

Repeal and Recreate Chapter 3 LAND DIVISION as follows:

CHAPTER III LAND DIVISION

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ARTICLE I. INTRODUCTION

Sec. 13-1. Title.

This Chapter shall be known as the “Land Division Chapter of the Town of Brighton,” or as “Chapter III of the Town of Brighton Code of Chapters.”

Sec. 13-2. Statutory authority.

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

Sec. 13-3. Purpose.

The purpose of this Chapter is to regulate and control all land divisions within the limits of the Town of Brighton in order to promote and protect the public health, safety, aesthetics, and general welfare of the community. More particularly, and without limitation, it is the purpose of this Chapter to:

- A. Implement the Kenosha County Multi-Jurisdictional Comprehensive Plan and components thereof and facilitate enforcement of community development standards as set forth in the Town Code.
- B. Promote the wise use, development, conservation, and protection of the soil, water, wetland, woodland, and wildlife resources in the Town and its area of extraterritorial plat approval jurisdiction, and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. Further the orderly layout and appropriate use of land.
- D. Avoid the harmful effects of premature division or development of land.
- E. Lessen congestion in the streets and highways.
- F. Provide for proper ingress to and egress from development sites.

- G. Preserve the rural character of the Town through preservation of meaningful open spaces, sensitive natural areas, and economically-viable agricultural tracts.
- H. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- I. Preserve natural vegetation, vistas, and cover to protect the natural beauty of the Town.
- J. Provide adequate light, air, and water.
- K. Prevent the overcrowding of land and avoid undue concentration of population.
- L. Facilitate the division of land into smaller parcels.
- M. Facilitate and ensure the adequate provision of transportation, water, sewerage, storm water management, schools, parks, playgrounds, and other public facilities and services.
- N. Ensure adequate legal description and proper survey monumentation of divided land.
- O. Provide adequate, affordable Housing.
- P. Restrict building in areas of unsuitable soils.

Sec. 13-4. Abrogation and greater restrictions.

It is not the intent of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Chapter shall govern.

Sec. 13-5. Interpretation.

The provisions of this Chapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 13-6. Severability.

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

Sec. 13-7. Repeal.

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

Sec. 13-8. Disclaimer of liability.

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

ARTICLE II. DEFINITIONS

Sec. 13-9. Definitions.

(a) *General Definitions.* For the purposes of this Chapter, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

(b) *Specific Words And Phrases.*

1. Advisory Agency. Any agency, other than an objecting agency, to which a plat or CSM may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or CSM, or it may suggest that a plat or CSM be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission, school districts, and local utility companies.
2. Alley. A public way affording secondary access to abutting properties.
3. Approving Authorities. Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.
4. Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets are designated in the

Regional Transportation System Plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission.

5. Block. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, village, or town boundaries.
6. Building. Any structure having a roof supported by columns or walls.
7. Building Line. A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the applicable zoning and the requirements of this Chapter.
8. Building Setback Line. See Building Line.
9. Certified Survey Map (CSM). A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Chapter, for the purpose of dividing land into not more than four parcels; or used to document for recording purposes survey and dedication data relating to single parcels.
10. Collector Street. A street used, or intended to be used, to carry traffic from land access streets to the system of arterial streets, including the principal entrance streets to residential developments.
11. Common Open Space. See Open Space, Common.
12. Comprehensive Plan. An extensively developed plan adopted by the Town pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan may include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and storm water management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs. Unless otherwise clearly indicated, comprehensive plan means the Kenosha County Multi-Jurisdictional Comprehensive Plan.
13. Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.
14. Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

15. Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.
16. Condominium Plat. A map (not a certified survey map) prepared in accordance with Chapter 703 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording condominium units as defined herein. A “condominium plat” may be used to create condominium units along with specifying a condominium owner’s proportional share or ownership of common facilities and/or grounds and shall not be used to create lots or parcels. The creation of lots or parcels requires a “certified survey map” or “subdivision plat.”
17. Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.
18. Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, wooded or farmed state, precluding future or additional development.
19. County Planning Agency. The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and CSMs.
20. Covenant. A restriction on the use of land, usually set forth in the deed.
21. Cul de sac Street. A local street with only one outlet and having an appropriate turn-about for vehicular traffic.
22. Datum. A system that serves as the basis for land survey measurements and calculations.
23. Deed Restriction. A restriction on the use of a property set forth in the deed.
24. Development Agreement. An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Chapter. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.
25. Environmental Corridor. See “Primary Environmental Corridor”, “Secondary Environmental Corridor”, and “Isolated Natural Resource Area”.

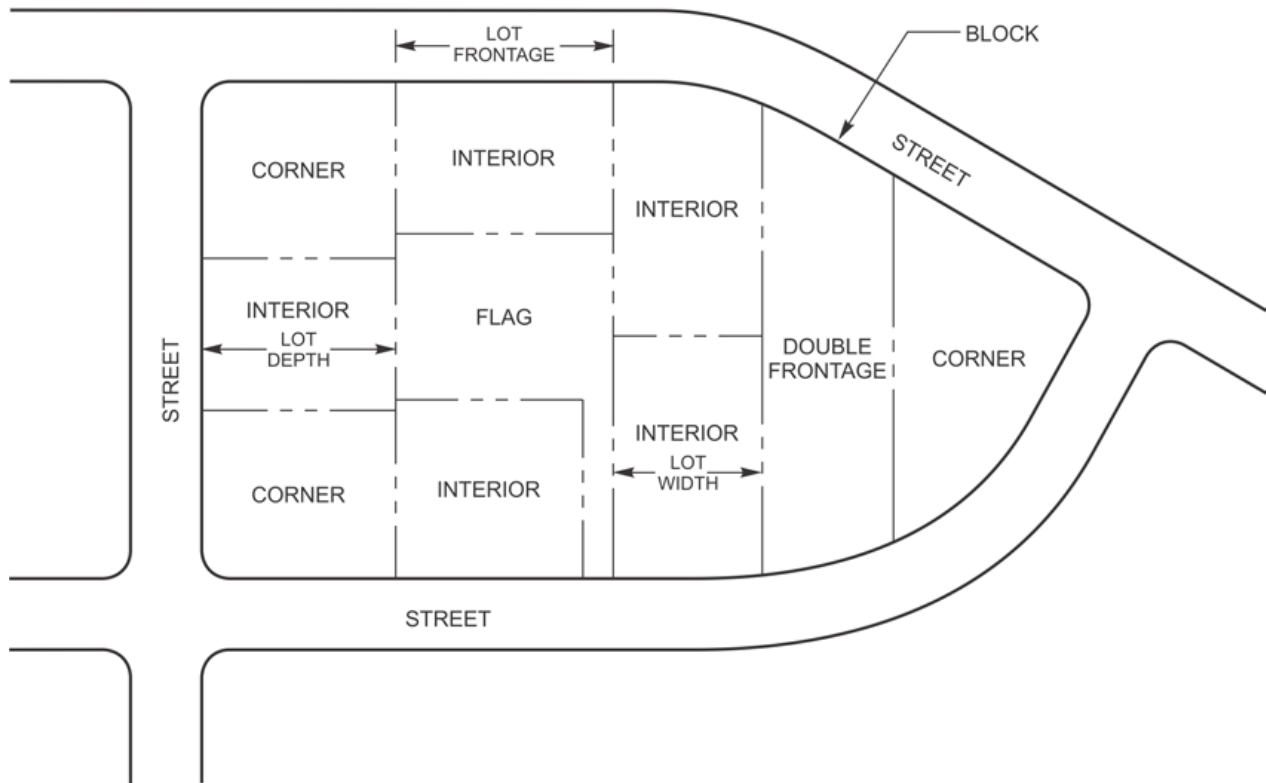
26. Extraterritorial Plat Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth class city or a village and within three miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all parts of which are equidistant from the boundaries of each municipality, so that not more than one municipality exercises extraterritorial plat approval jurisdiction over any area.
27. Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Chapter for the purpose of creating a subdivision.
28. Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one percent annual probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.
29. Frontage. The total dimension of a lot abutting a public street measured along the street line.
30. Frontage Street. A land access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
31. Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.
32. Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.
33. Isolated Natural Resource Area. An area containing significant remnant natural resources at least five acres in area and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
34. Land Access Street. A street used, or intended to be used, primarily for access to abutting properties.
35. Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.
36. Landscaping. Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

37. Letter of Credit. A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.
38. Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the applicable zoning.
39. Lot, Corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less. A corner lot shall have two front yards and two side yards.
40. Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. The front yard for a double frontage lot shall be the yard abutting on the street from which the lot is accessed, and the rear yard shall be the yard abutting the opposite street.
41. Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.
42. Lot, Interior. A lot with frontage on one street that is bounded by adjacent lots along each side and usually a lot behind it fronting on a different street. (See Illustration 1.)

[SEE LOT TYPE ILLUSTRATIONS BELOW]

Illustration 1

TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



Source: SEWRPC.

43. Minor Land Division. A minor land division is any division of land that:

- a. Creates at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
- b. Divides a block, lot, or outlot within a recorded subdivision plat into at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.
- c. Creates not more than 6 parcels, lots, or outlots, inclusive of the original remnant parcel, on land that is zoned for commercial, industrial, or mixed-use development.
- d. Minor land divisions require review and approval of a certified survey map by the Town.

42. Municipality. An incorporated city or village.
43. Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.
44. Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Safety and Professional Services, the Wisconsin Department of Transportation, and the County Planning Agency if the plat is located in a Town and the County has adopted a County subdivision ordinance. The County is also an approving agency for such subdivisions.
45. Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.
46. Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities approved by the Town.
47. Open Space, Common. Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium, or for continued agricultural use. Common open space shall be substantially free of structures, but may contain recreational facilities approved by the Town.
48. Open Space, Public. Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Town.
49. Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial

vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

50. Outlot. A parcel of land, not a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division. Any restrictions related to an outlot shall be included on the face of the plat or CSM. Section 236.13(6) of the Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots.
51. Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.
52. Plat. A map prepared, as required by this Chapter, for the purpose of recording a subdivision, minor land division, or condominium.
53. Prairies. Open, generally treeless areas which are dominated by native grasses, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
54. Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.
55. Primary Environmental Corridor. A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
56. Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian/recreation way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
57. Public Way. Any public street, highway, bicycle or pedestrian way, drainageway, or part thereof.
58. Recreation Path or Way. For the purpose of this Ordinance, a multi-use path that provides opportunities for hiking/pedestrians and may

accommodate bicycling, rollerblading, skateboarding, and other recreational uses.

59. Replat. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, CSM, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or CSM without changing the exterior boundaries of said block, lot, or outlot is not a replat.
60. Reserve Strip. Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.
61. Secondary Environmental Corridor. A concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
62. Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.
63. Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Natural Resources Conservation Service.
64. Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.
65. Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale, transfer of ownership, or building development, including condominium development, where:
 - a. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, by a division or by successive divisions of any part of the original property within a period of five years; or
 - b. The act of division creates six or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of five years.

65. Subdivision Plat. A map prepared in accordance with Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording a subdivision as defined by this Ordinance.
66. Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
67. Town Engineer. A professional engineer who is a full-time employee of the Town, or a consulting engineer who provides resident staff services to the Town, and who is duly-appointed by the Town to the position.
68. Town Planner. A professional planner who is a full-time employee of the Town, or a consulting planner who provides resident staff service to the Town, and who is duly-appointed by the Town to the position.
69. Tract. A parcel lying in more than one U. S. Public Land Survey section.
70. Unit. See condominium unit.
71. Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions.
72. Woodlands. Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

ARTICLE III. GENERAL PROVISIONS

Sec. 13-10. Area of jurisdiction.

This Chapter shall apply to all land and water within the limits of the Town of Brighton.

Sec. 13-11. Applicability.

(a) *Subdivision*: Any division of land within the Town that results in a subdivision as defined in this Chapter shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this Chapter and Chapter 236 of the Wisconsin Statutes.

(b) *Minor Land Division*: Any division of land within the Town that results in a minor land division as defined in this Chapter shall be surveyed and a CSM of such division approved and recorded as required by this Chapter and Chapter 236 of the Wisconsin Statutes.

(c) *Condominiums*: It is the express intent of this Chapter to regulate condominiums having one or more principal structures on any parcel, except for condominium conversions of existing buildings where no additional units are being created. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the applicable zoning if the parcel had been conventionally divided.

(d) The provisions of this Chapter, as it applies to division of tracts of land into four or fewer parcels, shall not apply to:

1. Transfers of interest in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages, or easements.
3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter, the Zoning Chapter, or other applicable laws or ordinances. However, all conveyances between neighboring owners that would adjust a lot line or create or eliminate a lot line shall be submitted to the Town Plan Commission for review prior to such conveyance being executed and recorded. The Town Plan Commission's review shall be limited to considering whether the conveyance is in compliance with Wisconsin Statutes and applicable laws, ordinances and regulations. Such conveyance will be in violation of this Chapter if any additional lots would be created by the conveyance, or if any of lots would be illegal or non-conforming after the conveyance. Any conveyance made in violation of this subsection shall constitute a violation of this Chapter.

(e) All of the following specific uses and activities are exempted from this Chapter:

1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), 236.20(1), and 236.20(2)(a) through (e) of the Wisconsin Statutes unless waived under Section 236.20(2)(L).
3. Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.
4. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

Sec. 13-12. Compliance.

No person shall divide any land located within the jurisdictional limits of the Town which results in a subdivision, minor land division, replat, or condominium as defined herein unless specifically

exempted under this Chapter; and no such subdivision, minor subdivision, replat, or condominium shall be entitled to record without compliance with:

- A. All requirements of this Chapter.
- B. The Kenosha County Multi-Jurisdictional Comprehensive Plan or any component thereof, a zoning ordinance, an official map ordinance, or an erosion control and storm water management ordinance.
- C. The provisions of Chapter 236 of the Wisconsin Statutes.
- D. The provisions of Chapter 703 of the Wisconsin Statutes for all proposed condominiums.
- E. The rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- F. The rules of the Wisconsin Department of Transportation and Kenosha County Highway Department relating to provision for the safety of entrance upon and departure from State and County trunk highways or connecting highways and for the preservation of the public interest and investment in such highways if the land owned or controlled by the subdivider abuts on a State or County trunk highway or connecting highway or street.
- G. The rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- H. The Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
- I. All other applicable ordinances and State and Federal laws and regulations.

Sec. 13-13. Land suitability.

No land shall be divided which is held unsuitable for such use by the Town Plan Commission, upon recommendation of the Town Engineer or other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or poses an imminent harm to the environment or to specific natural features or natural resources. Any lot line “gaps” or “overlaps” within the boundaries of a proposed land division shall be addressed and resolved by the subdivider before the proposed land division can receive final approval from the Town. In addition:

- A. Floodplains. No lot served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area, or 4,200 square feet, whichever is greater, above the elevation of the one percent annual probability (100-year recurrence interval) flood. No lot one acre or less in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots more than one acre in area served by a POWTS shall contain not less than 40,000 square feet of land which is at least two feet above the one percent annual probability flood elevation identified by the Federal Emergency Management Agency. Where such flood stage data are not available, the regulatory flood elevation shall be determined by a professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Town Engineer. Undeveloped lands that are or would be accessed from existing streets located within the 1-percent-annual-probability floodplain may not be subdivided for residential, commercial, manufacturing, or institutional uses unless an alternative access is provided through streets located outside of such floodplain or meets the provisions of this Ordinance or applicable floodplain requirements.
- B. Lands Made, Altered, or Filled with Non-earth Materials within the preceding 20 years shall not be divided into building sites which are to be served by private onsite wastewater treatment systems (POWTS) except where soil tests by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. Lands Made, Altered, or Filled with Earth within the preceding seven years shall not be divided into building sites which are to be served by private onsite wastewater treatment systems (POWTS) except where soil tests by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- D. Lands Having a Slope of 12 percent or more may be required by the Plan Commission to be maintained in natural open uses. No lot served by public sanitary sewer shall have more than 50 percent of its minimum required lot area in slopes of 12 percent or more. A lot served by a private onsite wastewater treatment system (POWTS) shall have 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 12 percent.

- E. Lands Having Bedrock within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS), unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of SPS 383. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and the quality of the influent entering the proposed soil dispersal area. The subdivision layout shall permit the infiltrative surfaces of dispersal cells to be located at least 24 inches above bedrock.

- F. Lands Having Seasonal and/or Permanent Groundwater within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS) unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of SPS 383. The subdivision layout shall permit the infiltrative surfaces of the dispersal cells to be located at least 24 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six of the 24 inches of soil separation required shall be comprised of an in situ soil type for which soil treatment capability is credited under the aforereferenced table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within four inches of the bottom of the A horizon (often referred to as "topsoil").

- G. Lands Covered by Soils Having Coarse Textures such as loamy coarse sand with 60 percent or more coarse fragment content shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS) unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.

- H. Land Drained by Farm Drainage Tile or Farm Ditch Systems shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS) unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated. In all cases, historical drainage must be preserved.

- I. The Town Plan Commission, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence regarding such unsuitability, if so desired. The Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

- J. Zoning. Any parcel or tract of land proposed to be divided under this Chapter must be rezoned as "Agricultural Preservation Planned Residential Development District" ("APD") zoning prior to, or concurrently with, land division consideration under this Chapter. Notwithstanding any other provision of this Chapter, legal nonconforming lots for which minor land divisions are sought, but which are too

small to be rezoned as APD, shall be reviewed under this Chapter, including sec. 13-225 (Density Calculation), and if such minor land division is permitted shall be rezoned to such applicable base zoning category as will accommodate the approved lots.

Sec. 13-14. Dedication, Reservation, and Protection of Land.

Streets, Highways, and Drainageways. Whenever a proposed subdivision, minor land division, or condominium plat encompasses all or any part of an arterial street, drainageway, or other public way which has been designated in the Kenosha County Multi-Jurisdictional Comprehensive Plan or component thereof or the official map of the Town, said public way shall be made a part of the plat or CSM and dedicated or reserved, as determined by the Town, by the subdivider in

the locations and dimensions indicated on said plan or map and as set forth in this Chapter.

- A. Dedication or Reservation. Park and school sites shall be dedicated or reserved as provided in this Chapter.
- B. Protection of Open Space. Whenever a proposed land division encompasses all or any part of open space lands, as defined in this Chapter, such open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:
 1. Reservation or dedication to the Town or County.
 2. Donation to a nonprofit conservation organization.
 3. Conservation easement.
 4. Deed restriction or restrictive covenant.

Sec. 13-15. Homeowner or Condominium Associations.

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

- A. The subdivider shall provide the Town with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review and approval by the Plan Commission and reviewed as to form by the Town Attorney.
- B. The association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.
- C. Membership in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.

- D. The association shall be responsible for maintenance and insurance of common areas and facilities.
- E. A land stewardship plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- F. The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.
- G. The association shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- H. The subdivider shall arrange with the Town Assessor a method of assessment of any common areas and facilities, which will allocate to each lot, parcel, or unit within the land division or condominium a share of the total assessment for such common areas and facilities.
- I. The Town may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the Town at least 30 days prior to such transfer.
- J. In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Town shall have the right, but not the obligation, to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

Sec. 13-16. Improvements.

Before approval of any final plat or certified survey map (CSM) located within the corporate limits of the Town, the subdivider shall install street and other improvements as hereinafter provided. In the alternative, if such improvements are not installed at the time the final plat or CSM is submitted for approval, the subdivider shall, before the recording of the plat or CSM, enter into a development agreement with the Town agreeing to install the required improvements, and shall file with said development agreement a bond or letter of credit with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to 120% of the estimated cost of the improvements. Said estimate shall be made by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the land division are satisfied. In addition:

- A. Contracts and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town Engineer.
- B. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
- C. Survey Monuments. Before final approval of any plat or CSM within the corporate limits of the Town, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the Town Engineer. The Town Engineer may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

Sec. 13-17. Development Agreement.

Before or as a condition of receiving final approval from the Town of any final plat, condominium plat, or CSM for which public improvements are required by this Chapter; or for which public improvements, dedications, or fees are being deferred under this Chapter; or for which phasing approval is being granted under this Chapter, the subdivider shall sign and file with the Town a development agreement. The development agreement shall be approved as to form by the Town Attorney, and shall be approved by the Town prior to approval of the final plat, condominium plat, or CSM.

Sec. 13-18. Exceptions and Modifications.

Where, in the judgment of the Town Plan Commission and the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Plan Commission may recommend and the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Kenosha County Multi Jurisdictional Comprehensive Plan or component thereof. No exception or modification shall be granted unless the Plan Commission and the Town Board find that all the following facts and conditions exist and so indicate in the minutes of their proceedings:

- A. Exceptional Circumstances: There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Chapter should be changed.

- B. Preservation of Property Rights: That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- D. A simple majority vote of the quorum present of the Plan Commission and of the Town Board shall be required to recommend and grant, respectively, any exception or modification of this Chapter, and the reasons shall be entered into the minutes. The granting of an exception or modification shall not waive any prior violations of this Chapter, or any fines, forfeitures, or other penalties imposed as a result of any such prior violations, unless the Town Board specifically so decide.

Sec. 13-19. Violations.

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Chapter or the Wisconsin Statutes. No person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium within the jurisdiction of this Chapter not of record as of the effective date of this Chapter, until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter.

Sec. 13-20. Penalties and remedies.

Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, pay a forfeiture as provided for in this Code, plus any additional applicable costs incurred by the Town for each offense, and the penalty for default of payment of such forfeiture and costs shall be such remedies as are allowed by law. Each day a violation exists or continues shall constitute a separate offense. Without limitation by enumeration, violations shall include the following:

- A. Recordation improperly made, as provided in Section 236.30 of the Wisconsin Statutes.
- B. Conveyance of lots in unrecorded plats, as provided for in Section 236.31 of the Wisconsin Statutes.
- C. Monuments disturbed or not placed, as provided for in Section 236.32 of the Wisconsin Statutes.
- D. An Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision is created by successive divisions.

Sec. 13-21. Appeals.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13 (5) and 62.23 (7)(e) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

ARTICLE IV LAND DIVISION PROCEDURES

Sec. 13-22. Pre-Application Consultation.

Prior to the filing of an application for the approval of a preliminary plat, condominium plat, or CSM, the subdivider shall consult with the Plan Commission and/or its staff during one or more pre-application meetings in order to obtain their advice and assistance and to also review and complete a density calculation pursuant to Sec. 13-225. A conceptual plan of the proposed subdivision, condominium, or CSM, which may consist of marked up aerial photographs or GIS information generally showing the proposed land division, shall be brought by the applicant to the initial pre-application meeting. If necessary or helpful, the preliminary consultation may also involve a site visit with one or more Town officials. This consultation may be undertaken in conjunction with preliminary rezoning and comprehensive plan amendment discussions with Kenosha County, and its intended purpose is to inform the subdivider of the purpose and objectives of these regulations, of the Kenosha County Multi-Jurisdictional Comprehensive Plan, of duly adopted plan implementation devices of the Town, and generally to otherwise assist the subdivider in planning the proposed development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will also gain a better understanding of the subsequently required procedures. At the time of the initial pre-application consultation, the subdivider shall pay a non-refundable fee equal to the hourly rate charged the Town by its designated planner to defray the Town's costs relating to the pre-application process. Notwithstanding any agreement that may be reached between the subdivider and Town and/or County staff during the pre-application consultation, any such agreement or outcome of the pre-application consultation shall be strictly advisory and shall not be binding in any way on subsequent Town or County decisions regarding the proposed project.

Sec. 13-225. Density calculation.

Allowable number of residential lots, if any, which may be created on a particular parcel (i.e., density) shall be determined on a case-by-case basis, based on the objective, property-specific criteria set forth in this Section. In order to objectively determine the maximum residential density for any parcel, each criterion shall be evaluated and given a score from 0 to 5. That score shall then be multiplied by a weight factor for the criterion to determine a weighted score. The total score for all criteria shall then be added to determine the final score. The final score shall be used

to determine the maximum potential residential density for the parcel. The final score is not an absolute guarantee of residential density, but should be used as basis for subsequent applications, discussions, and approvals through the land division, rezoning and comprehensive plan designation processes.

After the final density that could be sustained by the subject property is calculated under this Section, the subdivider shall simultaneously initiate the process of applying to create one or more new residential lots under this Chapter, applying to amend the property's zoning, and applying to change the property's comprehensive plan category, as required by this Chapter and as necessary to allow and reflect the desired density and desired land split(s). The land division process required by this Chapter, the rezoning process, and the comprehensive plan amendment process shall all be consistent with and dependent upon each other, such that if any of the processes is denied for any reason, the others shall be denied as well.

The Town Board-approved density calculation rubric is as follows:

DENSITY CALCULATION CHECKLIST

	Review Criteria	Scale	Score	Weight Factor	Total Points
1.	What percentage of the subject property is "suitable" for an on-site private septic system as a result of the mapped soil surveys? <i>A score of 0-1 is determined to be unsuitable, 2-3 is marginally suitable, and 4-5 is suitable as found on the attached Table 1.</i>	5: 50% 4: 40% to 49% 3: 30% to 39% 2: 20% to 29% 1: 10% to 19% 0: 0% to 9%	_____ x	2.0 =	_____ PTS
Comments:					
2.	What degree could the remnant property be put to substantial, commercial-grade agricultural use as it exists today (<i>Determining factors may include: parcel size, shape, "farmable soil suitability", and adjacency to larger agricultural parcels under common ownership</i>) OR managed conservation practice use (<i>conserving known environmental lands, expanding existing adjacent conserved lands, formal management plan ready, etc.</i>) as it sits today.	0-1: highest degree 2-3: moderate degree 4-5: lowest degree	_____ x	2.0 =	_____ PTS
Comments:					
3.	If development of the subject property was permitted, what will be the size of the remnant parcel following the division of lots for residential development?	0: 0 to 9 ac 1: 10 to 19 ac 2: 20 to 29 ac 3: 30 to 39 ac 4: 40 to 49 ac 5: 50+ ac	_____ x	2.0 =	_____ PTS
Comments:					
4.	What is the density of the adjacent future land uses within 2000 feet of the new residential development area perimeter as described in the Kenosha County Multi-Jurisdictional Plan?	0-1: low density 2-3: moderate density 4-5: high density	_____ x	2.0 =	_____ PTS
Comments:					
5.	How many residences are located within 500 feet of the "newly proposed new residential development area" perimeter?	0 : 0 homes 1 : 1home 2 : 2 homes 3 : 3 homes 4 : 4 homes 5 : 5+ homes	_____ x	1.5 =	_____ PTS
Comments:					
6.	What degree will the overall proposed development layout preserve the rural scenic view within the Town? <i>Rural scenic view is defined as having, providing or relating to a pleasing or beautiful view of the natural or agricultural landscape as seen from multiple vantage points.</i>	0-1: lowest degree 2-3: moderate degree 4-5: highest degree	_____ x	1.5 =	_____ PTS
Comments:					
7.	What percentage of arterial or collector road frontage is occupied by the lots for the proposed residential development? <i>Determined by total parcel frontage linear footage divided by the proposed gross residential linear footage.</i>	0: 50% 1: 40% to 49% 2: 30% to 39% 3: 20% to 29% 4: 10% to 19% 5: 0% to 9%	_____ x	1.5 =	_____ PTS
Comments:					
8.	What percentage of the perimeter of the lots for new residential development that will be viewed from public rights-of-way will be screened by topography, natural/screening vegetation OR are limited by public view due to aspects of surrounding roads (speeds, intersections, etc.)? A score of 0-1 is determined to have no screening, 2-3 is moderate screening, and 4-5 is full screening. <i>Score can change if a landscape/grading plan is known/proposed upfront.</i>	5: 50% 4: 40% to 49% 3: 30% to 39% 2: 20% to 29% 1: 10% to 19% 0: 0% to 9%	_____ x	1.5 =	_____ PTS
Comments:					
9.	Do the lots for new residential development access off of an existing road or is a new road for the development being proposed or	0-2: New Town Road 3-4: Existing Road +1: Shared Driveways	_____ x	1.0 =	_____ PTS

proposed State Trunk Highway, County Highway, or Town Road (+1 points for shared driveways)?				
Comments:				

Total Points (out of 65):

_____ **PTS**

Density¹:

up to 1 DU / 35 AC

0 to 50 PTS

up to 1 DU / 10 AC

51 to 64 PTS

up to 1 DU / 5 AC

65+ PTS

¹ Density equates to the number of potential lots permitted per gross acreage of land. Density does not equate to the size of the potential lots.

Kenosha / Racine County Soil Survey

<u>Soil Symbol</u>	<u>Soil Name</u>	<u>Suitability of Soils for Development</u>
Ac	Adrian muck	Unsuitable
Am	Alluvial land	Unsuitable
AtA	Ashkum silty clay loam, 0 to 3% slopes	Unsuitable
AuA	Aztalan sandy loam, 1 to 3% slopes	Marginal
AzA	Aztalan loam, 0 to 2% slopes	Marginal
AzB	Aztalan loam, 2 to 6% slopes	Marginal
BcA	Beecher silt loam, 1 to 3% slopes	Marginal
BIA	Blount silt loam, 1 to 3% slopes	Marginal
BmB	Boyer loamy sand, 1 to 6% slopes	Suitable
BmC2	Boyer loamy sand, 6 to 12% slopes	Suitable
BnB	Boyer sandy loam, 2 to 6% slopes	Suitable
CcB	Casco sandy loam, 2 to 6% slopes	Suitable
CcC2	Casco sandy loam, 6 to 12% slopes	Suitable
CeB	Casco loam, 2 to 6% slopes	Suitable
CeB2	Casco loam, 2 to 6 % slopes, eroded	Suitable
CeC2	Casco loam, 6 to 12% slopes, eroded	Suitable
CeD2	Casco loam, 12 to 20% slopes, eroded	Suitable
CoC	Casco-Miami loams, 6 to 12% slopes	Suitable
CoD	Casco-Miami loams, 12 to 20% slopes	Suitable
CrC	Casco-Rodman complex, 6 to 12% slopes	Suitable
CrD2	Casco-Rodman complex, 12 to 20% slopes, eroded	Suitable
CrE	Casco-Rodman complex, 20 to 35% slopes	Suitable
Cv	Clayey land	Unsuitable
Cw	Colwood silt loam	Unsuitable
CyA	Conover silt loam, 1 to 3% slopes	Unsuitable
DaA	Darroch fine sandy loam, neutral variant, 0 to 3% slopes	Unsuitable
Dh	Dorchester silt loam	Suitable
DrA	Dresden loam, 1 to 3% slopes	Suitable
Dt	Drummer silt loam, gravelly substratum	Unsuitable
EtA	Elliot silty clay loam, 0 to 2% slopes	Marginal
EtB	Elliott silty clay loam, 2 to 6% slopes	Suitable
FaA	Fabius loam, 1 to 3% slopes	Unsuitable
FmB	Fox sandy loam, 1 to 6% slopes	Suitable
FmC2	Fox sandy loam, 6 to 12% slopes, eroded	Suitable
FoA	Fox loam, 0 to 2% slopes	Suitable
FoB	Fox loam, 2 to 6% slopes	Suitable
FoC2	Fox loam, 6 to 12% slopes, eroded	Suitable
FrA	Fox loam, clayey substratum, 0 to 2% slopes	Suitable
FrB	Fox loam, clayey substratum, 2 to 6% slopes	Suitable
FsA	Fox silt loam, 0 to 2% slopes	Suitable
FsB	Fox silt loam, 2 to 6T slopes	Suitable
Gf	Granby fine sandy loam	Suitable
Gm	Granby fine sandy loam, loamy substratum	Suitable
GnA	Granby fine sandy loam, brown subsoil variant, 0 to 3% slopes	Suitable
GsB	Griswold loam, 2 to 6% slopes	Suitable
GsC2	Griswold loam, 6 to 12% slopes, eroded	Suitable
HbB	Hebron sandy loam, 2 to 6% slopes	Suitable
HeA	Hebron loam, 0 to 2% slopes	Suitable
HeB2	Hebron loam, 2 to 6% slopes eroded	Suitable

HeC2	Hebron loam, 6 to 12% slopes, eroded	Suitable
HmB	Hochheim loam, 2 to 6% slopes	Suitable
HmC2	Hochheim loam, 6 to 12% slopes, eroded	Suitable
HmD2	Hochheim loam, 12 to 20% slopes, eroded	Suitable
Ht	Houton muck	Unsuitable
KaA	Kane loam, 1 to 3% slopes	Marginal
KhA	Kane silt loam, clayey substratum, 1 to 3% slopes	Marginal
KmB	Knowles silt loam, 2 to 6% slopes	Suitable
Lp	Lawson silt loam, calcareous variant	Unsuitable
Lu	Loamy land	Unsuitable
LyB	Lornezo loam, 2 to 6% slopes	Suitable
MeB	Markham silt loam, 2 to 6% slopes	Suitable
MeB2	Markham silt loam, 2 to 6% slopes, eroded	Suitable
MeC2	Markham silt loam, 6 to 12% slopes, eroded	Suitable
Mf	Marsh	Unsuitable
MgA	Martinton silt loam, 1 to 3% slopes	Unsuitable
MkA	Matherton loam, 1 to 3 percent	Marginal
MIA	Matherton loam, clayey substratum, 1 to 3% slopes	Marginal
MpB	McHenry silt loam, 2 to 6 slopes	Suitable
MpC2	McHenry silt loam, 6 to 12% slopes, eroded	Suitable
MwB	Miami loam, 2 to 6% slopes	Suitable
MwC2	Miami loam, 6 to 12% slopes, eroded	Suitable
MwD2	Miami loam, 12 to 20% slopes, eroded	Suitable
MxB	Miami loam, sandy loam substratum, 2 to 6% slopes	Suitable
MxC2	Miami loam, sandy loam substratum, 6 to 12% slopes, eroded	Suitable
MxD2	Miami loam, sandy loam substratum, 12 to 20% slopes, eroded	Suitable
MyB	Miami silt loam, 2 to 6% slopes	Suitable
MyC2	Miami silt loam, 6 to 12% slopes, eroded	Suitable
Mzc	Montgomery silty clay	Unsuitable
MzdB	Morley silt loam, 2 to 6 % slopes	Suitable
MzdB2	Morley silt loam, 2 to 6% slopes, eroded	Suitable
MzdC	Morley silt loam, 6 to 12% slopes	Suitable
MzdC2	Morley silt loam, 6 to 12% slopes, eroded	Suitable
MzdD	Morley silt loam, 12 to 20% slopes	Suitable
MzdD2	Morley silt loam, 12 to 20% slopes, eroded	Suitable
MzdE	Morley silt loam, 20 to 30% slopes	Marginal
MzeC3	Morley soils, 6 to 12% slopes, severely eroded	Suitable
MzeD3	Morley soils, 12 to 20% slopes, severely eroded	Suitable
MzfA	Mundelein silt loam, 1 to 3% slopes	Unsuitable
Mzg	Muskego muck	Unsuitable
Mzk	Mussey loam	Unsuitable
Na	Navan silt loam	Unsuitable
Oc	Ogden muck	Unsuitable
Pa	Palms muck	Unsuitable
Ph	Pella silt loam	Unsuitable
Pt	Plano silt loam, gravelly substratum	Suitable
RaA	Radford silt loam, 0 to 3% slopes	Marginal
RgB	Ringwood silt loam, 2 to 6% slopes	Suitable
RgC	Ringwood silt loam, 6 to 12% slopes	Suitable
Rt	Rollin muck	Unsuitable
Ry	Rough broken land	Unsuitable
SeA	St. Charles silt loam, gravelly substratum, 0 to 2 % slopes	Suitable
SeB	St. Charles silt loam, gravelly substratum, 2 to 6% slopes	Suitable
Sf	Sandy and gravelly land	Suitable
Sfb	Sandy lake beaches	Marginal
Sg	Sawmill silt loam, calcareous variant	Unsuitable
ShA	Saylesville silt loam, 0 to 2% slopes	Suitable
ShB	Saylesville silt loam, 2 to 6% slopes	Suitable
ShC2	Saylesville silt loam, 6 to 12 slopes	Suitable
SkA	Saylesville silt loam, dark surface variant, 0 to 2% slopes	Suitable
SkB	Saylesville silt loam, dark surface variant, 2 to 6% slopes	Suitable
Sm	Sebewa silt loam	Suitable
So	Sebewa silt loam, clayey substratum	Suitable
SrB	Sisson fine sandy loam, 1 to 6% slopes	Suitable

SsB	Sisson fine sandy loam, clayey substratum, 1 to 6% slopes	Suitable
SzA	Symerton loam, 0 to 2 % slopes	Marginal
SzB	Symerton loam, 2 to 6% slopes	Suitable
ThB	Theresa silt loam, 2 to 6% slopes	Suitable
VaB	Varna silt loam, 2 to 6% slopes	Suitable
VaB2	Varna silt loam, 2 to 6% slopes, eroded	Suitable
VaC2	Varna silt loam, 6 to 12% slopes, eroded	Suitable
Wa	Walkill silt loam	Unsuitable
WeA	Warsaw loam, 0 to 2% slopes	Suitable
WeB	Warsaw loam, 2 to 6% slopes	Suitable
WgA	Warsaw loam, clayey substratum, 0 to 2% slopes	Suitable
WgB	Warsaw loam, clayey substratum, 2 to 6% slopes	Suitable
WhA	Warsaw silt loam, 0 to 2% slopes	Suitable
WhB	Warsaw silt loam, 2 to 6% slopes	Suitable
WmA	Wasepi sandy loam, 1 to 3% slopes	Suitable
WnA	Wasepi sandy loam, clayey substratum, 1 to 3% slopes	Suitable
Ww	Wet alluvial land	Unsuitable
WyA	Worthen siit loam, 0 to 3% slopes	Suitable
YaA	Yahara fine sandy loam, 1 to 3% slopes	Marginal
ZuA	Zurich silt loam, 0 to 2% slopes	Marginal
ZuB	Zurich silt loam, 2 to 6% slopes	Marginal
ZuC2	Zurich silt loam, 6 to 12% slopes, eroded	Marginal

Sec. 13-23. Preliminary plat review within the town.

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application and review checklist. The preliminary plat shall be prepared in accordance with this Chapter and the subdivider shall file an adequate number of copies, as required by the Town Clerk, of the plat for distribution in accordance with this Section; the completed application and checklist; and the preliminary plat review fee with the Town Clerk at least 60 days prior to the meeting of the Town at which action is desired. The Town Clerk may accept an electronic copy of the plat in lieu of some or all of the paper copies, at his or her discretion.

(a) The Town Clerk shall, within two normal working days after filing, transmit one or more copies, as necessary, of the preliminary plat to the County Planning Agency.

(b) The Town Clerk shall also transmit, within two normal working days after filing, copies of the preliminary plat to the Town Plan Commission Chair, the Town Engineer (if necessary), the Town Planner, and the Town Fire Chief for review and recommendations concerning matters within their jurisdiction. The recommendations of Town officials shall be transmitted to the Plan Commission within 20 days from the date the plat is received. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Chapter, and all other Town ordinances, rules, regulations, and the Kenosha County Multi Jurisdictional Comprehensive Plan and components thereof.

(c) The Town Clerk shall also transmit, within two normal working days after filing, copies of the preliminary plat to affected public and private utility companies, and to the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. The recommendations of these entities (if any) shall be transmitted to the Plan Commission within 20 days from the date the plat is received.

(d) Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the preliminary plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

13-24. Approval of a preliminary plat within the town.

(a) The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary 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 Wisconsin Department of Administration. The Department of Administration shall promptly notify the Town Clerk if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(b) The Town Plan Commission shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Chapter and all applicable laws, ordinances, and the Kenosha County Multi-Jurisdictional Comprehensive Plan and components thereof. The Plan Commission shall comment and recommend action on the preliminary plat to the Town Board.

(c) The Town Board shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

(d) Failure of the Town Board to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by mutual consent.

(e) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11(1)(b) of the Wisconsin Statutes. An approved preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission. The Town Board may extend the time for submission of the final plat.

Sec. 13-25. Final plat review within the town.

A final plat shall be prepared in accordance with this Chapter and the subdivider shall file an adequate number of copies and/or an electronic copy, as determined by the Town Clerk, of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Town Clerk at least 25 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 working days after filing, transmit the requisite number of copies of the final plat to the County Planning Agency, to the Town Plan Commission, and to each of the affected public or private utilities and school district(s).
- B. Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.
- C. The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Chapter and all ordinances, rules, regulations, the Kenosha County Multi Jurisdictional Comprehensive Plan or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Town Board.
- D. Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to

record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

Sec. 13-26. Approval of a final plat within the town.

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 Wisconsin Department of Administration and the Department of Administration shall so certify on the face of the plat. The Department of Administration shall promptly notify the Town Clerk if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, and the Department of Administration fails to act within 30 days from the date on which it receives the plat, it shall be deemed to have no objection to the plat.

- A. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town may refuse to approve the final plat.
- B. The Town Plan Commission shall, within 45 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.
- C. The Town Plan Commission shall, when it determines to recommend 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, but failure to give such notice shall not invalidate the plat.
- D. The Town Board shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the review period is extended by written agreement with the subdivider. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. One copy each of the plat and letter shall be placed in the Town Clerk's permanent file. The Town shall not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that no objections have been filed within 20 days or, if filed, that they have been met.
- E. Failure of the Town to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- F. After the final plat has been approved by 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 plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the

County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Section 236.25(2)(b) of the Wisconsin Statutes.

- G. The subdivider shall file the required number of copies of the recorded final plat with the Town Clerk. The Clerk shall distribute copies of the plat to the Town Engineer, Building Inspector, Assessor, Town Planner, and other affected Town and County departments for their files.

Sec. 13-27. Minor land divisions (Certified Survey Maps).

(a) All minor land divisions shall be accomplished by use of a CSM. The subdivider shall prepare the CSM in accordance with this Chapter and shall file sufficient copies of the CSM and the completed application with the Town Clerk at least 10 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk may accept an electronic copy of the CSM in lieu of some or all of the paper copies, at his or her discretion. The Plan Commission may for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval CSMs that consist of a single parcel. Notwithstanding the above, land located in commercial, industrial or mixed-use zoning districts may be divided into a maximum of 6 parcels by CSM under this Chapter.

(b) A pre-application consultation similar to the consultation required by this Chapter with respect to plats is required.

(c) The subdivider shall submit the CSM to the Wisconsin Department of Administration for review if the provisions of Section 236.34(1m)(em) apply, and to the Wisconsin Department of Transportation if the provisions of Section 236.34(1m)(er) apply. Copies of the transmittal letters or emails to the Departments shall be provided to the Town at the time the CSM is filed with the Town Clerk.

(d) The Town Clerk shall, within two normal working days after filing, transmit the copies of the CSM and letter of application to the Town Plan Commission.

(e) The Town Plan Commission shall transmit a copy of the CSM to all affected Town boards and commissions for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the County Planning Agency for review and comment. Their recommendations shall be transmitted to the Town Plan Commission within 20 days from the date the CSM is received. The CSM shall be reviewed by the Plan Commission for conformance to this Chapter, and all other ordinances, rules, regulations, and the Kenosha County Multi-Jurisdictional Comprehensive Plan and components thereof as may be applicable.

(f) The Town Plan Commission shall, within 60 days from the date of filing of the CSM, recommend approval, conditional approval, or rejection of the CSM, and shall transmit the CSM along with its recommendations to the Town Board.

(g) The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected CSM, or reject such CSM within 90 days from the date of filing of the CSM unless the time is extended by mutual agreement with the subdivider. If the CSM is rejected,

the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the CSM is approved, the Town shall cause the Town Clerk to so certify on the face of the original CSM.

(h). Failure of the Town Board to act within 90 days, or any extension mutually agreed to with the subdivider, constitutes an approval of the CSM and, upon demand, a certificate to that effect shall be made on the face of the CSM by the Town Clerk.

(i) After the CSM has been approved by the Town Board, the Town Clerk shall cause the certification inscribed upon the CSM attesting to such approval to be duly executed and the CSM returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the CSM unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.

(j) The subdivider shall file the required number of copies of the recorded CSM with the Town Clerk. The Clerk shall distribute copies of the recorded CSM to the Town Engineer, Town Planner, Building Inspector, Assessor, and other affected Town and County officials for their files.

Sec. 13-28. Replats.

(a) When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in this Chapter.

(b) The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

(c) Reconfigure. An applicant wishing to reconfigure a recorded certified survey map (CSM) shall create a new CSM and proceed as specified in Sections 3.06 and 3.07 of this Ordinance, provided the reconfiguration does not result in a subdivision, no additional parcels are created, and no changes are made to areas previously dedicated to the public or to a restriction or easement placed on the land concerned.

(d) Change Boundaries. A certified survey map (CSM) may be used to change the boundaries of lots and outlots within a recorded plat or a recorded assessor's plat under Section 70.27 of the Wisconsin Statutes if the reconfiguration does not result in a subdivision. A CSM used to reconfigure lots within a recorded plat may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner; or change the exterior boundaries of a plat.

(e) Changes to Condominium Instruments, including condominium plats, shall comply with the requirements of Chapter 703 of the Wisconsin Statutes.

Sec. 13-29. Review and approval of condominium instruments.

Condominium instruments, including condominium plats, prepared by a professional land surveyor are required to create a condominium or any amendments or expansions thereof, and are subject to Town review and approval in accordance with Section 703.115 of the Wisconsin Statutes. Condominiums and associated plats shall comply with the requirements of Chapter 703 of the Statutes and the design standards, improvements, and all other requirements, as applicable, of this Ordinance that would otherwise apply to conventional subdivision plats, with the exception of subdivision or minor land division procedures if no new lots, parcels, or outlots will be created as part of the condominium. Condominium instruments may not be used to create or alter lots, parcels, outlots, public streets, or other areas to be dedicated to the public. Changes to recorded condominium instruments to create, alter, or remove any condominium units, easements, restrictions, or other encumbrances on the land included in a condominium shall require Town review and approval of a correction instrument prepared in accordance with Section 703.095 of the Statutes. In accordance with Section 703.27 of the Statutes, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

ARTICLE V PRELIMINARY PLAT SPECIFICATIONS

Sec. 13-30. General requirements.

A preliminary plat shall be required for all subdivisions and condominiums and shall be based upon a survey by a professional land surveyor and the plat prepared on tracing cloth or reproducible paper of good quality at a scale no smaller than one inch equals 100 feet and shall show correctly on its face the following information:

- A. The preliminary plat shall be clearly noted and labeled on its face "Preliminary Plat."
- B. Inset map of the area concerned showing the general location of the proposed subdivision in relation to U.S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- C. The preliminary plat shall include the title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- D. Location of proposed subdivision by quarter section, township, range, county, and state.
- E. Date, graphic scale, and north arrow.
- F. Names and addresses of the owner, subdivider, and land surveyor preparing the plat.

- G. The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

Sec. 13-31. Site analysis information.

In the absence of an adopted neighborhood unit development plan, the following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

- A. Existing and Proposed Lot Lines and street and highway right-of-way lines.
- B. Topographic Features, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.
- C. Hydrologic Characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Wisconsin Department of Natural Resources or the Southeastern Wisconsin Regional Planning Commission. The boundaries of the one percent annual probability (100-year recurrence interval) floodplain, as determined by the Federal Emergency Management Agency, shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be subject to review and approved by the Town Engineer.
- D. Delineations of Natural Resource Areas, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission, and the location and type of any rare or endangered species habitat.
- E. Soil Types, as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
- F. Existing Vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.
- G. Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

- H. Scenic Vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
- I. The Location and Classification of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry points into the subdivision.
- J. Existing Land Uses within the proposed subdivision and within 200 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- K. Public Parks and Open Space Areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- L. Existing and Proposed Zoning on and adjacent to the proposed subdivision.
- M. Any Additional Information requested by the Town Engineer, Plan Commission, and other affected Town and County departments.

Sec. 13-32. Preliminary Plat Data.

All preliminary plats shall show the following:

- A. Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- B. Topographic Features, including existing contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer.
- C. Boundaries of the One Percent Annual Probability (100-year recurrence interval) floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer.
- D. Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 200 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the Town Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.

- E. Lake and Stream Meander Lines proposed to be established.
- F. Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- G. The Location of Woodlands as mapped by the Southeastern Wisconsin Regional Planning Commission and existing vegetation to be retained within the proposed subdivision.
- H. Location, rightofway width, and names of all existing and proposed streets, highways, alleys, or other public ways, pedestrian and bicycle ways, utility rightsofway, active and abandoned railway rights-of-way, vision corner easements, and other easements within or adjacent to the plat.
- I. Type, Width, and Elevation of any existing street pavements within or adjacent to the plat, together with any legally established centerline elevations, referenced to a vertical datum approved by the Town Engineer.
- J. Approximate Radii of all curved lines within the exterior boundaries of the plat.
- K. Location and Names of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- L. All Existing Structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 50 feet of the exterior boundaries of the plat, shall be shown.
- M. Locations of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.
- N. Approximate Dimensions of all lots, the minimum lot area required by the zoning district in which the plat is located, and proposed lot and block numbers.
- O. Building or Setback Lines which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- P. Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.

- Q. Location, Approximate Dimensions, and Area of any proposed common areas or facilities.
- R. Location, Approximate Dimensions, and Area of any sites which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- S. Location, Size, and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains which might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the plat, and by their size and invert elevations. All elevations shall be referenced to a vertical datum approved by the Town Engineer.
- T. Any Proposed Lake and Stream Access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- U. Any Proposed Lake and Stream Improvement or relocation, and notice of application for approval by the Wisconsin Department of Natural Resources, when applicable.
- V. The Approximate Location of any existing private onsite wastewater treatment systems.
- W. Any Additional Information requested by the Town Plan Commission.

Sec. 13-33. Street plans and profiles.

The Town Engineer or Plan Commission may require that the subdivider provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be referenced to a datum and the datum, plans, and profiles shall meet the approval of the Town Engineer.

Sec. 13-34. Soil borings and tests.

(a) The Plan Commission, in conjunction and consultation with County staff, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

(b) Where a Subdivision is not to be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private

onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

Sec. 13-35. Soil and water conservation.

The Plan Commission, in conjunction and consultation with County staff, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards promulgated by the County Land Conservation Committee, and shall be in accordance with the requirements set forth in all applicable erosion control and storm water management ordinances.

Sec. 13-36. Covenants and condominium or homeowners association documents.

(a) A Draft Copy of Any Proposed Protective Covenants whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the preliminary plat. The proposed covenants shall be subject to review and approval by the Town Attorney as to form.

(b) A Draft Copy of Any Proposed Condominium or Homeowners Association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information required as to homeowner or condominium associations by this Chapter. The proposed documents shall be subject to review and approval by the Town Attorney as to form.

(c) A Draft Copy of Any Proposed Land Stewardship Plan and/or documents for common open space in condominiums or subdivisions shall accompany the preliminary plat. The proposed stewardship plan and/or documents shall be subject to review and approval by the Town Attorney as to form.

Sec. 13-37. Surveyor's Certificate.

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Chapter and of Chapter 236 of the Wisconsin Statutes.

ARTICLE VI FINAL PLAT SPECIFICATIONS

Sec. 13-38. General Requirements.

A final plat prepared by a professional land surveyor shall be required for all subdivisions and condominiums. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

Sec. 13-39. Final Plat Data.

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

- A. Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- B. Street Width along the line of any obliquely intersecting street to the nearest 0.01 foot.
- C. Active and Abandoned Railway rightsofway within and abutting the exterior boundaries of the plat.
- D. Building or Setback Lines required by the Town Plan Commission or other approving or objecting agency which are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- E. Easements for any Public sanitary sewers, water supply mains, storm water management facilities, drainageways, or access ways.
- F. All Lands Reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision or condominium, the information required by this Chapter as to homeowner or condominium associations shall be submitted with the Final Plat, together with any associated deed or plat restrictions required by the Plan Commission.
- G. Boundaries of the one percent annual probability (100-year recurrence interval) floodplain and related regulatory stages as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer.
- H. Location and Right-of-Way of existing and proposed bicycle and pedestrian ways and utility rights-of-way.
- I. Notations or Any Restrictions required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.
- J. Any Additional Information requested by the Town Engineer, Plan Commission, and other affected Town and County departments.

Sec. 13-40. Deed restrictions.

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

Sec. 13-41. Survey accuracy.

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a professional land surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, proper kind and location of monuments, and liability and completeness of the drawing. In addition:

- A. The maximum error of closure before adjustment of the survey of the exterior boundary of the subdivision shall not exceed that which is permitted by Section 236.15(2) of the Wisconsin Statutes. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B. All Street, Block, and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey.
- C. The Town shall receive the results of the Town Engineer's examination prior to approving the final plat. The Town Engineer may, however, in accordance with requirements of this Chapter as to improvements, waive the placing of monuments for a reasonable time, not to exceed one year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Town Engineer's examination required under this section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the Town Engineer is satisfied with the accuracy of the land surveying concerned.

Sec. 13-42. Surveying and monumenting.

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

Sec. 13-43. Wisconsin Coordinate System.

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

area concerned by the surveyor. All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

Sec. 13-44. Certificates.

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Chapter.

Sec. 13-45. Filing and recording.

(a) The Final Plat shall be submitted for recording in accordance with this Chapter.

(b) The County Register of Deeds shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.

(c) The Subdivider shall file a copy of the final plat with the Town Clerk, as provided by Section 236.27 of the Wisconsin Statutes.

ARTICLE VII CSM (MINOR LAND DIVISION) SPECIFICATIONS

Sec. 13-46. General requirements.

(a) A CSM prepared by a professional land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in this Chapter.

(b) A preliminary CSM or sketch map may be submitted by the subdivider to the Town Plan Commission or its staff for review and comment prior to the submission of a proposed CSM for review and approval.

Sec. 13-47. Required information.

The CSM shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. The Certified Survey Map shall be clearly noted and labeled on its face "Certified Survey Map."
- B. Inset Map of the area concerned showing the location of the proposed CSM in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.
- C. Date, graphic scale, and north point.
- D. Name and addresses of the owner, subdivider, and professional land surveyor preparing the plat.

- E. All Existing Structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed CMS and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed CSM, and within 50 feet of the exterior boundaries of the CSM, shall be shown.
- F. Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- G. Building or Setback Lines required by the Town Plan Commission, or other approving or objecting agency, which are more restrictive than the regulations of the zoning district in which the CSM is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- H. Location and Names of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- I. Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- J. Street Width along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- K. Active and Abandoned Railway rights-of-way within and abutting the exterior boundaries of the proposed CSM, and the location and right-of-way of existing and proposed bicycle and pedestrian ways.
- L. Notations or Any Restrictions required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed CSM; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed CSM.
- M. Easements for any Public sanitary sewers, water supply mains, storm water management facilities, drainageways, or access ways.
- N. Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.

- O. Boundaries of the One Percent Annual Probability (100-year recurrence interval) floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider, and the engineer's report providing the required data shall be submitted for review and approval by the Town Engineer.

Sec. 13-48. Additional information.

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

- A. Topographic Features, including existing and/or proposed contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- B. Soil Types as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
- C. The Square Footage and elevation of the first floor of all buildings proposed to remain on the site or sites included in the CSM.
- D. The Town Plan Commission, upon recommendation of the Town Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- E. Where the Site is Not to be Served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the CSM and the findings, with respect to suitability for the use of POWTS, set forth in a separate report submitted with the proposed CSM.
- F. The Location of Woodlands, as mapped by the Southeastern Wisconsin Regional Planning Commission, within the proposed CSM.
- G. The Approximate Location of existing and proposed private onsite wastewater treatment systems.
- H. Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- I. Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed CSM and within 200 feet of the exterior boundaries of the CSM. Approximate high and low water elevations and the ordinary high

water mark referenced to a vertical datum approved by the Town Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.

- J. The Town Plan Commission may require that the entire area contiguous to the land encompassed within the proposed CSM and owned or controlled by the subdivider be included in the CSM even though only a portion of said area is proposed for immediate development. The Town Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and parcel locations.
- K. Any Additional Information requested by the Town Engineer, Plan Commission, and other affected Town and County Departments.
- L. The Town may require that deed restrictions be filed and recorded with the final map.

Sec. 13-49. Wisconsin Coordinate System.

The CSM shall be tied directly to two adjacent section or quarter section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description, of the monuments marking the section or quarter section corners to which the CSM is tied shall be shown on the CSM. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the Town Engineer. Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the CSM.

Sec. 13-50. Certificates.

All CSMs shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town shall certify its approval on the face of the CSM. In addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Chapter.

Sec. 13-51. Recording.

After the CSM has been duly approved by the Town, the Town Clerk shall cause the certificate to be inscribed upon the CSM attesting to such approval and the CSM shall be recorded by the subdivider as provided for under this Chapter.

ARTICLE VIII DESIGN STANDARDS

Sec. 13-52. Residential development standards.

All residential land divisions shall be zoned as Agricultural Preservation Planned Unit Development District zoning and shall be designed consistent with the approved Agricultural Preservation Planned Unit Development District zoning petition and plan, and with the requirements of this Chapter and local, state, and federal law, as applicable.

Sec. 13-53. Street arrangement.

(a) General Requirements. In any new land division or condominium, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted County jurisdictional highway system plan, the adopted Town official map, or the Kenosha County Multi Jurisdictional Comprehensive Plan or plan component. In areas for which such plans have not been completed, or are of insufficient detail, 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 existing trees, 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 land division or condominium shall be designed so as to provide each lot with satisfactory frontage on a public street.

(b) Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and planned system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(c) Collector Streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the arterial streets to which they connect.

(d) Land Access Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(e) Proposed Streets shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent lands.

(f) Arterial Street Protection. Whenever an existing or planned arterial street is located adjacent to or within a proposed land division or condominium, adequate protection of residential lots, limitation of access to the arterial street, and separation of through and local traffic shall be provided through the use of alleys, frontage streets, or cul-de-sac or loop streets. A restricted non-access easement along any property line abutting an arterial street may be required. Permanent screening or landscape plantings may be required in any restricted nonaccess area.

(g) Development Control or Reserve Strips shall not be allowed on any plat or CSM to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

(h) Access shall be provided in commercial and industrial districts for offstreet loading and service areas.

(i) Street Names shall be approved by the Town and shall not duplicate or be similar to existing street names elsewhere in the Town. Existing street names shall be continued into the land division or condominium wherever possible. Where an adopted Town or County street address system plan exists, the street names shall be assigned in accordance with the recommendations of such plan or plans.

Sec. 13-54. Limited access highway and railroad right-of-way treatment.

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

- A. Non-Access Easement and Planting Area: When lots within a proposed land division or condominium back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement and planting area at least 50 feet in depth shall be provided adjacent to the highway or railroad rightof-way. The minimum lot depth required by the applicable zoning ordinance shall be increased by 50 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or CSM: "This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."
- B. Plats Located in Commercial and Industrial Zoning Districts shall provide, on each side of a limited access highway or railroad right-of-way, streets approximately parallel to such highway or railroad. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.
- C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway shall be located at a minimum distance of 250 feet from said street or railroad rightofway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of desirable approach gradients.
- D. Land Access Streets immediately adjacent to arterial streets and railroad rights-ofway shall be avoided in residential areas.

Sec. 13-55. Street, bicycle, and pedestrian way design standards.

(a) Minimum Width. The minimum righ-of-way and roadway width of all proposed streets and alleys shall be as specified by the Kenosha County Multi-Jurisdictional

Comprehensive Plan or component thereof, official map, or County jurisdictional highway system plan. If no width is specified therein, the minimum right-of-way and roadway widths for arterial, collector, and land access streets shall be as shown on Table 1 for streets having an urban cross-section. If the Plan Commission determines that a permanent rural cross-section may be used, the minimum right-of-way and roadway widths set forth in Table 2 shall apply.

(b) Cross-Sections for collector and land access streets having an urban cross-section shall be as shown on Table 1. If the Plan Commission determines that a permanent rural cross-section may be used, the cross-sections for collector and land access streets set forth in Table 2 shall apply. The cross-sections for arterial streets should be based on detailed engineering studies.

(c) Cul-de-sac Streets designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access and water main configuration. Cul-de-sac streets shall terminate in a circular turnabout having a minimum right-of-way radius of 75 feet. Cul-de-sac turnabouts with an urban cross-section shall have a minimum outside face-of-curb radius of 61 feet. Cul-de-sac turnabouts with a rural cross-section shall have a minimum outside pavement radius of 53 feet. No center islands shall be allowed in cul-de-sacs.

(d) Temporary Termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the street right-of-way.

(e) Bicycle and Pedestrian Ways with a right-of-way width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate bicycle and pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

(f) Grades

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 30 times the algebraic difference in the rates of grade for arterial streets, and one-half this minimum for all other streets.

Table 1

**REQUIRED URBAN CROSS-SECTIONS
FOR STREETS AND OTHER PUBLIC WAYS**

Type of Street or Public Way	Right-of-Way Width To be Dedicated	Roadway, Terrace, Sidewalk, and Related Widths
Arterial Streets	120 feet, or as required by the Town Official Map or the Kenosha County Multi-Jurisdictional Comprehensive Plan	As determined by the Town Plan Commission
Collector Streets	80 feet	<ul style="list-style-type: none"> • 48-foot pavement (face of curb to face of curb) • 10-foot terraces • 5-foot sidewalks • 1-foot sidewalk buffers
Land Access Streets	60 feet	<ul style="list-style-type: none"> • 32-foot pavement^a (face of curb to face of curb) • 8-foot terraces • 5-foot sidewalks • 1-foot sidewalk buffers
Minor Land Access Streets ^b	50 feet	<ul style="list-style-type: none"> • 28-foot pavement (face of curb to face of curb) • 5-foot terraces • 5-foot sidewalks^c • 1-foot sidewalk buffers
Alley	25 feet	<ul style="list-style-type: none"> • 20-foot pavement • 2.5-foot buffers
Cul-de-Sac	75-foot outside radius	<ul style="list-style-type: none"> • 61-foot outside curb radius • 24-foot pavement (face of curb to face of curb) • 8-foot terrace • 5-foot sidewalk • 1-foot sidewalk buffer
Pedestrian and Bicycle Ways	20 feet ^d	<ul style="list-style-type: none"> • 10-foot pavement^e • 5-foot buffer

^aThe 32-foot pavement width is suggested only for use with land access streets serving relatively low density, single-family residential areas. For land access streets serving higher density single- and multifamily residential, commercial, and industrial areas, a minimum width of 36 feet should be provided.

^bA 50-foot right-of-way and 28-foot pavement width for land access streets would be applicable on relatively short loop and cul-de-sac streets in areas of single-family homes with attached garages and driveways, with adequate area available on each lot for off-street parking and snow storage, and where no bus or truck traffic other than occasional school buses and service or delivery trucks would be expected to operate over the street.

^cSidewalks may be eliminated on one side of minor land access streets.

^dRecommended right-of-way width for combined bicycle and pedestrian ways separate from street rights-of-way.

^eThe pavement width of pedestrian and bicycle ways in areas of high use may be increased to 12 feet, and the buffers decreased to four feet each.

Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum street cross-sections for Town roads.

Table 2

**REQUIRED RURAL CROSS-SECTIONS
FOR STREETS AND OTHER PUBLIC WAYS**

Type of Street Or Public Way	Right-of-Way Width To be Dedicated	Roadway and Related Widths
Arterial Streets	120 feet, or as required by the Town Official Map or the Kenosha County Multi Jurisdictional Comprehensive Plan	As determined by the Town Plan Commission
Collector Streets	80 feet	<ul style="list-style-type: none"> • 24-foot pavement • 6-foot shoulders^a • 22-foot terraces/drainage swales^b
Land Access Streets	66 feet	<ul style="list-style-type: none"> • 22-foot pavement • 4-foot shoulders^a • 18-foot terraces/drainage swales^b
Cul-de-Sac	75-foot outside radius	<ul style="list-style-type: none"> • 53-foot outside pavement radius • 18-foot traveled way • 22-foot terrace/drainage swale^b
Pedestrian and Bicycle Ways	20 feet ^c	<ul style="list-style-type: none"> • 10-foot pavement^d • 5-foot buffer

^aShoulders may be paved or gravel.

^bThe Plan Commission may require sidewalks to be provided on one or both sides of any street, if the Commission determines that sidewalks will be needed to accommodate anticipated pedestrian traffic. Such sidewalks shall be located at the outside edge of the terrace/drainage swale, with a one-foot wide buffer between the sidewalk and outside edge of the street right-of-way, unless otherwise directed by the Plan Commission upon the recommendation of the Town Engineer.

^cRecommended right-of-way width for combined bicycle and pedestrian ways separate from street rights-of-way.

^dThe pavement width of pedestrian and bicycle ways in areas of high use may be increased to 12 feet, and the buffers decreased to four feet each.

Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum street cross-sections for Town roads.

2. Unless necessitated by exceptional topography, subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:

- a. Arterial streets: 6 percent.
 - b. Collector and land access streets, alleys, and frontage streets: 8 percent.
 - c. Bicycle ways: 5 percent; however, steeper grades are acceptable for distances up to 500 feet.
 - d. Pedestrian ways: 8 percent. Gradients over 5 percent shall provide a level resting area at least 5 feet by 5 feet every 30 feet.
3. The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent for streets with an urban cross-section, and one percent for streets with a rural cross section.

(g) Crowns. Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Town Engineer. Alley pavements shall be "V"-shaped, with a centerline gutter for drainage.

(h) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

1. Arterial streets and highways: 500 feet
2. Collector streets: 300 feet
3. Land access streets: 100 feet

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(i) Elevations of Arterial Streets shall be set so that they will not be overtopped by a 50-year recurrence interval flood.

(j) Bridges and Culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a one percent annual probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, established by the Federal Emergency Management Agency. Flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, provided flood easements or other appropriate legal arrangements have been made with all affected units of government and property owners and local zoning ordinances affected by the increase in the flood stage are amended. Bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

(k) Half-streets. Where an existing dedicated or platted halfstreet is adjacent to the proposed land division or condominium plat, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

Sec. 13-56. Street intersections.

(a) Right Angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(b) The Maximum Number of streets converging at one intersection shall not exceed two.

(c) The Number of Intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.

(d) Continuation of Land Access and Collector Streets. Land access and collector streets shall not necessarily continue across arterial streets; but if the centerlines of such streets approach the arterial streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the collector and/or land access streets shall be so adjusted so that a single intersection is formed.

(e) Corner Curves. Property lines at intersections of arterial streets and at intersections of collector and arterial streets shall be rounded to an arc with a minimum radius of 15 feet, or a greater radius if required by the Town Engineer.

(f) Vision Clearance Easements shall be provided at street intersections as may be required by the applicable zoning ordinance and by any approving or objecting authority concerned.

(g) Curb Ramps or openings to accommodate persons with disabilities shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes on all streets where sidewalks or other pedestrian paths are required by the Plan Commission.

Sec. 13-57. Blocks.

(a) General Requirements. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian, and motor vehicle access; traffic safety; and the limitations and opportunities of topography.

(b) The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(c) The Width of Blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from arterial streets and railroad rights-of-way. The width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for offstreet parking and loading required by the contemplated use and the applicable zoning ordinance.

Sec. 13-58. Lots.

(a) General Requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them.

(b) Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Plan Commission.

(c) Double Frontage Lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

(d) Public Street Frontage. Every lot shall front or abut for a distance of at least 30 feet on a public street or as otherwise required by applicable zoning.

(e) The Area and Dimensions of Lots shall conform to the requirements of the applicable zoning ordinance and this Chapter. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the zoning ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a private onsite wastewater treatment system designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code.

(f) Re-division of Lots. Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that will meet the provisions of this Chapter and the zoning ordinance.

(g) Depth. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources. The depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for offstreet parking and loading areas required by the contemplated use and the applicable zoning ordinance.

(h) The Width of Lots shall conform to the requirements of the applicable zoning, and in no case shall a lot be less than 150 feet in width at the building setback line, unless otherwise provided by the applicable zoning ordinance.

(i) Corner Lots, when located in a district that permits a lot width less than 100 feet, shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

(j) The Shape of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.

(k) Lands Lying Between the Meander Line and the Water's Edge and any otherwise unplattable lands which lie between a proposed land division or condominium and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.

(l) Restrictions Prohibiting Development. Whenever a lot appearing on a final plat, condominium plat, or CSM is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Town, shall appear on the face of the plat or CSM.

(m) Remnants of lots below minimum size remaining after subdividing a large tract or parcel shall be added to an adjacent lot, or a plan shall be submitted indicating future use of the remnant area rather than allowing them to remain as unusable parcels.

Sec. 13-59. Building and setback lines.

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat, condominium plat, or CSM. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. The yards and building envelope on a lot, which is determined by required building setbacks, shall be generally similar to those on adjacent lots and contain sufficient areas to accommodate the intended use including any required buffers, easements, a principal building and any accessory structures, a driveway, and, if applicable, a private onsite wastewater treatment system (POWTS).

Sec. 13-60. Easements.

(a) Utility Easements. The Plan Commission may require utility easements of widths deemed adequate for the intended purpose. Such easements shall be located as determined by the applicable utility company, but preferably should be located along rear and side lot lines and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, padmounted transformers, padmounted sectionalizing switches, abovegrade pedestalmounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. A landscape screening plan for such aboveground equipment shall be submitted by the subdivider to the affected utility and the Plan Commission for approval. All utility easements shall

be noted on the final plat, condominium plat, or CSM followed by reference to the use or uses for which they are intended.

(b) Drainage Easements. Where a land division or condominium is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.

(c) Conservation Easements. If/as applicable.

(d) Vision Clearance Easements and Cross-, Controlled-, and Shared-Access Easements. The Plan Commission may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval in order to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance). If the location of cross-access is not known and is dependent on future development or site plan layout, a note shall be added to the plat or certified survey map indicating that a cross-access shall be provided and the subject lot re-platted accordingly when the cross-access location is determined.

Sec. 13-61. Protection of natural resources.

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Plan Commission may require that such areas be dedicated or that restriction be placed on the plat or CSM to protect such resources. The Plan Commission may further require that such areas be included in outlots designated on the plat or CSM and restricted from development.

Sec. 13-62. Park, open space, and other public sites.

(a) In the design of a subdivision or condominium plat or a CSM, due consideration shall be given to the dedication or reservation of suitable sites of adequate size for future schools, parks, playgrounds, public access to navigable waters, and other public purposes. Accordingly, each subdivider of land in the Town shall dedicate or reserve park and open space lands designated on the Town official map or the Kenosha County Multi-Jurisdictional Comprehensive Plan or component thereof, and, where no park or open space lands are directly involved or are reserved rather than dedicated, pay a public park site fee. Proposed school sites shall be reserved by the subdivider for future acquisition by the School Board. The Plan Commission shall, at the time a preliminary plat or CSM is reviewed, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat or CSM is presented for approval.

1. Option 1: Dedication of public parks and open space sites. Whenever a proposed public playground, park, parkway, trail corridor, public open space site, or other public lands designated on the Town’s official map or the Kenosha County Multi

Jurisdictional Comprehensive Plan or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the public lands shall be made a part of the subdivision or condominium plat or CSM and shall be dedicated to the public by the subdivider. Should the value of the land to be dedicated be less than the value of the public site fee, the subdivider shall be required to pay the Town the difference between the value of the land dedicated and the public park site fee. Should the value of the land that would otherwise be dedicated exceed the public park site fee, the lands shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the Town at the price agreed upon and set forth in the Development Agreement, and the subdivider shall pay a public park site fee when submitting an application for final plat, condominium plat, or CSM review and approval at the rate and according to the procedures set forth in this Chapter. If the reserved lands are not acquired within the three-year period, the land will be released from reservation to the owner. Land values shall be determined in accordance with the provisions of this subsection.

2. Option 2: Reservation of public sites. Whenever a proposed public school, playground, park, parkway, or other open space site designated on the Town's official map or the Kenosha County Multi-Jurisdictional Comprehensive Plan or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the proposed public site shall be made a part of the plat and reserved at the time of final plat or CSM approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition by the School Board or unit of government having jurisdiction at a price agreed upon and set forth in the Development Agreement. The subdivider shall also pay a public park site fee at the time of application for final plat or CSM approval at the rate and according to the procedures set forth in this Chapter.
3. Public park site fee option. If a proposed land division or condominium does not encompass a proposed public playground, park, parkway, or open space site or such lands are contained within the land division or condominium but are not dedicated to the public, the subdivider shall pay a public park site fee to be used for the acquisition or improvement of land for public park sites to serve the future inhabitants of the proposed subdivision, minor land division, or condominium at the time of application for final plat or CSM approval at the rate and in accordance with the procedures set forth in this Chapter. The improvement of land for public park sites means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes, in accordance with Section 236.45(6)(ac) of the Wisconsin Statutes.

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

(c) Navigable streams or lakeshores shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Town, as required by Section 236.16(3) of the Wisconsin Statutes.

ARTICLE IX IMPROVEMENT STANDARDS

Sec. 13-63. General Requirements.

All improvements described in the Article that are required by the Plan Commission shall be constructed in accordance with plans and specifications approved by the Town Engineer. Not all improvements described in this Article may be required in all cases.

Sec. 13-64. Survey Monuments.

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

Sec. 13-65. Grading.

(a) Following the installation of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

(b) Streets and Lots shall be brought to finished grades as specified in a site grading plan approved by the Town Engineer.

Sec. 13-66. Street surfacing.

Following the installation, inspection, and approval by the Town Engineer of utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Chapter, the Town official map, the Kenosha County Multi-Jurisdictional Comprehensive Plan or component thereof, or neighborhood development plan. Said surfacing shall be done in accordance with plans and specifications approved by the Town Engineer. The cost of surfacing in excess of 48 feet in width that is not required to serve the needs of the land division or condominium should be borne by the Town or other unit or agency of government having jurisdiction over the street.

Sec. 13-67. Curb and gutter.

(a) Following the installation and the Town's inspection and approval of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town Engineer. This requirement may be waived where a permanent rural street section has been approved by the Plan Commission. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the Town or the unit or agency of government having jurisdiction.

(b) Curb ramps or openings shall be installed in accordance with the Americans with Disabilities Act and Section 66.0909 of the Wisconsin Statutes, and as approved by the Town Engineer.

Sec. 13-68. Rural street sections.

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

Sec. 13-69. Sidewalks and bicycle/pedestrian paths.

(a) The subdivider shall construct a concrete sidewalk or asphalt path on one side of all frontage streets and on one or both sides of all other streets within the land division or condominium. The construction of all sidewalks and paths shall be in accordance with plans and specifications approved by the Town Engineer. All such facilities shall be located within a dedicated public right-of-way or a public access easement. If located within a public access easement, said easement shall be at least 20 feet wide. The construction of all sidewalks and bicycle/pedestrian paths shall be in accordance with plans and specifications approved by the Town engineer and adopted pedestrian, bicycle, or park plans.

(b) Wider than standard sidewalks or asphalt paths may be required by the Town Engineer in the vicinity of schools, parks, commercial areas, and other places of public assembly. The Plan Commission may waive the requirement for sidewalks upon a finding that such walks are not required because of the provision of a separate network of pedestrian ways, low vehicular or pedestrian traffic volumes, or lot arrangement.

Sec. 13-70. Sanitary sewage disposal.

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

(b) The subdivider shall install sewer laterals to the street right-of-way line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the Town Engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.

(c) The subdivider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the land division or condominium development proposed. If sewers greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers shall be prorated either in proportion to the ratio of the total area of the land division or condominium development to the total tributary drainage area to be served by such larger sewer, or in proportion

to the contributing sewage flows, as may be agreed upon between the subdivider and the Town, and the excess cost either borne by the Town or assessed against the total tributary drainage area.

Sec. 13-71. Storm water management facilities.

(a) The subdivider shall construct storm water management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, and storage facilities as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town Engineer. Storm water management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all storm water management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.

(b) The subdivider shall assume the costs entailed in constructing storm water conveyances, infiltration facilities, and storage facilities necessary to serve the proposed development, to achieve the intended level of control of nonpoint source pollution, and to carry the existing storm water flows through the proposed development. If larger conveyance, infiltration, and storage facilities are required to accommodate flows originating from outside the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Town or assessed against the tributary areas concerned.

13-72. Water supply facilities.

(a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division or condominium. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the Town, County, and State agencies concerned. The Town Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer.

(b) The subdivider shall assume the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the excess cost shall be borne by the Town.

Sec. 13-73. Other utilities.

(a) The subdivider shall cause gas, electrical power, and telephone and other communication facilities to be installed in such a manner as to make adequate service available to each lot in the land division or condominium, in accordance with this Chapter.

(b) Plans indicating the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division or condominium shall be approved by the Town Engineer.

Sec. 13-74. Street lamps.

(a) The Subdivider Shall Install public street lamps along all streets proposed to be dedicated. The Plan Commission shall approve the design and location of all street lamps, which shall be compatible with the neighborhood and type of development proposed. Shielded luminaries with downward reflection, luminaries with cutoff optics, LED or similar energy-saving luminaries, and careful fixture placement may be required by the Plan Commission.

(b) In lieu of or in addition to the installation of public street lamps, the Town Plan Commission may permit the installation of private post lamps on each lot of a land division and at appropriate locations within a condominium. The type and location of such post lamps shall be approved by the Town Engineer and such post lamps shall be required to be maintained by the individual homeowners or unit owners or by a homeowners or a condominium association.

Sec. 13-75. Street and traffic control signs and signals.

(a) The subdivider shall install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the Town Engineer.

(b) The subdivider shall install any traffic control signs or signals identified during the review and approval process needed to control traffic generated by the proposed land division. Traffic control signs and signals are subject to review and approval by the Town Engineer or the government agency having jurisdiction over a street or intersection.

Sec. 13-76. Street trees.

(a) The subdivider shall plant at least one tree of a species approved by the Plan Commission of at least two inches in diameter measured at six inches above the top of the root ball at an average spacing of 50 feet along the frontage of all streets proposed to be dedicated. The required trees shall be planted in the area between the sidewalk and curb in accordance with plans and specifications approved by the Town Engineer.

(b) The requirement for street trees may be waived by the Plan Commission if substantial alternative landscaping, including trees, is to be provided within the land division or condominium in accordance with a landscaping plan approved by the Town Plan Commission.

Sec. 13-77. Erosion and sedimentation control.

(a) The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall meet the requirements set forth in the Town Erosion Control and Storm water Management Chapters.

(b) The subdivider shall plant those grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the Town Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.

(c) The subdivider shall install those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures, set forth in the approved erosion and sedimentation control plan.

Sec. 13-78. Landscaping.

(a) The subdivider shall install landscaping in accordance with a landscaping plan approved by the Town Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.

(b) Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required under this Chapter.

Sec. 13-79. Improvements to extend to limit of parcel or lot.

Any and all improvements or utility services required by this Chapter for land divisions and condominiums shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the Subdivider is exempted from meeting such requirement by the

Town after considering a recommendation from the Town Engineer. In the event the improvements are required to the end of the parcel or lot, the Subdivider shall be required to post bond or other financial sureties with the Town if improvements are not installed.

ARTICLE X CONSTRUCTION

Sec. 13-80. Commencement.

No construction or installation of improvements shall commence in a proposed land division or condominium development until a development agreement has been executed, the Town Engineer has given written authorization to proceed, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the Town Engineer.

Sec. 13-81. Phasing.

The Town may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat.

Sec. 13-82. Building and Other Permits.

No building or other permits shall be issued for a structure on any lot not of record on the date of adoption of this Chapter until all the requirements of this Chapter have been met.

Sec. 13-83. Plans.

Each of the following plans and accompanying construction specifications shall, except for the landscaping plan, be approved by the Town Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be approved by the Town Plan Commission.

(a) Street Plans and Profiles showing existing and proposed grades, elevations, crosssections, materials, and other details of required improvements.

(b) Sanitary Sewer Plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.

(c) Plans for Storm water Management Facilities showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.

(d) Water Supply and Distribution Plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.

(e) Plans showing the location and size, where applicable, of all gas, electric power, telephone, cable television, broadband, and other utilities and services.

(f) Grading Plans showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town Engineer.

(g) Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 8.15.

(h) Landscaping Plans showing and describing in detail the location, size, and species of any proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls, fences, and entrance signs.

(i) Additional Special Plans or information required by the Town staff, Plan Commission, or Town.

Sec. 13-84. Earth moving.

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

Sec. 13-85. Preservation of existing vegetation.

The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, private onsite wastewater treatment areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

Sec. 13-86. Inspection.

The subdivider, prior to commencing any work within the land division or condominium, shall make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

Sec. 13-87. Completion of improvements.

All of the improvements required under this Chapter shall be completed prior to the final approval of a subdivision or condominium plat by the Town, except that in lieu of completion of construction, a certified check, surety bond, or letter of credit approved by the Town Attorney may be furnished as provided in this Chapter.

Sec. 13-88. As-built plans.

Within 30 days following completion and acceptance by the Town Engineer of all improvements, the subdivider shall provide plans and profiles in a form (digital or paper) acceptable to the Town Engineer that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the Town Engineer.

ARTICLE XI FEES AND COSTS

Sec. 13-89. General.

The subdivider shall pay to the Town all fees pertaining to this Chapter, as are set periodically by resolution of the Town Board, and at the times specified before being entitled to record the Plat or CSM concerned. The subdivider shall also agree to reimburse the Town for all professional service costs it incurs in conjunction with the subdivision. Without limitation by enumeration, necessary professional services may include legal, engineering, architectural, environmental, planning or surveying costs, and professional service cost reimbursement agreements may be required, when circumstances warrant, in conjunction with applications and land development activities under this code.