15. Final plat approval.

The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:

- A. Submission. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.⁹
- B. The county and the Town shall, within 60 days of the date of filing of the final plat, approve or reject such plat unless the time is extended by agreement with the subdivider or unless objections have been filed which would require a formal resubmittal of the plat after the corrections have been made. The Town and county shall examine the final plat as to its conformance with the approved preliminary plat, this chapter and all ordinances, rules, regulations, and other plans which may affect the plat and are in effect when the subdivider submits a preliminary plat, or a final plat if no preliminary plat is submitted. The Town Engineer, Planner, or other person charged with the responsibility to review plats shall provide the Town Board with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposed to record at that time. No approval by any approving agency can be granted until all formal objections have been satisfied. Failure of any approving agency to act within 60 days, the time not having been extended and no objections having been filed, shall constitute an approval. The necessary certificates shall also be placed upon the original drawing of the final plat and must be signed by all appropriate review agencies prior to recording.¹⁰
- C. Notification. The Town Plan Commission shall, at the time it recommends approval or rejection of a plat to the Town Board, give at least 10 days' prior written notice of its recommendation to the Clerk of any municipality within 1,000 feet of the plat.
- D. Failure of the Town Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, the plat shall be deemed approved.
- E. Recordation. After the final plat has been approved by the county and the Town and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

plat attesting to such approval to be duly executed, and the Washington County Land Use and Park Department shall record the plat with the County Register of Deeds. The timeframe for recording plats shall be within 12 months after final approval/signature and 36 months after the first approval/signature.

- F. Copies. The subdivider shall file five copies of the recorded final plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

§ 235-16. Replatting.

When it is proposed to replat a recorded subdivision, or part thereof, the Wisconsin Statutes and the provisions of this chapter shall apply.

§ 235-17. Minor land divisions.

Any division of land other than a subdivision as defined herein which creates one or more parcels shall be surveyed and a certified survey map prepared and recorded as provided in § 236.34, Wis. Stats (and chapter 235-29 of this ordinance.). A plan showing the remaining portion of the parcel, acreage, frontage to public roads, and other information deemed pertinent by the Board shall be provided at the time of application for approval of such minor land division.

- A. Prior to the preparation of the map, it is recommended to first submit the proposed division to the Town for informal preliminary discussion and approval in accordance with this chapter. It shall be reviewed to establish conformity with surrounding existing or proposed developments; adjacent or future streets; schools; other planned public developments; analysis of soil types; topography; drainage; access to any abutting street or highway; conformance with the Established Street and Highway Width Map of Washington County; and generally for the effect the land division would have on the development of surrounding property. If any lots to be divided are not served by municipal sanitary sewer, percolation tests shall be submitted for approval in accordance with the Washington County Sanitary Ordinance and the rules of the Department of Commerce applicable to subdivisions, Chapter COMM 83, Wis. Adm. Code.¹¹
- B. If the Plan Commission determines that the area may have surface water drainage or erosion problems, the Plan Commission must request the written recommendations of the Washington County Soil and Water District Conservationist for the control of surface water and soil erosion.
- C. After preliminary approval has been granted by the Town as to the general land division, the subdivider may proceed to have drawn a certified survey map in accordance with § 236.34, Wis. Stats. The subdivider shall be required to dedicate any street which the Town deems necessary and shall be required to build the street according to Chapter 317, Article II, Road Construction, as amended, and in conformance with this chapter. All other dedications, payments and reservations

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

established by this chapter shall be required of the subdivider.

- D. Four copies of the final certified survey map and four copies of the certified percolation tests shall be submitted to the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission at which action is desired. The Town Clerk shall, within two normal workdays after filing, transmit the copies of the map and appropriate application forms to the Town Plan Commission. The map shall be reviewed by the Town Plan Commission for compliance with this chapter (including design standards and required improvements) and all other ordinances, rules, regulations, the Land Use Policy Plan and components thereof.
- E. The Town Plan Commission shall, within 60 days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map and shall submit the map along with its recommendations to the Town Board.
- F. The Town board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days of its submission to the Town Plan Commission, unless the time is extended by agreement with the subdivider. The reason for conditional approval or for rejection shall be recorded in the minutes and a letter detailing the action taken shall be sent to the applicant. If the map is approved, the Town Board shall adopt a resolution to that effect and this resolution shall be certified by the Town Clerk on the original of the certified survey map.¹²
- G. After Town approval, the original of the certified survey map shall be reviewed by the Washington County Land Use and Park Department, if required, and shall conform to the requirements of § 236.34, Wis. Stats. The recording fee, as established by statute, shall also be filed in the form of a check or money order made out to the County Register of Deeds.
- H. If the Town Board fails to act within 90 days of filing and the time has not been extended by mutual agreement between the Town and the applicant, the plat shall be deemed approved, and, upon demand, a certificate to the effect shall be made on the face of the original of the certified survey map by the Town Clerk.¹³
- I. The Town Board, in making its decision to approve, approve conditionally, or reject the certified survey map, shall base its action on whether or not the map complies with all provisions of this chapter, Chapter 360, Zoning, the Land Use Policy Plan, and all other applicable Town ordinances and regulations.

§ 235-17a. Minor land divisions.

Prior to completion of a land transfer, a plat of survey shall be submitted to the Town for a zoning compliance review to ensure that both the configuration of the parent parcel and

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

receiving parcel are legal and will be recognized as such by the Town.

§ 235-18. Plat data.

A preliminary plat shall be required for all subdivisions (as defined herein) and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality (at least 20 lb bond) at a scale of not less than 200 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 section, Township, range, county and state.
- C. Date, scale, North arrow.
- D. Names, addresses, email addresses, and phone numbers of the owner, subdivider and land surveyor preparing the plat.
- E. Land 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.
- F. The exact bearing, distance and total acreage of the exterior of the proposed subdivision referenced to Wisconsin State Plane Coordinate System 1927 and shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
- G. Contour lines at vertical intervals of not more than two feet; where ground slopes exceed 10%, five-foot vertical intervals will be sufficient. Elevations should be based on National Geodetic Vertical Datum 1927 (mean sea level).
- H. High water elevation of all ponds, streams, lakes, flowage, and wetlands based on National Geodetic Vertical Datum 1927 (mean sea level). Floodland and shoreland boundaries shall be delineated and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.
- I. Location and names of any adjacent developments and/or property along with the location, established and existing width of all roads and names of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way and easements and all section and quarter section lines in the immediate area of the plat. The type, width, and elevation of existing street pavements within or adjacent to the proposed development together with any legally established center line elevations referred to National Geodetic Vertical Datum 1927 (mean sea level).
- J. Location, size and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the locations of manholes, catch basins, hydrants, electric power and telephone poles or underground installations, location and size of any

existing water and gas mains within the area of the plat or adjacent thereto. If no sewers, water mains or other utility facilities are located on or immediately adjacent to the tract, the nearest such facilities which might be extended to serve the tract shall be indicated by their direction and distance from the tract, their size and invert elevation.

- K. Location of all existing property boundary lines, structures, drives, streams or watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- L. Surface drainage plans for the area within the proposed subdivision to protect the lands in and adjoining the subdivision from surface water and soil erosion and as required by Washington County ordinance, the written recommendations of the Washington County Soil and Water District Conservationist for the control of surface water and soil erosion.
- M. The approximate dimensions, to the nearest foot, of all lots, proposed open space dedication, drainage ways, or other public use areas such as shopping centers, church sites, group housings, or other nonpublic uses that do not require lotting.
- N. The centerline of all proposed streets including tangent lengths and radii to the nearest foot.
- O. A location map showing the relationship of the subdivision to existing streets within the quarter section, oriented in the same direction as the main drawing at a scale no greater than 1"=2000'.
- P. All existing and proposed easements.
- Q. Existing zoning on and adjacent to the proposed subdivision along with the corporate limit lines.
- R. Proposed lake and stream access in the subdivision along with any improvement or relocation of the lake or stream.
- S. Soil types, slopes and boundaries as shown on the soil survey maps prepared by the Soil Conservation Service, US Department of Agriculture.
- T. Location of critical watersheds, environmental corridors and wetlands.
- U. Existing street grades. The plat shall show the location, width, existing and recommended center line profiles of all existing streets, or highways within a distance of 1,320 feet from the boundaries of said plat or from the boundaries of the forty-acre, quarter-quarter section, if the property being platted does not include all of the quarter-quarter section of which it is a part.
- V. The plat must show that each street or highway provided in said plat will make a direct connection with all existing streets or highways in adjoining plats, or properties, and will make connection by a street, or extension, with all streets, or highways within a distance of 1,320 feet from the boundaries of said plat.

- W. Property lines at street or road intersections shall be rounded with a radius of 25 feet or of a greater radius where the Town Board considers it necessary. X. Any additional information required by the county or Town.

§ 235-19. Street plans and profiles.

It shall be required that the subdivider prepare and submit street plans and profiles to the Town for its recommendation and/or approval prior to submittal of the final plat. These plans and profiles shall show existing ground surface, proposed and established street grades, and profiles, including extensions for a reasonable distance beyond the boundary of the proposed subdivision. Refer to § 235-33 and Chapter 317, Article II, Road Construction, for additional details.

§ 235-20. Soil tests. ¹⁴

The Town may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to groundwater or bedrock. These provisions may be in addition to the requirements of Chapter COMM 83 of the Wisconsin Administrative Codes, and shall be submitted for review with the preliminary plat.

§ 235-21. Protective covenants.

Protective covenants may be required whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The plat shall be accompanied by a draft of proposed protective covenants which shall include the following requirements:

- A. The first floor grade of every building shall be at least 1 1/2 feet above the center line profile of the adjoining street or highway, unless, because of natural terrain, the lower setting is approved by the Building Inspector. In the case of newly constructed streets, the center line profile shall be the grade approved by the Town Board. In the case of existing streets, or highways, the center line profile shall be the recommended center line profile proposed by the surveyor for the subdivider.
- B. The type and style of the buildings which may be erected on each lot.
- C. The proposed front setback line for each lot.¹⁵
- D. The sewage disposal facilities to be constructed on each lot shall conform to the requirements of the Washington County Sanitary Ordinance, the Washington County Floodplain Ordinance, and Chapter H65 of the Wisconsin Administrative Code, whichever shall be more restrictive.
- E. The owner of each parcel of land or lot must make application for a driveway access permit to a public road and must provide and install an iron galvanized

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

culvert, the design, location and construction requirements therefore shall be specified on such permit form as prescribed by the Town Board. Refer to § 235-33D through H for additional details.

- F. Private roads and drives may be allowed as per § 360-12D, Private roads and drives, of Chapter 360, Zoning.
- G. New driveways installed after August 28, 1989, shall not be less than 10 feet from all lot lines. This provision does not apply to replacing an existing driveway.
- H. Road maintenance standards for all private roads shall be recorded in the deed of each parcel served by such roads. It shall be specified in the deed that each property owner served by a private road shall be held liable for ensuring that such roads are maintained in conformance with the standards specified in the recorded deed. Road maintenance standards must be reviewed and approved by the Town before the final plat or certified survey map is approved and recorded.
- I. All private roads shall be maintained at a level which will allow for adequate access by emergency vehicles.
- J. No building shall be constructed on a parcel unless the parcel is provided with vehicular access by an abutting public or private street.
- K. All private roads shall be platted as outlots. Every outlot designated as for a private road shall have deed restrictions recorded with the County Register of Deeds, giving enforcement powers to the Town of Erin, before a building permit will be issued for a structure on any lot served by said private road.
 - (1) The deed restriction shall require the landowners served by the private road to provide for maintenance of the road to Town road standards.
 - (2) If the property owners do not fulfill their obligations, then the deed restrictions shall give full authority to the Town to fulfill those conditions, and then assess all costs associated with said action, including legal fees, if any, to the property owners served by the road.
 - (3) Each property served by a private road shall have deed restrictions recorded indicating their responsibility for the private road and outlot.

§ 235-22. Certification of preliminary plat.

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land division and features, and that he/she has fully complied with the provisions of this chapter.

§ 235-23. General requirements for final plat.

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

§ 235-24. Additional information for final plat.

The final plat shall show correctly, on its face, in addition to the information required by § 236.20, Wis. Stats., the following:

- A. The exact centerline bearings and distances for all proposed roads.
- B. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat shall be adequately identified.
- C. Special restrictions as may be required by the Town or the Washington County Land Use and Park Department.
- D. Each lot must have a minimum of 1 1/2 acres of buildable site and a certified percolation test.
- E. Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year reoccurrence interval flood, or, where such data is not available, a vertical distance of five feet above the elevation of the maximum flood of record.
- F. Location of critical watersheds, environmental corridors and DNR mapped wetlands.
- G. Any additional information required by the Town or the Washington County Land Use and Park Department.

§ 235-25. Net density standards.

The rules and regulations of § 360-35, Net density standards, of Chapter 360, Zoning, shall apply to all subdivisions and certified surveys in the Town of Erin.

§ 235-26. Certification and monumentation.

Survey accuracy and monumenting shall comply with § 236.15, Wis. Stats. Certification shall be included as required by § 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 235-27. Certificates for final plat.

All final plats shall provide all the certificates required by § 236.25(2)(c) and (d), Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 235-28. Certified survey map.

A certified survey map prepared by a registered surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of § 236.34, Wis. Stats., and § 235-17, Minor land divisions, of this chapter. Any improvements necessary for proper use of the subject parcels shall be required as specified by this chapter.

§ 235-29. Additional information for certified survey map.

The certified survey map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- A. All existing buildings, watercourses, drainage ditches, and other features pertinent to proper division.
- B. Minimum setbacks or building lines as required by Town of Erin Building Ordinance.
- C. All lands being dedicated and/or reserved for future acquisition.
- D. Date, scale, and names and addresses of surveyor, owner, and subdivider.
- E. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowage, and wetlands.
- F. Floodland and shoreland boundaries and the contour line at a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or where such data is not available, at a vertical distance of five feet above the elevation of the maximum flood of record.
- G. Acreage of each lot.
- H. The location of critical watersheds, environmental corridors and DNR mapped wetlands.
- I. The exact centerline bearings and distances for all proposed roads.
- J. All existing and proposed easements.
- K. Any additional information as may be required by the county or the Town.

§ 235-30. Certificates for certified survey map.

The surveyor shall certify on the face of the map that he/she has fully complied with all the provisions of this chapter. The Town shall also certify its approval on the face of the map. The owner shall certify that they caused the land to be divided and the mortgagee shall certify their approval.

§ 235-31. Recordation.

The final plat and the original certified survey map shall be recorded with the County Register of Deeds after all the required certificates are placed thereon.

§ 235-32. General requirements for subdivision.

The proposed subdivision shall conform to the provisions of Ch. 236, Wis. Stats.; all applicable ordinances of the Town, including the Town of Erin Land Use Policy Plan and Chapter 360, Zoning; and design and construction standards as established by this chapter and/or Chapter 162, Building Construction, and standards.

§ 235-33. Street design.

General considerations:

- A. Arrangement. In any new subdivision, the street layout shall conform to the arrangement, width, and location indicated on the Official Map, including the Town of Erin Land Use Policy Plan, the Established Street and Highway Width Map of Washington County, or the component neighborhood development plan of the governmental unit. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. Streets should be designed to fit the natural features of the site, to preserve features such as topography, vegetative cover and the natural drainage system.
- B. Construction standards. All streets to be constructed shall conform to the minimum construction requirements of the Town of Erin.
- C. Street layout standard. The following are the minimum requirements for the construction and acceptance of Town streets in the Town of Erin:
 - (1) All profiles of streets are to be submitted to the Town Engineer for approval prior to proceeding with any street grading operations. Plans shall be stamped by a Professional Engineer licensed in the State of Wisconsin.
 - (2) The center of the roadbed shall be on the center line of the land dedicated for road purposes.
 - (3) On dead-end streets (culs-de-sac), a turnaround of one-hundred- thirty-two-foot diameter shall be provided with a forty-five-foot radius surfaced top. Temporary culs-de-sac shall be surfaced to a width determined by the Town Board. When land developed adjoins a temporary cul-de-sac, it shall be the responsibility of the developer to remove the temporary cul-de-sac to create a continuous roadway.
 - (4) Plats abutting the Kettle Moraine Scenic Drive must include a deed restriction that the removal of vegetation along the perimeter of the site fronting the roadway will be minimized.
- D. Roadway Access (see Chapter 317) for access details.
- E. Street classifications.

ARTERIAL STREETS — Provide for efficient, safe, and direct connection to, or separation of, neighborhoods; for circulation to destination outside the residential area.

- (1) Where a subdivision or minor land division abuts or contains an existing or proposed major highway of primary classification, the Commission may require a frontage road, or a nonaccess reservation along the property

contiguous to such highway, or other treatment as may be necessary for adequate protection of residential properties and to separate minor and arterial traffic.

- (2) Where the proposed subdivision or minor land division abuts the arterial street, the width as required on the Established Street and Highway Width Map shall be dedicated. If the division abuts only one side of the arterial, 1/2 of the width as required shall be dedicated. Where the division abuts both sides of the arterial, the entire width, as required, shall be dedicated.

COLLECTOR STREETS — Provide for circulation to serve local traffic moving between minor streets and arterial streets.

MINOR STREETS — Provide access and service to abutting properties.

CUL-DE-SAC — Designed as permanent installation and not to be extended at any time, shall normally not be longer than 600 feet, except where topographical and particular conditions warrant an extension and will be subject to approval of the Plan Commission and the Town Board. The closed end shall have a paved turning diameter of at least 90 feet and a right-of-way diameter of 132 feet.

ALLEYS — A minimum 30' public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.

HALF STREETS — Streets which are only a portion of the required width and are usually platted along property lines. These half streets shall be prohibited, except where it is deemed essential for the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract.

F. Street width.

- (1) The right-of-way of all streets shall be no less than 66 feet.
- (2) All arterials and major streets shall comply with the requirements of the Established Street and Highway Width Map of Washington County.

G. Sight distances. Proper sight distances must be provided with respect to both horizontal and vertical alignment. Measured along the center line, this sight distance must be in conformance with current WDOT FDM standards.

H. Curves. The minimum radii, or curvature on the center line shall be 300 feet for collectors, and 100 feet for minor streets. A tangent shall be introduced between reverse curves and shall be at least 100 feet long on collector streets.

I. Street names. Street names shall be required for all proposed public streets and shall not duplicate, or be confused with, the name of an existing street within the county. Streets that are extensions, or that are proposed to be aligned with existing named streets, must bear the names of these streets. Street signs shall be provided and

erected by the subdivider at all intersections, and shall be of a standard design used by the municipality. The subdivider shall be responsible, further, for providing and the erection of any other traffic directional and warning signs as prescribed by the Wisconsin Uniform State Traffic Signing Manual. Street names must be of Irish origin.

§ 235-34. Intersection design.

- A. Streets shall intersect at right angles, and not more than two streets shall intersect at one point.
- B. Intersections must be approached on all sides by grades not to exceed 4% for a distance of at least 50 feet in length, unless exceptional topography would prohibit these grades, and must be approved by the Town Engineer.
- C. The minimum turning radius at an intersection shall not be less than 40 feet.
- D. Intersection visibility requirements. At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to impede the vision area between a height of 2 1/2 feet and 10 feet above the established intersection of streets or alleys in the area bounded by the street lines and a line joining points along said street lines 150 feet from the point of intersection. In the case of major streets and highways, intersecting with other arterial streets or railways, the corner cutoff distances establishing a triangular vision clearance space shall be increased to 250 feet. Intersection visibility triangles shall be specified and shown on the final plat.
- E. If a proposed street is to enter a town, county, or state arterial, and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the subdivider to correct the potential hazard through an agreement with the governing body, or else relocate the proposed entrance to a more suitable location at the subdivider's expense.
- F. The following distances between intersections must be observed:
 - (1) Minor and collector streets may not empty into state and federal highways without WDOT approval. They shall be in alignment with existing and planned streets entering the above highways from the opposite side. (2) If the intersections on minor and collector streets are not in alignments, the distance between streets opening up on opposite sides of any existing, or proposed, streets must be at least 150 feet measured along the intersecting center line. Where the streets enter on the same side, the intersection distances measured from the center line shall be at least 300 feet.

§ 235-35. Blocks and lots.

- A. The length, width, and shapes of blocks shall be determined by provisions for building sites suitable to meet the needs of the type of use contemplated as determined by the Plan Commission; Zoning Ordinance requirements pertaining to lot size and dimensions; needs for convenient access; circulation, control and safety

of street traffic; limitation and opportunities of topography. Block length shall normally not exceed 2,000 feet or be less than 300 feet in length.

- B. The dimensions of the lots must conform to Chapter 360, Zoning. Corner lots shall be 20% wider than the one-hundred-fifty-foot minimum width. Where the required minimum average width of lots is greater than 150 feet, corner lots shall not be required to be increased in width.
- C. All lots must abut a public street for at least 66 feet. However, under special conditions a private road may be utilized in accordance with § 360-12D of Chapter 360, Zoning.
- D. Lot lines shall be a right angle, or radial to the street lines. Double frontage shall be avoided, except where essential to provide separation of the development from traffic arteries or to overcome particular topographic and orientation disadvantages. Where residential lots abut a railroad right-of-way, arterial highway, commercial, or industrial district, additional depth shall be provided for the lot in an amount equal to at least 20% of the minimum depth which would normally be required. All lots shall be designed with a suitable proportion between width and depth, typically 2.5 to 1. Neither long, narrow, or wide, shallow lots are normally desirable. Depth of lots shall not be less than 200 feet.
- E. Where a tract of land is divided into lots that abut agricultural lands, the subdivider shall be responsible for construction of a legal fence. Such a fence shall be maintained by the owners of the individual lot unless written agreement to the contrary is presented to the Town Board for consideration and approval.¹⁶
- F. Lots created in environmental corridors shall be configured to respect the natural land forms and woodlands so that the natural system is preserved.
- G. Within environmental corridors, any construction of driveways and houses shall be designed to minimize the removal of trees and other natural vegetation.
- H. Notwithstanding any other Town of Erin land use regulations to the contrary, no more than two flag lots shall be permitted to abut each other at the roadway and the overall density for adjoining flag lots shall be 6.5 acres for a total of 13 acres. The minimum lot size for one of the flag lots shall be 1.5 acres. Modification to lot configuration and clustering of house building sites may be allowed, provided that:
[Added 3-15-1999]
 - (1) A conditional use permit is required by the Plan Commission.
 - (2) The number of building sites or land divisions does not increase above that which is reasonably obtainable with strict adherence to the design standards in this chapter. This does not mean the hypothetical maximum, but means what is economically and prudently reasonable with the site and land features. This number of lots shall be conceptually approved and recommended by the Plan Commission and recommended to the Town Board, and is final and not

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

appealable.

- (3) Conservation easements, deed restrictions, common lands, parks, or other such preservation methods may be used to prohibit future land divisions or achieve the benefit to the community.
- (4) When economic benefit or hardship is the issue, it must be with (or to) the land and surrounding area. Economic benefit to the land developer or a developer's hardship is not cause for approval consideration.

§ 235-36. Easements.

- A. Pedestrian easements or dedications, at least 20 feet in width, shall be required where deemed necessary to provide access to playgrounds, parks, schools, shopping centers, or other community facilities.
- B. Utility easements shall be provided as may be deemed necessary by those utility companies having installations in the plat. The utility companies shall review all plats to determine whether easements will be necessary and where they should be required.
- C. Where a subdivision is traversed by a drainageway or stream, an adequate easement shall be provided as deemed necessary by the Town Engineer. The location, width, alignment, and improvement of such drainageway or easement shall be subject to approval by the Town Engineer or the county, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Town Engineer. Where deemed necessary, the Town may require these channels to be enclosed with pipe.
- D. Cross easements allowing frontage road access between businesses may be required, as deemed necessary, by the Town Plan Commission so that clustering of commercial development can be facilitated.

§ 235-37. Survey monuments.

The subdivider shall install survey monuments in accordance with the requirements of § 236.15, Wis. Stats.

§ 235-38. Required installation for subdivisions.

Prior to final approval by the Town, the subdivider will provide and dedicate the following facilities and improvements, all of which facilities and improvements must be installed or provided for within the time required by the Town Board as defined in § 235-33 and §317-7, and show proof of compliance with applicable ordinances of Washington County:

- A. Streets graded and surfaced according to the standards of the local municipality along with the street right-of-way as established by this chapter.

- B. Financial Guarantee. The subdivider shall file with the Town Clerk/Treasurer a cash deposit or letter of credit in a form approved by the Town Attorney and in an amount approved by the Town Engineer and the Town Board to amply cover the cost of completing said facilities and improvements. This cash or letter of credit shall be a guarantee to the Town of Erin that all of the foregoing improvements are properly constructed and completed to serve their intended purpose and the financial guarantee shall remain in effect for such period of time as required by the developer's agreement which shall be at least one year following the date that the Town of Erin has granted written, final approval for such completed improvements.
1. The subdivision may be developed in conformance with a Phasing Plan approved by the Plan Commission and Town Board.
 - a. Financial surety for a phased final plat shall be commensurate with the extent of infrastructure improvements unique to the active phase of development.
 - b. Each subsequent phase of a phased final plat shall be permitted as an independent development with financial surety applicable to infrastructure improvements unique to the approved phase.
 - c. Upon completion of a phase of development, the financial surety applicable to that phase shall be refunded to the subdivider as approved by the Town Board.
- C. Facilities for distribution of electric, telephone and gas utility service located within a subdivision shall be installed underground except where the Town finds that adverse soil conditions or problems of utility distribution make such installation prohibitively expensive or impractical. Transformer junction boxes, meter points, or similar equipment may be installed upon the ground surface. Any landscape screening plan required for such aboveground equipment shall be submitted to the Town for approval.
- D. Payment to contractors. The subdivider shall furnish the Town Board evidence of all the contractors who have furnished labor, equipment, or materials for work done on any plat, including the roads therein, that the same have been paid or adequate provision is made for payment in full before the final plat shall be accepted.
- E. All open cuts or ground shall be topsoiled to a depth of four inches and seeded or turfing in a manner as to prevent excessive water runoff or erosion and sedimentation on adjoining lands. As soon as grading and cutting are complete, the developer shall plant grass, rye or sod in order to reduce excessive erosion and runoff. In no case shall more than 10 acres of soil be exposed at one time nor any bare soil be left exposed for more than four months.
- F. In the event the aforesaid facilities and improvements have not been fully installed at the time the plat is submitted to the local municipality for final approval, the subdivider shall file with the local Clerk a cash bond approved by the Town to amply cover the cost of completing said facilities and improvements in an amount deemed adequate by the Town.
- G. All other improvements to be installed shall be at the direction of the Town or in

accordance with local ordinances.

- H. The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the Town prior to approval of the final plat. Such approval or recommendation for approval by the Town shall be submitted to the county prior to final approval by the county. Construction or installation of improvements shall not commence until the preliminary plat and the construction plans have been approved by all agencies having authority to review the plat. All work or improvements to the subdivision shall also be subject to inspection by the Town to determine conformance with any applicable requirements.
- I. All new subdivisions on unwooded or highly exposed parcels of land may be approved on the condition that deed restrictions on each lot in the subdivision require the planting of deciduous and evergreen trees on each lot, and a landscape zone should be planned into the development so that the visual quality of the Town of Erin is preserved. The standards for landscape zones are:
 - (1) The Town Plan Commission may require, at its discretion, that newly created subdivisions which are highly visible from public rights-of-way and/or highly scenic areas within the Town, such as Holy Hill and the Loew's Lake Preservation Area, include specific plans for integrating the proposed development into the natural landscape of the Town. A plan for a landscape screen must be reviewed and approved by the Town before the subdivision is recorded. This review shall consider potential overhanging of trees across property lines at maturity of trees.
 - (a) The developer has two options for fulfilling the landscape screening requirement:
 - [1] The developer shall construct a landscape screen on the perimeter of the subdivision at the time the subdivision is created; or
 - [2] The developer shall require that each parcel on the perimeter of the subdivision include a landscape screen. The landscape screen shall be constructed on each parcel on the perimeter of the subdivision before the construction of buildings on these parcels occurs. It shall be the responsibility of the subdivider to ensure that the landscape screen is constructed by individual parcel owners in the subdivision.
 - (b) Regardless of whether the developer chooses the option in Subsection H(1)(a)[1] or [2] above, he/she must guarantee, in the form of a bond, deed restriction or covenant, that the landscape integrating landscape screen requirement will be fulfilled prior to the construction of any buildings on parcels on the perimeter of the subdivision. The bond, deed restriction or covenant must be reviewed and approved by the Town Plan Commission before the subdivision is recorded.
 - (2) The landscape screen must include vegetation of a size and type that will disrupt views of residential homes within the subdivision from areas outside

of the subdivision. Further, the landscape screen must ultimately blend into the natural landscape of the Town. The landscape screen must include a mixture of deciduous and evergreen trees that will provide year-round screening. The Town may consult with a landscape architect or forester in reviewing the landscape screen plan of a proposed subdivision. The cost of this consultation will be billed to the developer.

- (3) Existing vegetation shall be preserved to the greatest extent possible when developing a new subdivision.
- (4) One deciduous tree shall be planted and maintained every 50 feet by the developer or purchaser of the land in the street yard of each lot in a newly created subdivision if that subdivision is unwooded or highly visible (as determined by the Town Plan Commission) from public rights-of-way or scenic areas within the Town. These trees shall be 1 1/2 inch caliper at the time of planting.

§ 235-39. General considerations.

Where the Town finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of these regulations and any development plans of any municipal agency.

§ 235-40. Other conditions.

In granting variances and modifications from these regulations, the Town Plan Commission and Town Board may require such other conditions which will, in its judgment, secure the objectives of this chapter.

§ 235-41. Planned development.

The standards and requirements of these regulations may be modified by the Town Board in the case of a plan and program for a group housing project, a complete community or a neighborhood unit which, in the judgment of the Town Plan Commission, provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed.

§ 235-42. Single-family cluster subdivision. [Added 10-17-2005 by Ord. No. 05-12]

See Zoning Chapter

§ 235-43. Violations and penalties.

- A. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes, and no person, firm or corporation shall be issued a zoning or building permit authorizing the building upon, or improvement of any subdivision, minor land division or replat within the jurisdiction of this chapter which is not of record as of the effective date of this

chapter until the provisions and requirements of this chapter are fully met.

- B. Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, forfeit not less than \$25, nor more than \$200 and the cost of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.¹⁷

§ 235-44. Fees.

The subdivider shall pay to the Town all fees as hereinafter required and at the times specified.

- A. Preliminary plat review fee. To assist in defraying the cost of review, the subdivider shall (at the time of first application for approval of any preliminary plat) pay a fee as established by the Town Board in the Town Fee Schedule. A reapplication fee as established by the Town Board in the Town Fee Schedule shall be paid at the time of reapplication for approval of any preliminary plat which has been previously reviewed.¹⁸
- B. Certified survey map review fee.¹⁹
 - (1) A preliminary or proposed certified survey map review fee as established by the Town Board in the Town Fee Schedule to defray the cost of review shall be paid by the person(s) requesting the land division at the time of presentation.
 - (2) To assist in defraying the costs of review, the subdivider shall (at the time of application for approval of a certified survey map) pay a fee as established by the Town Board in the Town Fee Schedule.
- C. Improvement review fee. The subdivider shall pay a fee equal to the actual cost to the approving authorities for checking and reviewing all improvement plans and specifications.
- D. Inspection fee. The subdivider shall pay a fee equal to the actual cost to the approving authorities having jurisdiction for such inspections deemed necessary to assure that the construction of the required improvements are in compliance with the plans, specifications and ordinances of the approving authority having jurisdiction or any other governmental authority.
- E. Final plat review fee. To assist in defraying the cost of the Town Plan Commission, the Town Board and the Town Attorney in reviewing said plat or map, the subdivider shall (at the time of first application for approval of said plat) pay an amount as established by the Town Board in the Town Fee Schedule in addition to

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the fees provided elsewhere in this chapter. A reapplication fee as established by the Town Board in the Town Fee Schedule shall be paid at the time of reapplication for approval of any final plat which has previously been reviewed.²⁰

- F. Engineering fee. The subdivider shall pay a fee equal to the actual cost to the approving authority having jurisdiction for all engineering work incurred by the approving authority having jurisdiction in connection with the plat. The minimum fee shall be as established by the Town Board in the Town Fee Schedule. Engineering work shall include the preparation of construction plans and standard specifications. The approving authority having jurisdiction may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.²¹
- G. Administrative fee. The land divider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Town and the subdivider. These fees may also include the cost of obtaining professional opinions, including, but not limited to, attorneys, engineers, landscape architects, and land planners, requested by the Town Board or Plan Commission in connection with the land division being considered.
- H. Engineering, inspection, legal, and consulting fees. The developer 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 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 or any other governmental authority. Consulting, engineering, inspection and legal fees shall be actual costs to the Town. Such fees may be billed and paid monthly. The Town may withhold building permits until the bill has been paid or a payment schedule has been arranged.

§ 235-45. Amendments.

The Town Board may, upon recommendation of the Town Plan Commission, amend, supplement, or repeal any of these regulations after notice and public hearing.

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).