

**TOWN OF PLOVER**

**ACCESS CONTROL AND**

**LAND DIVISION ORDINANCE**

Plan Commission Approved: 11/06/06  
Town Board Adopted: 11/14/06  
Town of Plover Ordinance No. 06-03

**SUBDIVISION AND PLATTING**

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## AUTHORITY AND GENERAL PROVISIONS

### 18.01 STATUTORY AUTHORITY.

These regulations are adopted under the authority granted by Chapter 236 and Chapter 703 of the Wisconsin Statutes.

### 18.02 TITLE.

This ordinance shall be known as the "Town of Plover Access Control and Land Division Ordinance."

### 18.03 PURPOSES.

The purpose of this ordinance is to control the division of land, and to promote the public health, safety and general welfare. The regulations are intended to encourage the most appropriate use of land, to provide the best possible environment for human habitation and to conserve the value of buildings placed upon the land by:

- (1) Furthering the orderly layout and use of land.
- (2) Securing safety from fire, flooding and other dangers.
- (3) Providing adequate light and air.
- (4) Preventing overcrowding of land by establishing minimum lot sizes to preserve the rural character of the town.
- (5) Facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, other public requirements, and the utilization of alternative energy sources.
- (6) Conserving valuable natural resources such as floodplain areas, wetlands and prime agricultural land.
- (7) Facilitating further re-subdivision of large tracts into smaller parcels of land.
- (8) Providing uniform and accurate maps and boundary descriptions of parcels of land.
- (9) Establishing standards for, and access to, town roads.

### 18.04 DEFINITIONS.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building Setback Line. A line within a lot or other parcel of land between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited, as prescribed by the appropriate zoning or other regulations.

Conservation Subdivision. A subdivision design method which concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. The development density of the entire parcel will not exceed the original density of the parcel. Houses will be grouped together in one or more areas on the parcel. A density bonus may be granted, which will allow increased building density on the parcel. The concept of clustering provides for a flexibility in subdivision design that fits the natural characteristics of the land and permits more useable open space and the preservation of prime agricultural land and land which may contain sensitive areas.

Conservation Subdivision Design. A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open space; thereby permanently protecting agriculturally, environmentally or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

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Cul-de-sac. A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Cul-de-sac Temporary. A local street terminating in a turnaround, which will be extended as a through street within a time period approved during the platting process. The subdivider shall submit such assurances as required by the Town Board that the street will be extended as a through street within the time allowed.

Divider. Any person, or corporation or authorized agent who undertakes a land division as defined in this section.

Driveway. A private access for ingress & egress from a public road right-of-way to private land.

Easement. Is a grant by a property owner for the use of land for a specific purpose.

Final Plat. The map of record of a subdivision, and any accompanying material.

Frontage. The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or public right-of-way.

Grade. The slope of a road, street or other public way, specified in percent.

Hydric soils. Soils susceptible to saturation by water, as designated by the USDA natural Resources Conservation Service.

Improvement, Public. Any sanitary sewer, storm sewer, drainage ditch, water main, off-street parking area, or other facility for which the County, town or special use district may ultimately assume the responsibility for maintenance and operation.

Land Division. The division of a lot or parcel of land for the purpose of transfer of ownership or building development.

Large Scale Development. A proposed complete new, large neighborhood unit which due to its magnitude and comprehensiveness, warrants special consideration by the Plan Commission.

Limited Access Expressway or Highway. A traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Lot. A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot, Through. Double frontage, is a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" or "double frontage lot" both street lines shall be deemed front lot lines.

Outlot. A parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An outlot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. An outlot may be a private road or alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel.

Owner. Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this title.

Plan Commission. The planning agency authorized by §62.23 or §60.62(4), Wisconsin Statutes.

Preliminary Plat. A map showing the salient features of a proposed subdivision, submitted to the Plan Commission for purposes of preliminary consideration.

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Protective Covenants. Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal combining of two or more blocks, lots or outlots within a recorded subdivision plat is not a replat.

Right-of-way. Right-of-way is a strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, walkway, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the divider of the plat on which such right-of-way is established.

Roadway. The surfaced portion of the street available for vehicular traffic.

Scenic Natural Areas. Any tract of land which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hillcrests, mature tree stands, and/or any other feature deemed to be significant by the Town Board of Supervisors for the Town of Plover.

Sensitive Areas. Areas containing one or more of the following unique or locally significant resources: archaeological resources, critical wildlife habitats, erodable land, flood hazard areas, stream corridors, wetlands or woodlands.

Service Drive. A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals

Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System. An on-site septic or holding system approved for use by the Department of Commerce.

Sidewalk. That portion of a street or walkway, paved or otherwise surfaced, intended for pedestrian use only.

Street. A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings.

Street, Collector. A street which carries traffic from minor streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has allocated only part of the ultimate right-of-way width.

Street, Marginal Access a.k.a. Frontage Road. A minor street which parallels and is adjacent to a major arterial or highway, and which provides access to abutting properties and protection from through traffic.

Street, Minor. A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

Street, Through. A street which begins and ends on another public street.

Subdivider. Any person, firm or corporation or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

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Subdivision, State. A division of lot, contiguous parcel or tract of land for the purpose of sale or of building development, where:

- (a) The act of division creates five or more parcels or building sites of two (2) acres each or less in area; or
- (b) Five (5) or more parcels or building sites of two (2) acres each or less in area are created by successive divisions within a period of five (5) years.

Note: Marathon County requires a certified survey for each division of land which creates a parcel of ten acres or less.

Subdivision Design Standards. The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.

Thoroughfare. A street with a high degree of continuity, including collectors, major arterials, and limited access highways.

Walkway. A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.

Water Supply, Individual. A well and appurtenances usually supplying only one lot.

Zoning Regulations. The zoning regulations adopted or approved by the Town Board.

### 18.05 GEOGRAPHIC JURISDICTION.

The provisions of this chapter apply to all unincorporated lands within the Town of Plover. Where a duly adopted county subdivision ordinance is more restrictive than this chapter, the county's greater restrictions shall apply. This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

### 18.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.

- (1) This chapter shall apply to:
  - (a) Any division of land which results in the creation of five or more building sites of two acres each or less in area; or five or more parcels or building sites of two acres each or less in area are created by successive divisions within a period of five years.
  - (b) Certified survey maps prepared pursuant to sec. 236.34, Wis. Stats.
  - (c) The minimum lot size for unsewered residential uses shall be 2 Acres except for existing lots of record on the effective date of this ordinance.
- (2) This ordinance shall not apply to:
  - (a) Transfers of interest in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed ten (10) years, mortgages or easements.
  - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Code or other applicable laws and ordinances, except a certified survey map must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and the lots resulting therefrom are not reduced below the minimum sizes required by law.
  - (d) Assessor's Plats made under Section 70.27, Wisconsin Statutes and cemetery plats made under Section 157.07 Wisconsin Statutes
  - (e) Creation of parcels which are larger than 10 acres by division or as the result of sale thereby creating a remnant.

18.07 CLASSIFICATION OF LAND DIVISIONS.

Any contiguous parcel or tract which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is bisected by an existing dedicated street or by navigable water. The Town Plan Commission shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the Town Board. Land divisions are classified under this chapter as either:

- (1) Residential. Any parcel created after the effective date of this ordinance, whether by Certified Survey or by subdivision or by condominium, that is or is intended to be used as a residential parcel shall contain no less than 2 acres exclusive of any right-of-way or easement of 20 feet or wider. No construction may commence or be authorized prior to approval of the parcel(s) by the Town Board
- (2) Non-residential. Any parcel created for non-residential uses shall comply with the zoning classification at the time of parcel creation.

SUITABILITY STANDARDS

18.11 GENERAL.

- (1) Section 236.45 of the Wisconsin Statutes authorizes the Town to prohibit the division of lands where such prohibition will carry out the PURPOSES set forth in this ordinance. The town may also regulate the manner of land division in areas where divisions are permitted.
- (2) The suitability standards of this section are in addition to standards set forth in other regulatory ordinances.
- (3) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.

18.12 GENERAL SUITABILITY STANDARDS.

No land shall be divided which is determined by the Town Plan Commission to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community. The burden of proof shall be upon the Plan Commission when determining unsuitability.

18.13 ZONING.

- (1) Divisions of lands under this ordinance, shall be made in conformance with the provisions of the Town of Plover Zoning Ordinance except no lot divided may be smaller than authorized by §18.07 of this ordinance.
- (2) No permanent easement twenty (20) feet wide or wider shall be recorded which reduces the lot size below the minimum required.

SUBDIVISION DESIGN STANDARDS

18.20 GENERAL.

Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and streets, topography, surface water, vegetative cover and other natural features. Land divisions shall conform to any town or county development plan, local master plan or element thereof applicable to the lands included.

18.21 SURFACE DRAINAGE AND EROSION CONTROL.

- (1) Land divisions shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage. The Plan Commission may require engineering studies of erosion potentials and may impose preventive design requirements. The Plan Commission may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities.
- (2) Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width or construction or both as will be adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

18.22 PUBLIC STREETS AND ROADS.

- (1) Streets - General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

These provisions shall apply to all roads and highways within the jurisdiction of the Ordinance.

- (a) All newly created roads and any widened right-of-way, whether a recorded or unrecorded road, shall be surveyed by a Registered Land Surveyor as a right-of-way plat and approved by the Town Board.

That plat shall then be recorded as a Certified Survey Map (CSM) in the Register of Deeds office with full compliance with:

- 236.15(1)
- 236.15(2) same, except ratio of error shall be 1:5000
- 236.16(2)
- 236.20(2)(a), (b), (c), (d), (e), (h)
- 236.20(2)(I)
- 236.20(2)(j), (k)
- 236.20(3)(a)
- 236.20(3)(b)
- 236.21(1)

- (b) Town road names are subject to approval by the Town Board under sections 60.23(17) and 82.03(7), Wisconsin Statutes.
- (2) Arrangement.
  - (a) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
  - (b) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
  - (c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
  - (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use may result in a more desirable layout.
  - (e) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
  - (f) In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.



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- (3) Access to Major Streets. The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Town Plan Commission may require that access to such streets be limited by one (1) of the following means:
- (a) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with a screen planting contained in a non-access reservation along the rear property line;
  - (b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;
  - (c) A marginal access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.
- (4) Width of Streets. Right-of-way and paving widths of all streets shall be determined by the Town Board but shall not be less than that specified in 82.50 Wisconsin Statutes . Town specifications for road or street construction shall be:
- (a) 4 rod (66 feet) wide right-of-way;
  - (b) 8 inches of fill sand plus 8 inches of gravel;
  - (c) 28 feet driving surface;
  - (d) 3 inches blacktop 22 feet wide.
- These specifications may be amended by the Town Board from time to time.
- (5) Cul-de-sacs or Dead End Streets.
- (a) The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
  - (b) A cul-de-sac shall not be longer than eight hundred, fifty (850) feet, measured on its centerline. The Town Plan Commission may find a greater length to be justifiable based upon topography or other circumstances beyond the control of the developer.
  - (c) The diameter of a permanent cul-de-sac shall be not less than one hundred twenty (120) feet. The roadway within the turn-around shall have the largest diameter practical. The roadway shall generally be within 10 feet of the right of way. Planting islands in the center of cul-de-sacs are encouraged.
  - (d) Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. Temporary cul-de-sacs may be reduced to 100 feet in diameter if a larger diameter would effectively reduce the minimum lot size per §18.17(2) of this code. The Town Board may approve turnarounds of smaller diameter or different design on a case by case basis.
- (6) Half Streets. Half streets in new subdivisions shall not be permitted. Where a half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width shall be required to be dedicated and the subdivider to meet the requirements of this chapter.
- (7) Private Roads. Private roads shall not be approved nor shall public improvements be approved for any private road; all roads shall be dedicated for public use.
- (8) Street Intersections.
- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection to two new streets at an angle of less than seventy (70) degrees shall not be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Town Board.
  - (b) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than two hundred twenty-five (225) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.
  - (c) Where the grade of any street at the approach of an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than four (4) percent grade a distance of fifty (50) feet measured from the nearest right-of-way line of the intersecting street.
  - (d) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer at the direction of the Town Board, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

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- (9) Alleys
  - (a) Alleys may be required by the Town Board where deemed necessary.
  - (b) The width of alleys shall be not less than twenty-four (24) feet.
  - (c) Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- (10) Easements. Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the Town Plan Commission; such easements shall be at least ten (10) feet wide.
- (11) Every residential lot or parcel created under the terms of this Ordinance shall have a minimum of 33 feet of frontage directly on a public street. The intent of this section is to discourage shared private roads and thereby encourage but not require the creation of new town roads. Where the terms of this section cannot be met, a modification as authorized by §18.47(2)(a) may be requested.
- (12) Driveway access to Town Roads. The following standards shall apply when creating parcels which will front on existing or proposed town roads.
  - (a) Proposed and/or existing driveways shall be shown on the CSM and access to the town road shall be restricted on the remainder of the parcel(s).
  - (b) Whenever possible driveways must enter the road at right angles.
  - (c) Parcel splits will be denied where stopping site distance is a significant problem and another alternative access is available.
  - (d) Driveways must be a minimum of 10 feet from the property line.
  - (e) Driveways must be 100 feet from the right-of-way of an intersection.
  - (f) Driveways should be spaced 100 feet apart whenever practical.
  - (g) All driveways are required to have a twenty foot, 15 inch culvert with a ditch-15 feet on each side, 6 feet off of the shoulder
  - (h) Only one access point will be allowed per each 100 feet of frontage.
  - (I) Contact Town Chairman before subdividing a parcel on a Town Road. A frontage or backage road may be required before the division can be approved.
  - (j) Denials may be appealed to the Board of Appeals

18.23 LOTS AND BLOCKS.

- (1) Residential blocks
  - (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
  - (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand, eight hundred (1,800) feet nor be less than four hundred (400) feet in depth. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand, three hundred and twenty (1,320) feet in length.
  - (c) Pedestrian walkways, not less than ten (10) feet wide, may be required by the Town Plan Commission through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (2) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Town Plan Commission for the prospective use.
- (3) Lots. In general, 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. Lot dimensions shall conform to the requirements of applicable zoning regulations. No lot area calculation shall include any road right-of-way or any easement that is twenty (20) feet wide or wider.
- (4) Residential lots. Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce.
- (5) Business, commercial and industrial properties. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.

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- (6) Corner lots. Corner lots for residential use shall have sufficient width to permit full building setback as required in the appropriate zoning regulations.
- (7) Lot frontage. Every lot shall front on or abut a public street as required by town ordinance.
- (8) Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (9) Division of Parcels. In case a tract is subdivided into parcels containing five (5) or more acres, such parcels shall be arranged to allow the division of any parcels into smaller lots provided any such division meets the requirements of this ordinance
- (10) Lot lines. Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.
- (11) Double frontage and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

18.24 LANDS NEAR WATER'S EDGE.

The lands lying between the meander line, established in accordance with section §236.20(2)(g) statute and the waters edge and any otherwise unplattable lands, such as floodways, which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any map or plat abutting a lake or stream. This requirement applies not only to lands proposed to be divided, but also to all lands under option to the subdivider or in which he holds an interest and which abut a lake or stream as provided in section 236.16(4) of the Wisconsin Statutes. Lands located below the ordinary high water mark of any navigable water shall not be included in the total area of any lot or parcel created under the terms of this ordinance. See OAG-88-78.

18.25 RESERVATION OF LAND.

Reservation of land shall be required which are in conformance with the town development plan or parts thereof.

DEDICATIONS, IMPROVEMENTS AND TIES  
TO THE COUNTY COORDINATE SYSTEM

18.30 DEDICATIONS.

- (1) Roads. The subdivider shall be required to offer for dedication to the Town, all streets, roads and other public ways which are proposed to be established within the subdivision. No building permits shall be granted for lots on newly dedicated streets, roads and other public ways until the construction of the street, road or public way is complete and accepted by the town.
- (2) Disclosure. No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or the County.
- (3) Public access to navigable waters. All subdivisions abutting on a navigable lake or stream shall, according to the provisions of section 236.16(3) of the Wisconsin Statutes and this section, provide access at least sixty (60) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (½) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources, and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. For minor subdivisions no public access will be required. The County Zoning Committee shall be substituted for the state agencies in deciding applications for access points at greater intervals and additional wider distances for county subdivisions.
- (4) Terms of reservation. Reservation of land for public acquisition shall be for a period specified by the Town Plan Commission not to exceed ten (10) years. Land so dedicated or reserved shall be shown on the final plat.
- (5) Method of offering dedications. Dedications shall be effected as provided in section 236.29 of the Wisconsin Statutes. Dedications to the town shall require approval of the Town Board.

18.31 IMPROVEMENTS.

- (1) Survey monuments. The surveyor shall install all survey monuments in accordance with the requirements of section 236.15 of the Wisconsin Statutes. The Town Board may waive the placing of monuments for a reasonable time on condition that the subdivider executes a security bond to ensure that the monuments will be placed within the time required.
- (2) Ties to the County Coordinate System. Any State or County Plat or CSM recorded in the Register of Deeds office or any plat of survey recorded in the County Surveyor's office shall be tied by lengths and bearings to the boundary line of a quarter section, Private Claim or Federal Reservation in which the subdivision lies; and description of monuments at ends of the line; and bearing and distance between those monuments. Boundary bearing references shall be the bearings established by the County in its county coordinate system. If no bearings have been established on any of the boundaries of the section being worked in, a reference to a magnetic, true or other identifiable direction may be used for reference to the boundary. When re-dividing an existing CSM or subdivision plat which is already connected to county bearings the re-division may be referenced to those bearings.

18.32 REQUIRED IMPROVEMENTS.

- (1) Generally
  - (a) The subdivider shall install street and utility improvements and other improvements indicated on the plat and as required by the Town. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements. The subdivider shall file with the contract a bond meeting the approval of legal counsel, a letter of credit, or a certified check in an amount equal to the estimate of all costs and expenses prepared by the Planning Commission and/or the Town Board. Such bond, check or Letter of Credit shall constitute a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat, or not later than 120 days after any storm sewer or other utility installations have been completed if the subdivider or contractor elects to have such improvements installed by the Town or any municipality involved. It shall constitute a further guarantee that all obligations to subcontractors for work on the development are satisfied. Upon completion of the required improvements guaranteed by the bond, certified check or Letter of Credit, and to insure that such improvements have been installed in accordance with the approved final plat, a detailed as-built survey plat of the subdivision, indicating location, dimensions, construction materials, and other information required by the Planning Commission, shall be submitted to the Planning Commission by the developer.
  - (b) The contractor and/or subcontractors who are to be engaged in the construction of improvements on dedicated street rights-of-way shall be designated as qualified for such work by the Planning Commission and/or Town Board.
- (2) Water Facilities. The subdivider shall install adequate water facilities subject to the specifications and inspection by an engineer appointed by the Town, the cost of engineering and inspection to be borne by the developer. If municipal water service is not available, the subdivider shall make provision for adequate private water systems and approval may be granted on the basis of favorable soil tests and general well locations.
- (3) Storm Water Drainage Facilities. The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the 25 year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with plans and specifications approved by a registered engineer. The subdivider shall pay all costs of all storm sewer work.
- (4) Street Grading and Surfacing.
  - (a) Street Grading. The subdivider shall furnish drawings that indicate the existing and proposed grades of streets shown on the plat, and after completion of engineering work on the streets and approval of street grades by the Planning Commission, shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways and the street rights-of-way shall be graded to subgrade. The cost of engineering and inspection shall be borne by the developer. The Town Board shall approve the construction prior to the time the Planning Commission recommends approval of the final plat.

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- (b) Street and Sidewalk Surfacing. After any approved storm sewers and other required underground utilities have been installed in the road right-of-way by the developer, the subdivider shall construct curbs and gutters if required, and storm sewer inlets and leaves as directed by the Planning Commission, and shall surface or cause to be surfaced at developer's expense, roadways to the widths required by town ordinances and as prescribed by the Planning Commission. The surfacing shall consist of not less than six inches of crushed gravel or sand lift, should sand lift be required as determined by the Town Board and/or Planning Commission, and surfaced with bituminous concrete or portland cement, concrete, or a comparable all-weather surfacing meeting standards prescribed by the Planning Commission. Dedicated walkways shall be improved by the subdivider with a standard sidewalk to a grade established by the Town Board. Such work shall be done in accordance with plans prepared by the developer's engineer.
- (5) Other Utilities. The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles, all utilities are to be underground. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Planning Commission. The subdivider shall install at the intersection of all roads proposed to be dedicated a road sign of a design specified by the Town Board.

CONDOMINIUMS

- 18.35 INTENT.  
It is the intent of this section to regulate condominiums as they relate to zoning and for the division of land for the purpose of establishing a condominium plat.
- 18.36 ZONING.  
Land divided for the establishment of a condominium plat shall meet the requirements of the Zoning Ordinance as approved or adopted by the Town of Plover
- 18.37 CONDOMINIUM PLATS.  
A condominium plat shall be submitted to the Town of Plover For review pursuant to §703.115 Wis. Stats.
- 18.38 STANDARDS.
  - (1) Condominium plats shall meet the requirements of section 703.11 of the Wisconsin Statutes.
- 18.39 UNITS.
  - (1) Unlike subdivision of lots and blocks, units are applied to condominium plats. Units shall be fully described as provided by section 703.12 of the Wisconsin Statutes.
  - (2) Units within multi-unit or multi-story structures shall be shown and described on the plat.
- 18.40 APPROVAL.  
As a condition of approval of condominium plats, the Town Board may consider all provisions outlined in Chapter 703 of the Wisconsin Statutes prior to granting approval for the recording of the instruments specified. The Town shall have ten (10) working days after submission for its review. If the review is not completed within ten (10) days the instrument is approved for recording.
- 18.41 CONSERVATION DESIGN STANDARDS
  - (1) Intent. It is the intent of this section to encourage the use of what is now non-traditional subdivision design that would cluster the residential parcels and preserve open space/agricultural land by the use of restrictive covenants, deed restrictions and/or other binding criteria. In so doing the overall density as required by zoning is maintained without sprawling the home sites over a large area.

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- (2) Design Standards
- (a) The number of development lots permitted shall be determined by preparing a yield plan similar to a preliminary plat showing a general layout that would conform to lot area and dimensions for the zoning district in which the development is proposed. This plan must show wetlands, floodplains, hydric soils, slopes exceeding 25%, rock outcrops, proposed and existing roads or any other natural or artificial feature that would make that part of the site undevelopable. No more than 25% of these undevelopable areas shall be included in calculating yield. When no natural or artificial features that would limit development exist the yield plan can be done mathematically.
  - (b) The minimum area for an individually owned development lot shall not be less than 10% of the lot area required by zoning or 43,560 square feet, whichever is greater. Fifty percent or more of the developable land area shall be designated as undivided permanent open space.
  - (c) All the land which is not divided into development land shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the Town, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division.
  - (e) Stormwater detention basins and other non-structural uses may be included as part of the minimum required open space.
- (3) Design and Evaluation Criteria. In evaluating the layout of lots and open space, the following criteria will be considered by the Town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Town shall evaluate proposals to determine whether the proposed conceptual preliminary plan:
- (a) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the town for essential infrastructure or active or passive recreation amenities).
  - (b) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
  - (c) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby woodlot).
  - (d) Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
  - (e) Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
  - (f) Leaves scenic views and vistas unblocked for uninterrupted, particularly as seen from public thoroughfares. For example, in open agricultural landscapes, a deep "no-build, no plant" buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of "foreground meadows," with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.
  - (g) Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.

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- (h) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Fish and Wildlife Service and/or by the Wisconsin Department of Natural Resources.
- (i) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, earthworks, and burial grounds.
- (j) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic, corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
- (k) Landscapes common areas (such as community greens), cul-de-sac islands and both sides of new streets with native specie shade trees and shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals on both sides of each street, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located at the edge of the right-of-way, within a planting strip of not less than five feet in width.
- (l) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby houselots.
- (m) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- (n) Provides open space that is reasonable contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations). such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the town's comprehensive plan.

ADMINISTRATION AND ENFORCEMENT

18.50

ORGANIZATION

The following offices of the government of the Town of Plover are concerned with the administration of this ordinance:

- (1) Town Board. The Town Board is vested with the following responsibilities in regard to subdivision control:
  - (a) Approval or disapproval of all final plats referred to it by the Planning Commission.
  - (b) Approval or disapproval of all variations and exceptions recommended by the Planning Commission.
  - (c) Amend the regulations of this ordinance when found necessary and desirable.
  - (d) Institute appropriate proceedings to enforce the provisions of this ordinance.
- (2) Planning Commission. The Planning Commission shall administer the provisions of this ordinance and in addition thereto, and in furtherance of that authority shall:
  - (a) Maintain permanent and current records of this ordinance, including amendments.
  - (b) Receive and fill all preliminary plats and final plats, together with applications.
  - (c) Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.
  - (d) Receive and file all final plats and check their compliance with the preliminary plat.

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- (e) Forward with recommendations to the Town Board all final plats.
- (f) Make all of the determinations required by the regulations of this ordinance.

18.51 PLATS.

(1) Procedures for approval.

- (a) Preliminary consultation. At least 30 days prior to the submission of the preliminary plat, the subdivider shall make known his intentions to the Planning Commission. During this preapplication stage, the subdivider shall consult the Planning Commission to determine any special problems or conditions affecting his or her property and shall supply the Planning Commission with a written letter of intent and a sketch plan of the proposed subdivision.
- (b) Filing of preliminary plat. Before submitting a final plat for approval, the subdivider shall submit to the Planning Commission a preliminary plat. It shall be clearly marked "Preliminary Plat", and shall be in sufficient detail to determine whether the final plat will meet layout requirements. Within 90 days the Planning 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, unless the time is extended by agreement with the subdivider. Failure of the Planning Commission to act within 90 days, or extension thereof, constitutes an approval of the preliminary plat.

(2) Preliminary Plats.

- (a) Every proposed subdivision shall be submitted to the Planning Commission for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final plat. The preliminary plat is not intended to be a final plat and must be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the Planning Commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a qualified surveyor, trained and experienced in the layout of subdivisions.
- (b) The following graphic and descriptive items are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified in this section, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

- (1) Application for approval. Written application by the owner, or agent, for approval, on forms furnished by the Planning Commission, shall accompany each preliminary plat and contain the following information:
  - a. Name for file identification.
    - 1. Name of subdivision if property is within an existing subdivision.
    - 2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in the county.
    - 3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
  - b. Location and description of property. Location of property by government lot, section, township, range and county.
  - c. Basic facts and proposals pertaining to the property.
    - 1. Size of tract in acres or of existing lots, if any, in square feet.
    - 2. Existing zoning classification of property and any rezoning proposed to be requested.
    - 3. Number of lots proposed in subdivision.
    - 4. Area of lots proposed; minimum, average and maximum.



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5. Proposed sanitary facilities:  
Water \_\_\_\_\_  
Sewage Disposal \_\_\_\_\_
  6. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use.
  - d. Information as to ownership, preparation and submission of plat.
    1. Name and address, including telephone number, of the legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
    2. Citation of any existing legal rights-of-way or easements affecting the property.
    3. Existing covenants on the property, if any.
    4. Name and address, including telephone number, of the technician responsible for subdivision design and the surveyor responsible for surveys shown on the preliminary plat as submitted.
- (2) The drawing. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of not more than 100 feet to the inch, and shall show correctly on its face the following information:
- a. Date, scale and north point.
  - b. The proposed subdivision name (must be same as that specified in the application).
  - c. The name and address of the owner, the subdivider and the surveyor preparing the plat.
  - d. Location of the subdivision by government lot, quarter section, section, township, range and county.
  - e. A vicinity sketch or small-scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated on the sketch or drawing.
  - f. The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.
  - g. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
  - h. Zoning on and adjacent to the subdivision.
  - i. Location, width and names of all existing and platted streets, alleys and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and pertinent data as determined by the Planning Commission.
  - j. The water elevations of adjoining lakes or streams at the date of the survey and the appropriate high and low water elevations of such lakes or streams. All elevations shall be referred to the town datum plane.
  - k. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of such waterway.
  - l. Layout, width and grades of all new streets and rights-of-way, including alleys, highways, easements for sewers and water mains, and other public utilities.
  - m. Existing sewers, water mains, culverts and other underground structures within the tract.

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- n. Appropriate dimensions and areas of lots.
- o. Proposed building setback lines.
- p. Appropriate radii of all curves and length of tangents and central angles on all streets.
- q. Approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation.
- r. Contours at vertical intervals of not more than five feet or at more frequent intervals if required by the Planning Commission for land of unusual topography.
- s. Street profile plans for all existing and proposed streets, containing information specified by the Planning Commission.

(3) Final Plats.

- (a) Final plat may constitute a portion of the approved preliminary plat. A final plat may constitute only a portion of the approved preliminary plat provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents and for adequate access to contiguous areas.
- (b) Application for approval. Written application by the owner or agent for approval, on forms furnished by the Planning Commission, shall accompany each final plat and shall contain but not be limited to the following information:
  - (1) Name of subdivision (which is subject to approval by the Board and should be cleared with the Planning Commission prior to submission of the plat) and description of blocks and lots included on the plat.
  - (2) Location of subdivision by government lot, section, township, range and county.
  - (3) Name, date of approval, and file number of the preliminary plat upon which the final plat is based.
  - (4) Zoning classification of the property.
  - (5) Total number of lots and/or parcels included on the plat.
  - (6) Total area shown on the plat, including streets, and total area dedicated to public use, if any.
  - (7) Existing or proposed covenants, if any.
  - (8) Name and address, including telephone number, of the owner or agent and the surveyor who prepared the plat.
- (c) The drawing. The final plat shall be drawn with waterproof nonfading black ink, at a scale of not more than 100 feet to the inch, on muslin-backed white paper 22 inches wide by 30 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relation of that sheet to the other sheets; and each sheet shall bear the name of the subdivision. Each plat shall show correctly on its face the following information:
  - (1) Map and engineering information.
    - a. Date, scale and north point.
    - b. The exterior boundaries of the land surveyed and divided.
    - c. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation or by legend, except lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments.
    - d. The exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines; except that when the lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines on one tier. Easements shall be shown by centerline and width.

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- e. Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
  - f. All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
  - g. The exact width of all easements, streets and alleys.
  - h. All lake or stream shore meander lines established by the surveyor, their distances and bearings, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
  - i. The centerline of all streets.
  - j. The number of degrees and minutes in all exterior and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle shown shall be that between the main chords.
  - k. When a street is on a circular drive, the main chords of the right-of-way lines shall be drawn as dotted lines in their proper places; and either on them, or in an adjoining table, shall be noted their bearings and lengths, the radius of the circle of which the curve is a part, the central angle subtended and the tangent bearing at either the point of curve or point of tangency. The lot lines may be shown in the same manner or by bearings and distances. 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; it shall be 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.
  - l. When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the Planning Commission may waive such compliance.
- (2) Name, location and position. The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be shown:
- a. The location of the subdivision by government lot, recorded private claim, quarter section, section, township, range and county noted immediately under the name given the subdivision.
  - b. The exact location of the subdivision indicated by distances and bearings with reference to a corner or corners established in the U. S. Public Land Survey.
  - c. A small drawing of the section or governmental subdivision of the section in which the subdivision lies, with the location of the subdivision indicated on the drawing. This drawing shall be oriented on the sheet in the same direction as the main drawing.
  - d. Where provisions are made for access from any lake or stream, the plat shall show the area over which access is provided to the lake or stream, together with a small-scale drawing clearly indicating the location of the subdivision in relation to the lake or stream and the location of the area over which access is provided.
  - e. The names of adjoining streets, state highways and subdivisions shown in their proper location and underscored by a dotted line.

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- f. Abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.
- (3) Roads and public spaces.
- a. The name of each road or street in the plat shall be printed in prominent letters.
  - b. All lands dedicated to public use except roads and streets shall be clearly marked "Dedicated to the Public."
  - c. All roads or streets shown on the plat not dedicated to public use shall be clearly marked "Private Road" or "Private Street" or "Private Way".
- (4) Site conditions and topography. The following shall be shown:
- a. All existing buildings.
  - b. All watercourses, drainage ditches and other existing features pertinent to proper subdivision.
  - c. The water elevations of adjoining lakes, rivers or streams at the date of the survey and the approximate high and low water elevations of such lakes, rivers and streams. All elevations shall be referred to the Town datum plane.
- (d) Required certificates. To entitle a final plat to be recorded, the following certificates, lettered or printed legibly with black durable ink or typed legibly with black ribbon, shall appear on it:
- (1) Surveyor's certificate. The certificate of the surveyor who surveyed, divided and mapped the land shall accompany the plat, supplying the following information, which shall have the same force and effect as an affidavit:
- a. By whose direction he made the survey, subdivision and plat of the land described on the plat.
  - b. A clear and concise description of the land surveyed, divided and mapped by government lot, recorded private claim, quarter section, section, township, range and county; and by metes and bounds commencing with some corner marked and established by the U. S. Public Land Survey; or if such land is located in a recorded subdivision or recorded addition, by the number of other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U. S. Public Land Survey.
  - c. A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
  - d. A statement that he has fully complied with the provisions of this chapter and Wis. Stats. ch. 236 in surveying, dividing and mapping the land.
- (2) Owner's certificate.
- a. A certificate by the owner of the subdivided land shall accompany the plat and shall take, substantially, the following form: "As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required by Wis. Stats. §236.10 or 236.12 to be submitted to the following for approval or objection: (list all governing bodies required to approve or allowed to object to the plat)". This certificate shall be signed by the owner, the owner's spouse, and all persons holding an interest in the fee of record or by being in possession, and, if the land is mortgaged, by the mortgagee of record.

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- b. In addition to the certificate required in subsection (d)(2)a. of this section, the owner may be required to furnish an abstract of title certified to date of submission for approval or, at the option of the owner, a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.
- (3) Tax certificate. Also accompanying the plat, there shall be a certificate of the town clerk/treasurer and a certificate of the treasurer of the county stating that there are no unpaid taxes or unpaid special assessments on any of the lands included in the plat.
- (e) Filing of final plat. After the subdivider has entered into a contract, guaranteed by a bond, by which the subdivider agrees to provide utilities and improvements required in this article, or after completion of such utilities and improvements to the satisfaction of the Planning Commission, the subdivider shall file with the Town Clerk within six months of the date of approval or conditional approval of the preliminary plat, the final plat and at least six reproductions, which shall conform to the requirements of this section and Wis. Stats. ch. 236. One copy shall be on reproducible mylar. The Town Clerk shall forthwith transmit all but two copies of the final plat to the Planning Commission. Two copies of the final plat shall be forwarded to the director of regional planning of the state as required by Wis. Stats. ch. 236. The developer shall also submit copies of all inspection forms performed by the director of public works or the director's agent.
- (f) Action by the board.
  - (1) Upon receipt of a final plat, the Planning Commission shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this article and shall recommend either approval or disapproval of the final plat.
  - (2) The Planning Commission shall approve or reject the final plat and forward it to the board within 60 days of submission to the Planning Commission unless the subdivider is notified of the objections to the plat or the time is extended by agreement with the subdivider.
  - (3) After the final plat shall have been approved by the Board, the Town Clerk shall cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the subdivider. Copies of the resolution and plat shall also be transmitted to the Planning Commission.

18.52 FEES, ENFORCEMENT, VARIANCES AND APPEALS.

- (1) Fees
  - (a) Application fees. The subdivider shall pay the fees specified below at the time of formal submission of application.
    - 1. Preliminary and Final Plat review: fifty dollars (\$50.00) per lot, \$250 minimum
    - 2. Certified Survey Map (CSM) review: one hundred dollars (\$100.00).
    - 3. Replat. The same fees as listed in paragraph one (1).
    - 4. Condominium plat: two hundred and fifty dollars (\$250.00).
    - 5. Land division code: twenty dollars (\$20.00) per copy.
  - (b) Legal and engineering fees. Upon mutual agreement, the subdivider shall pay the Town at times specified by the Plan Commission, a fee equal to the actual cost to the Town of any engineering or legal work incurred by the Town in conjunction with the plat review. Engineering work shall include preparation of construction plans and specifications and inspections. Legal work shall include the drafting of contracts between the town and the subdivider and a review of covenants, easements and documents involved in dedications.
  - (c) Fees shall be set and amended from time to time by the Town Board.
  - (d) A double fee will be charged for all after-the-fact applications to partially recover the cost of obtaining compliance.

## SUBDIVISION AND PLATTING 18.52

- (2) Modifications and appeals
  - (a) Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal applications would impose undue hardship, the Town Plan Commission may vary the requirements of this code. The Town Plan Commission may attach conditions to the granting of such modifications to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved.
  - (b) Appeals
    1. Any person aggrieved by a failure to approve any land division or condominium plat, may appeal therefrom to the courts as provided in the Wisconsin Statutes.
- (3) Replats, vacations or alterations in recorded plats
  - (a) Replats of all or part of a recorded land division shall occur pursuant to section 236.36 through 236.455 of the Wisconsin Statutes.
  - (b) Upon submission to the town of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to section 236.40 through 236.44, the Town Plan Commission shall hold a public hearing. While the proposed new plat is pending before the Plan Commission, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within ½ mile of the proposed replat.
- (4) Enforcement
  - (a) Any division of land which results in a state subdivision, county subdivision, minor subdivision or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Marathon County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division, provided, however, that in the case of a subdivision which has been the subject of a preliminary plat approved by the Town, offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
  - (b) Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this code or the Wisconsin Statutes. Until the requirements of this ordinance have fully been met no person, firm or corporation shall be issued a permit authorizing the building upon, or improvement on any land division, replat or condominium plat within the geographic jurisdiction of the ordinance, and not of record as of the effective date of this code.
  - (c) The Town Board or designee may issue a compliance order, field directive, suspension order to termination order to assure compliance with the provisions of this code.
  - (d) The Town Board may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to section 236.31 of the Wisconsin Statutes.
  - (e) Penalties. A person, firm or corporation who fails to comply with this code shall be subject to:
    1. The penalties of §236.31 and 236.32 statutes apply to this code.
    2. Each day a violation exists or continues shall constitute a separate offense.
    3. Assessor's plats made pursuant to section 70.27 of the Wisconsin Statutes may be ordered by the Town Board at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this code.

### 18.53 RECORDING AND CONVEYANCE OF LOTS OR PARCELS INCLUDED WITHIN LAND DIVISION REQUIRING TOWN APPROVAL.

- (1) Recording. Pursuant to section 236.45(2) of the Wisconsin Statutes, the Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this code, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformance with this ordinance.
- (2) Conveyance. Lands described in plats and maps recorded pursuant to sub. (1) may be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in section 706.01(3), Wisconsin Statutes.

18.54 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the Town of Plover, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

18.55 WAIVER OF LIABILITY.

- (1) In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the town, its agents and employees.
- (2) In such matters, it is understood that they act as agents and representatives of the Town.
- (3) Since there can be considerable variation in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the town, its agents and employees where, as the result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.

18.56 SEVERABILITY.

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

# LAND SURVEY CHART

SHOWING SUBDIVISION OF U.S. PUBLIC LANDS-UNITS OF MEASUREMENT & EQUIVALENTS - BEARING OF LINES

