



Neal Czaplewski, Chairman
Ben Kerr
Keith Nielsen
Philip Peterson
Joseph Greeter
William Korducki
James Luedeke

Plan Commission Agenda

July 9, 2026 / 6:30PM

Notice is hereby given that a meeting of the Plan Commission of the Town of Burlington will be held on **Thursday, July 9, 2026 at 6:30 PM** at the Burlington Town Hall, 32288 Bushnell Road, Burlington, Racine County, Wisconsin.

If you would like to join via conference call, **please call 701.802.5429** and use **Access Code #6330779**.

1. Call to order,
 - a. Roll Call
 - b. Pledge to the flag
 - c. Verification of Posting
2. Approval of the minutes for the Plan Commission meeting held on May 14, 2026
Action: *Approve/Deny*
3. Land Division
 - a. Petitioner Nick & Danyel Koldeway
Owner: Daniel E Koldeway & Dorothy M Koldeway Revocable Trust
Parcel: 002-02-19-13-006-000 / 7601 Wheatland Rd
Action: *Discussion and possible recommendation*
4. Oversized Garage
 - a. Petitioner: Neil Demant (3D Construction)
Owner: Mark Pekelnicky
Parcel: 002-03-19-34-055-000
30936 Weiler Rd
Action: *Discussion and possible recommendation*
5. Chapter 16 Ordinance – Land Division Regulations
Action: *Discussion only*
6. Adjournment

Rachel Naber, Deputy Clerk
2026 July 02

-
- Agenda is subject to change
 - Discussion and action may occur on any agenda item
 - All meetings are subject to the Open Meetings law and will be recorded
 - If you are disabled and have accessibility needs or need information interpreted for you, please call Town Office at 262.763.3070 at least 24 hours to the meeting
 - Limited citizen comments on agenda items will be allowed at the discretion of the chairman/acting chairman as they are announced before board discussion.



Neal Czaplewski, Chairman
Ben Kerr
Keith Nielsen
Philip Peterson
Joseph Greeter
William Korducki
James Luedeke

Plan Commission Minutes

May 14, 2026

Call to order: Roll Call / Pledge to the flag / Verification of Posting

Chairman Czaplewski called the meeting of the Town of Burlington Plan Commission to order at 6:30PM. The meeting was held in the auditorium of the Town Hall at 32288 Bushnell Road, Burlington Wisconsin. Those in attendance stood and recited the pledge of allegiance.

Members Present: Neal Czaplewski, Ben Kerr, Keith Nielsen, Phil Peterson, Joe Greeter, Bill Korducki, and Jim Luedeke.

Also present: Town Engineer Robert Wielgos, raSmith (via telephone).

Approval of the minutes for the Plan Commission meeting held on March 12, 2026

Korducki moved to approve the minutes from the March 12, 2026 meeting as presented; Greeter seconded the motion. Kerr abstained. Motion carried.

Land Division: Petitioner: Dylan Rusch / Owner: Kathleen Mundo

Parcel: 002-02-19-11-032-010 / Wheatland Rd

Land Use Variance: Petitioner Dylan Rusch / Owner: Kathleen Mundo

Parcel: 002-02-19-11-032-010 / Wheatland Rd

The applications for parcel 002-02-19-11-032-010 were discussed together.

Dylan Rusch presented a land use plan waiver and a land division request on behalf of the petitioner, Kathleen Mundo. He is under contract to purchase the parcel. The request is to approve the land use plan waiver and to divide the parcel into 3 parcels varying in size from 5.11 acres to 7.46 acres.

Robert Wielgos, raSmith, reviewed his written report and recommended tabling the land division until such time that documentation can be furnished that demonstrates direct driveway access to the proposed lots off Wheatland Rd complies fully with the Town driveway ordinance for design controls for the location of the driveway access point.

Bryce Hembrook, SEH, provided a written report which included some considerations for the commission and several possible actions.

The commission discussed the applications with the petitioner, the engineer and town staff members. The discussion included flooding issues and the ability for emergency services to access each of the proposed parcels.

MOTION: Korducki moved to approve the land use plan waiver from agricultural preservation to agricultural estate. There was no second.

MOTION: Peterson moved to deny the land use plan waiver; Greeter seconded the motion. Motion carried 6-1

MOTION: Peterson moved to deny the land division; Greeter seconded the motion. Motion carried unanimously.

Adjournment

Greeter motioned to adjourn at 7:05PM; Peterson seconded the motion. Motion carried.

Jeanne Rennie, Clerk

LAND DIVISION APPLICATION

(4 LOTS OR LESS)

Town of Burlington

32288 Bushnell Road / Burlington, WI 53105

262.763.3070

Petitioner

Name	Nick & Dangel Koldeway
Address	30247 Lake Hills Dr
	Burlington WI 53105
Phone	Nick 262-412-2915 Dangel 414-801-4194

Owner (if different from above)

Name	Daniel & Koldeway & Dorothy m Koldeway REVOC Trust DTD 5/1/25
Address	7601 Wheatland Rd
	Burlington WI 53105
Phone	262-539-3273

Parcel Information

Tax Key	002-02-19-13-000-000
Present Zoning	A-2
Current Land Use	farm Land
Address of Property and/or Legal Description	
Reason for land division and future usage	To build a single-family residence
Did you or someone else divide property in the past 5 years?	Brother Kevin Koldeway

Documentation Required – 16 copies each

- ✓ Certified Survey Map with location of Soil Evaluation and existing buildings
- ✓ Soil Evaluation Test results (if not in a sewered district)
- ✓ Plat Map with property location identified

Fees – make check payable to the Town of Burlington - \$1,850.00

\$200.00 for Land Division application

\$1,500.00 Professional Fee payment Deposit (refunded upon payment of fees)

\$150.00 for Sign (refunded upon return of sign)

Paid 6-9-26 Check # 1109

LAND DIVISION APPLICATION

(4 LOTS OR LESS)

Town of Burlington

32288 Bushnell Road / Burlington, WI 53105

262.763.3070

Return Application with

1. Certified Survey Map
2. Soil Evaluation
3. Plat Map
4. Payment of Fees

At this time, you will be given a **Yard Sign** to be placed near the road. *We suggest you talk to your neighbors – to let them know what you are planning to do at this time.*

The information will be forwarded on to the Town Engineer and will be placed on the next available Planning and Zoning meeting - _____ (usually held the 2nd Thursday every month at 6:30 PM)

Approximately 1 week prior to this meeting, call Town Hall at 262.763.3070 to confirm that you have been placed on the meeting agenda.

At the meeting, you will be asked to explain your application request to the Committee.

The P&Z Committee will then make a recommendation to the Town Board. The application will then be presented to the Town Board (Board meetings are held immediately after the Committee meeting). The Town Board will then approve or deny the application.

Land Division requests also need to be approved by Racine County. Contact the County at 262.886.8440 to be placed on their meeting agenda. Their Economic Development and Land Use Planning Committee meets the first and third Monday every month at 6:00 PM at their Ives Grove auditorium – 14200 Washington Avenue, Sturtevant, WI 53177.

You will be reimbursed the \$150.00 when the yard sign has been returned along with any unused portion of the professional fee (\$1,500.00).

RACINE COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF BURLINGTON, COUNTY OF RACINE, STATE OF WISCONSIN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 13; THENCE NORTH 01°19'31" WEST, ALONG THE WEST LINE OF SAID NORTHWEST 1/4 SECTION, 266.00 FEET TO THE NORTHWEST CORNER OF CERTIFIED SURVEY MAP NO. 3631 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTH 01°19'31" WEST, ALONG SAID WEST LINE, 181.00 FEET; THENCE NORTH 88°40'29" EAST 284.00 FEET; THENCE SOUTH 01°19'31" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 SECTION, 35.00 FEET; THENCE NORTH 88°40'29" EAST 148.97 FEET; THENCE SOUTH 01°19'31" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 SECTION, 140.98 FEET TO THE NORTHEAST CORNER OF CERTIFIED SURVEY MAP NO. 3631; THENCE SOUTH 88°00'42" WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 3631 AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST 1/4 SECTION, 433.00 FEET TO THE POINT OF BEGINNING. CONTAINING 72,067 SQUARE FEET OF LAND (1.654 ACRES). DEDICATING THE WEST 33 FEET THEREOF FOR PUBLIC ROAD PURPOSES (WHEATLAND ROAD).

SURVEYOR'S CERTIFICATE

I, THOMAS L. SATTER, WISCONSIN PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE DIRECTION OF DANIEL KOLDEWAY, I HAVE SURVEYED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT REPRESENTATION OF ITS EXTERIOR BOUNDARIES AND THE DIVISION THEREOF, AND THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND WITH THE LAND DIVISION ORDINANCE OF THE TOWN OF BURLINGTON.

OWNER'S CERTIFICATE

I, DANIEL KOLDEWAY, AS OWNER, DO HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED HEREON. I ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE TOWN OF BURLINGTON FOR APPROVAL.

DANIEL KOLDEWAY

DATED THIS _____ DAY OF _____, 2026.

STATE OF WISCONSIN)
COUNTY OF RACINE) SS

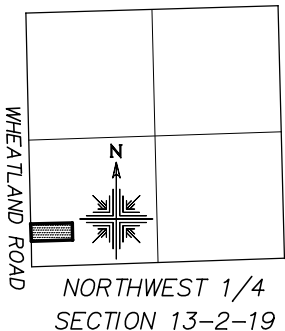
PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2026, THE ABOVE NAMED DANIEL KOLDEWAY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES: _____

LOCATION MAP

SCALE: 1" = 2000'



RACINE COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

WHEATLAND ROAD

ROAD

WEST 1/4 CORNER
SECTION 13-2-19
N. = 235,885.22
E. = 2,482,299.91

DEDICATED FOR PUBLIC ROAD PURPOSES
WEST LINE OF THE NORTHWEST 1/4 OF SECTION 13-2-19

N01°19'31"W
180.61'
266.00'

N88°40'29"E
251.00'

NOTE: SEE SHEET 3 FOR BUILDING
ENVELOPE AND CONTOURS.

ZONED: A-2

LOT 1
66,101 sq. ft.
1.518 acres
excluding road right-of-way

NOTE: FARM FIELD DRAIN TILES MAY EXIST ON THIS PARCEL. IF SAID TILES ARE
ENCOUNTERED OR DAMAGED DURING ANY CONSTRUCTION ACTIVITY, SAID TILES MUST BE
REPAIRED AND/OR RE-ROUTED. ALSO, FARM FIELD DRAIN TILES THAT EXIST WITHIN THE
LIMITS OF THIS MAP AND SERVE ABUTTING PARCELS, THE OWNERS OF THE ABUTTING
PARCELS HAVE THE RIGHT OF ENTRY AND ACCESS TO REPAIR AND MAINTAIN THE
EXISTING FARM FIELD DRAIN TILES IF THE PROPERTY OWNER DOES NOT.

S88°00'42"W

LOT 1 OF C.S.M. NO. 3631

PREPARED FOR: DANIEL KOLDEWAY
7601 WHEATLAND ROAD
BURLINGTON, WI 53105

PREPARED BY: SATTER SURVEYING LLC
272 ORIGEN STREET
BURLINGTON, WI 53105

A-2 ZONING SETBACKS
75' STREET YARD
25' SIDE YARD
25' REAR YARD

2598.35'
N88°00'42"E
SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 13-2-19
2631.35'

UNPLATTED LAND

S01°19'31"E

BORING NUMBERS PER MAP BY
KENNETH KRETSCHMER, CST
#224140, DATED 5/30/26.

N88°40'29"E
148.97'

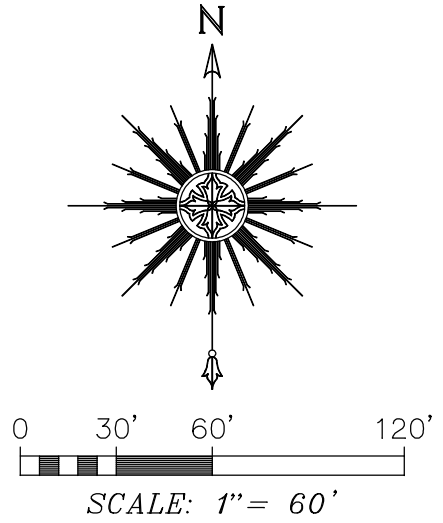
S01°19'31"E

140.98'

UNPLATTED LAND RETAINED BY OWNER

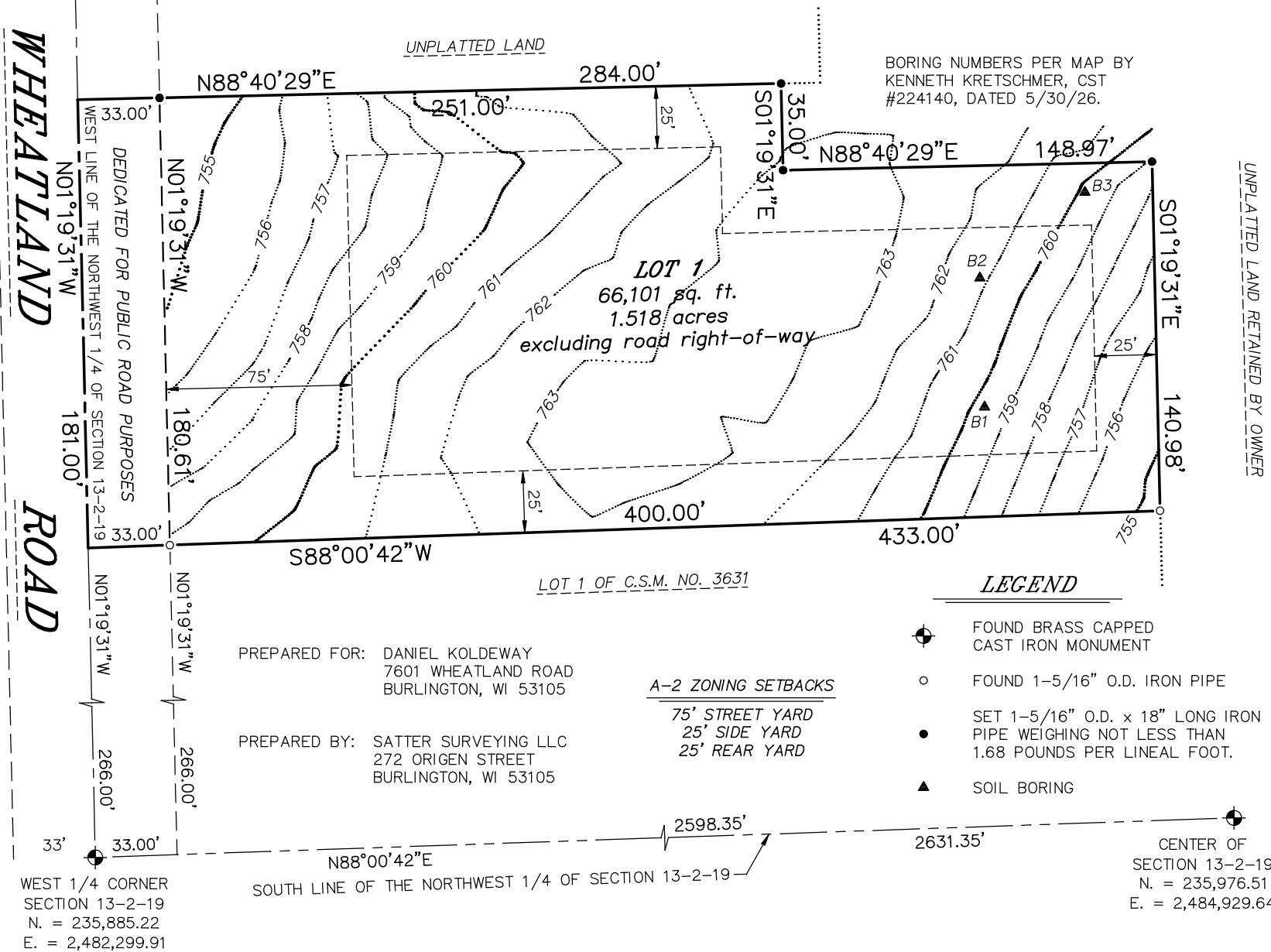
- LEGEND**
- FOUND BRASS CAPPED
CAST IRON MONUMENT
 - FOUND 1-5/16" O.D. IRON PIPE
 - SET 1-5/16" O.D. x 18" LONG IRON
PIPE WEIGHING NOT LESS THAN
1.68 POUNDS PER LINEAL FOOT.
 - SOIL BORING

BEARINGS HEREON RELATE TO GRID NORTH OF THE
WISCONSIN STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE (NAD-1927). ASSUMED BEARING OF
NORTH 88°00'42" EAST ON THE SOUTH LINE OF
THE NORTHWEST 1/4 OF SECTION 13-2-19.

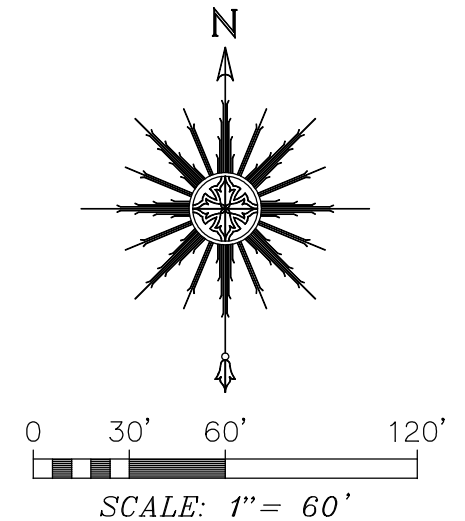


RACINE COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.



BEARINGS HEREON RELATE TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-1927). ASSUMED BEARING OF NORTH 88°00'42" EAST ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 13-2-19.



SHEET 3 OF 4

THOMAS L. SATTER S-2850
JUNE 8, 2026 JOB NO. 022603
REVISED: 6/26/26
THIS INSTRUMENT DRAFTED BY THOMAS L. SATTER

RACINE COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

COMMUNITY STATE BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE HEREIN DESCRIBED LANDS, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATING AS DESCRIBED AND REPRESENTED ON THIS MAP, AND DOES CONSENT TO THE CERTIFICATE OF DANIEL KOLDEWAY, OWNER OF SAID LAND.

IN WITNESS WHEREOF, THE SAID COMMUNITY STATE BANK, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, AN AUTHORIZED REPRESENTATIVE, AND COUNTERSIGNED BY

_____, AN AUTHORIZED REPRESENTATIVE, AT BURLINGTON, WISCONSIN AND ITS CORPORATE SEAL TO BE AFFIXED HEREON THIS _____ DAY OF _____, 2026.

AUTHORIZED REPRESENTATIVE DATED THIS _____ DAY OF _____, 2026.

AUTHORIZED REPRESENTATIVE DATED THIS _____ DAY OF _____, 2026.

STATE OF WISCONSIN)
COUNTY OF RACINE) SS

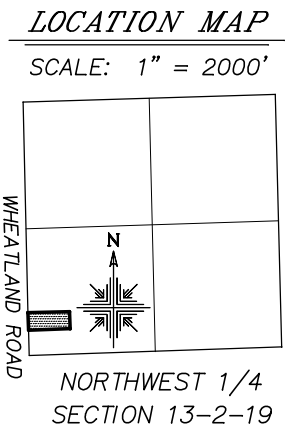
PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2026, THE ABOVE NAMED _____ AND _____, AUTHORIZED REPRESENTATIVES OF COMMUNITY STATE BANK, TO ME KNOWN TO BE THE SAME PEOPLE WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES: _____

TOWN OF BURLINGTON TOWN BOARD APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF BURLINGTON TOWN BOARD ON THIS _____ DAY OF _____, 2026.

NEAL CZAPLEWSKI, TOWN CHAIRMAN _____
JEANNE RENNIE, TOWN CLERK





SOIL EVALUATION REPORT

In accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04(1)(m)).

Property Owner <u>Daniel E Koldewey & Dorothy M Koldewey Rev. Trust</u>		Property Location Govt. Lot <u>SW 1/4 NW 1/4 S 13 T 1 N R 19</u> E (or) W	
Property Owner's Mailing Address <u>7601 Wheatland Rd</u>		Site Address or CSM and Lot #:	
City, State, Zip <u>Burlington WI 53105</u>	Phone Number ()	☐ City ☐ Village ☒ Town	Nearest Road <u>Cramer Ct</u>

☒ New Construction	Use: ☒ Residential / Number of bedrooms <u>4</u>	Code derived designflow rate <u>600</u> GPD
☐ Replacement	☐ Public or commercial - Describe:	Flood Plan elevation if applicable <u>NA</u> ft.
Parent material		
General comments and recommendations: <u>recommended system elevation 101.5</u>		

<u>1</u> Boring #	☐ Boring ☒ Pit	Ground surface elev. <u>105</u> ft.	Depth to limiting factor <u>86</u> in. / elev. <u>97.83</u> ft.
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Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ft ²	
									*Eff#1	*Eff#2
1	0-6	10YR 3/2	NONE	sl	lmabk	mfr	cs	lvf	.4	.7
2	6-12	10YR 4/3	NONE	cl	2msbk	mfr	cw	lvf	.4	.6
3	12-30	10YR 4/3	NONE	grsl	2msbk	mfr	cw	lvf	.4	.6
4	30-86	10YR 6/4	NONE	grsl	2fsbk	mvfr	—	NONE	.6	1.0

<u>2</u> Boring #	☐ Boring ☒ Pit	Ground surface elev. <u>106.3</u> ft.	Depth to limiting factor <u>96</u> in. / elev. <u>98.3</u> ft.
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Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ft ²	
									*Eff#1	*Eff#2
1	0-12	10YR 3/2	NONE	sl	2msbk	mfr	qw	2vf	.6	1.0
2	12-40	10YR 4/6	NONE	sl	2fsbk	mvfr	cw	lvf	.6	1.0
3	40-96	10YR 6/4	NONE	grsl	2msbk	mvfr	—	NONE	.6	1.0

CST Name (Please Print) <u>Kenneth P Kretschmer</u>	Signature <u>Kenneth P Kretschmer</u>	CST Number <u>224140</u>
Address <u>P.O. Box 923 New Munster WI 53102</u>	Date Evaluation Conducted <u>5/30/26</u>	Telephone Number <u>262-537-4448</u>

* Effluent #1 = BOD > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

* Effluent #2 = BOD, ≤ 30 mg/L and TSS ≤ 30 mg/L

SBD-8330 (R03/22)

3 Boring #

☐ Boring
☒ Pit

Ground surface elev. 105.2 ft.

Depth to limiting factor 84 in. / elev. 98.2 ft.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft ²	
									*Eff#1	*Eff#2
1	0-10	10YR 3/2	NONE	sl	1 msbk	mfr	qs	2vf	.4	.7
2	10-30	10YR 4/3	NONE	sl	2 msbk	mfr	cw	lvf	.4	.6
3	30-44	10YR 4/3	NONE	grscl	2 msbk	mfr	cw	lvf	.4	.6
4	44-72	10YR 6/4	NONE	grsl	2 fsbk	mfr	cw	NONE	.6	1.0
5	72-84	10YR 6/4	NONE	grs	0 sg	m1	—	NONE	.7	1.6

☐ Boring #☐ Boring
☐ Pit

Ground surface elev. _____ ft.

Depth to limiting factor _____ in. / elev. _____ ft.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft ²	
									*Eff#1	*Eff#2

☐ Boring #☐ Boring
☐ Pit

Ground surface elev. _____ ft.

Depth to limiting factor _____ in. / elev. _____ ft.

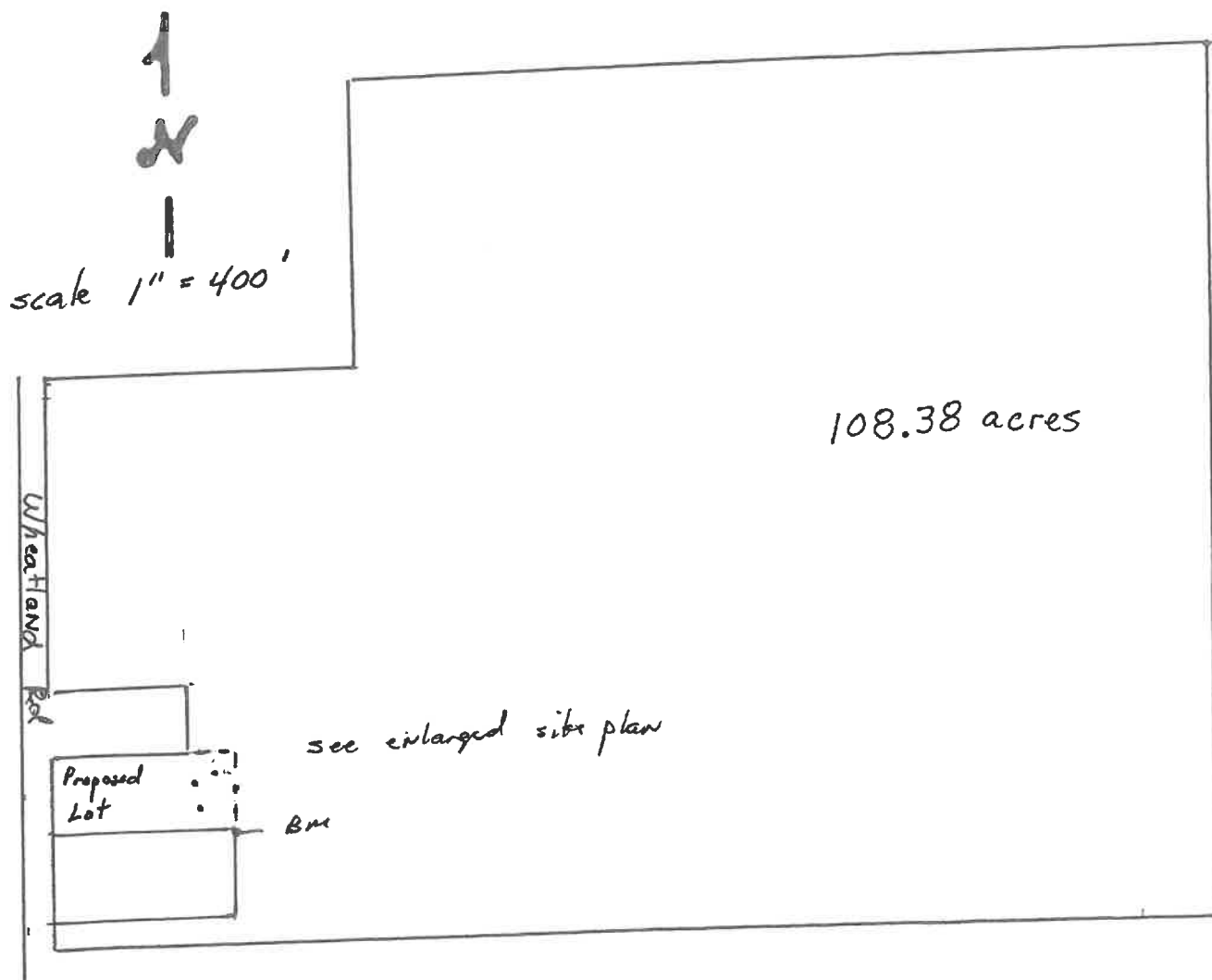
Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft ²	
									*Eff#1	*Eff#2

* Effluent #1 = BOD > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

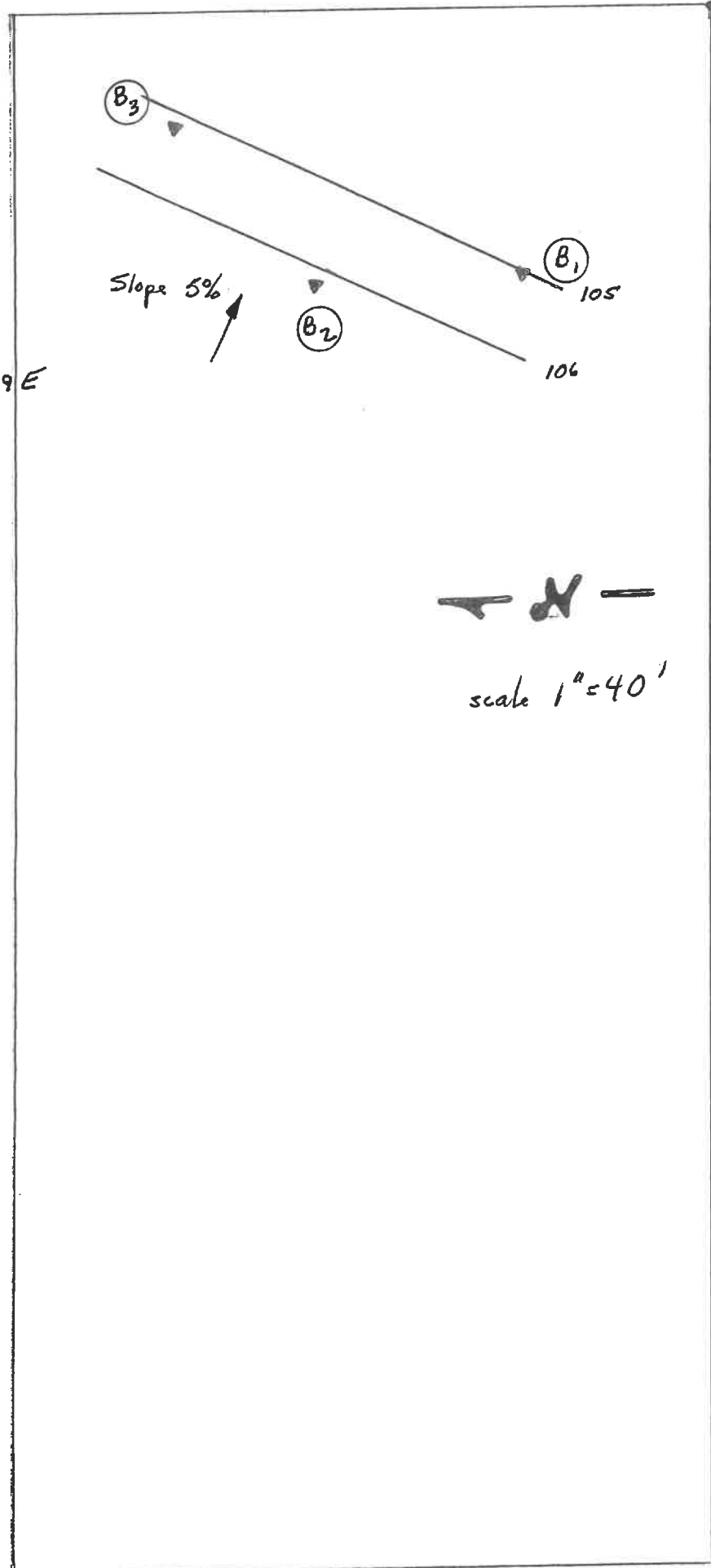
* Effluent #2 = BOD, ≤ 30 mg/L and TSS ≤ 30 mg/L

Daniel Koldeway
7601 Wheatland Rd
Burlington WI 53105
002021913006000
5W 1/4 NW 1/4 S13 T19 E
Town of Burlington
Racine County
5/30/26

ID # 224140
Kenneth P. Kitchel



BM 100' pg 40th
Top of iron
pipe



Daniel Koldeway
7601 Wheatland Rd.
Burlington WI 53105
002021913006000
SW 1/4 NW 1/4 S13 T1N R19 E
Town of Burlington
Racine County
5/30/26

Id # 224140
Kenneth P. Kretsch

Wheatland Rd

Plan Commission Report for July 9, 2026

7601 Wheatland Road

Owner: Daniel E Koldeway & Dorothy M Koldeway
Revocable Trust dated 5/1/2025

Petitioner: Nick & Danyel Koldeway

Project: New Home Construction

Requested Action: Approval of Land Division

Existing Zoning: A-2

Location: Parcel # 002-02-19-130-06-000

Report

The applicant for the subject property has submitted an application for Land Division (4 lots or less). The application package includes a Certified Survey Map (CSM) and a soil evaluation report. The applicant wishes to create a 1.518 private parcel and dedicate 33 feet from the proposed west parcel line for public right-of-way. The proposed lot is situated adjacent to Lot 1 of CSM No. 3631 which was created in 2025 by the same applicant under a previous land division in the Town of Burlington.

John Casucci, P.L.S., from my office reviewed the submitted CSM. Technical review comments were provided on June 24, 2026. The applicant's surveyor re-submitted the CSM on June 26, 2026 that addressed all comments. The re-submitted CSM meets all state requirements. Upon signatures and notarizing, copies of the CSM should be furnished to the Town.

Staff Recommendation:

I recommend that the Plan Commission provide a positive recommendation of approval to the Town Board.

Robert Wielgos, P.E.
July 1, 2026



Building a Better World
for All of Us®

TOWN OF BURLINGTON PLAN COMMISSION

TO: Plan Commission
FROM: Bryce Hembrook, AICP
Town Planner
REPORT DATE: July 2, 2026
PC MEETING DATE: July 9, 2026

RE: **Koldeway CSM – Land Division Request**
SEH No. 188914, TASK 5

Applicant: Nick & Danyel Koldeway
Property Owner: Daniel & Dorothy Koldeway
Application Type: Land Division
Location: 7601 Wheatland Road (PIN 002-02-19-13-006-000)
Land Use Plan: Agricultural Estate (5.0 Acres or More per Dwelling)
Existing Zoning: A-2 General Farming District II

The following report is provided to the Plan Commission for cursory review prior to action. Specifics relating to the submitted documents of this application may be referenced in the Commission's packet.

Background

The applicant is requesting to subdivide a portion of the existing parcel to create a lot intended for a new single-family residence. The parent parcel (PIN 002-02-19-13-006-000), addressed at 7601 Wheatland Road, is owned by the Daniel & Dorothy M. Koldeway REVOC Trust and is currently used as farmland. The applicants, Nick and Danyel Koldeway, are seeking to create a new parcel for residential construction. A similar land division from the same parent parcel was approved in 2025 for another family member, establishing a pattern of family farm homestead divisions on this property. The property is zoned A-2 General Farming District II under the Racine County Zoning Ordinance. The proposed Lot 1 contains 66,101 square feet (1.518 acres) excluding road right-of-way. The Certified Survey Map dedicates the west 33 feet of the lot to the public right-of-way. The parcel has frontage on Wheatland Road and A-2 zoning setbacks of 75 feet (street yard), 25 feet (side yard), and 25 feet (rear yard) are noted on the map. The remaining unplatted land to the north and east is retained by the owner and continues in agricultural use. It appears that the proposed land division meets county zoning code requirements and staff is supportive of this request.

Land Use Plan Analysis

The subject parcel is designated Agricultural Estate (5.0 Acres or More per Dwelling) in the Town of Burlington 2050 Land Use Plan. This district is established to allow for low-density residential uses in areas of the Town that are not prime farmland and are not planned for urban expansion. Staff has evaluated this request against the applicable Land Use Plan policies as follows.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., N19 W24133 Riverwood Dr Suite #160, Waukesha, WI 53188
SEH is 100% employee-owned | sehinc.com | 262.646.6855 | 888.908.8166 fax

Minimum Parcel Size – Consistent. The Land Use Plan establishes a minimum parcel size of 40,000 square feet in the Agricultural Estate District. The proposed Lot 1 contains 66,101 square feet (1.518 acres), which exceeds this minimum. This standard is met.

Maximum Density – Consistent with Area Context. The Land Use Plan recommends a maximum density of 1 dwelling unit per 5 acres in the Agricultural Estate District. The proposed lot, at 1.518 acres, does not meet this ratio as a singular parcel; however, the intent of this density standard is appropriately evaluated in the context of the surrounding area, rather than applied solely to the parcel being created alone. The subject parcel is being subdivided from a larger agricultural holding, and the remaining unplatted land to the north and east is retained by the owner and continues to be used for agricultural purposes. The surrounding area along Wheatland Road consists predominantly of large agricultural tracts and rural residential uses at low densities generally consistent with the 1 unit per 5 acres guideline when viewed at the corridor scale. This division, along with the previously approved 2025 family division from the same parcel, represents a limited residential carve-out from a larger agricultural parcel, which permits separation of a dwelling from a farm operation upon sale or family transfer. Staff finds the density standard is met in the context of the surrounding agricultural area.

Rural Character and Agricultural Preservation – Consistent. The Land Use Plan identifies preservation of rural character and the ongoing viability of farm operations as primary goals of the Agricultural Estate District. The proposed division creates a single residential lot from a larger agricultural parcel, with the remainder continuing in farm use. The request is not part of a larger subdivision or development proposal, and no additional lots are proposed at this time. The CSM notes the presence of farm field drain tiles and assigns maintenance obligations, reflecting the agricultural context. Staff finds the proposal is consistent with these goals.

Plan Commission Options

The Commission can make the following recommendations:

1. Approval of the request.
2. Denial of the request with justification stated by the Commission.
3. Table the request for further study.

Recommendation

APPROVE the land division request as presented, with the following conditions:

1. The CSM shall be approved by Racine County prior to recording, including county review for compliance with the Racine County Zoning Ordinance, A-2 District standards, and land division regulations.
2. Any additional conditions required by the Town Engineer or other applicable approving authorities shall be satisfied prior to recording of the CSM.

APPLICATION FOR ZONING PERMIT
RACINE COUNTY, WISCONSIN (Rev. 09/24)

PERMIT NO. 2076-002-053
DATE PERMIT ISSUED 5/19/2026

OWNER(s) Mark Pekelnicky
Mailing Address 30936 Weiler Rd
Burlington WI 53105
City State Zip

APPLICANT Neil Demant (3D CONSTRUCTION)
Mailing Address 20911 White Ash Rd STE. C
Union Grove WI 53182
City State Zip

Phone 678-523-4627

Phone 262-206-0607

Email _____

Email neil@3dconstructionwi.com

Parcel ID No(s). 002031934055000

Site Address 30936 Weiler Rd

Municipality Burlington Section(s) 34 Town 3 North, Range 19 East

Lot — Block — Subdivision Name — CSM # —

Proposed Construction/Use Raze existing garage, Build new Garage

New	☒	Principal Bldg.	Size (<u>38'</u> x <u>25'-6"</u>) (<u>—</u> x <u>—</u>) (<u>—</u> x <u>—</u>)
Addition	☐	Accessory	Area (sq ft) (<u>969 ft²</u>) (<u>—</u>) (<u>—</u>)
Alteration	☐	Deck	Peak Ht. (ft.) <u>22'-1"</u> 100-Yr. Floodplain Elev. <u>—</u>
Conversion	☐	Sign	Eave Ht. (ft.) <u>9'-5"</u> Flood Protection Elev. <u>—</u>
Temporary	☐	Other	Building Ht.-Avg. (ft.) <u>16'-0"</u>

Contractor 3D Construction inc Est. Value w/Labor \$ 130,000 ZONING DISTRICT R-3

Existing Nonconforming?	<u>N/A</u> ☒	Yes ☐ No ☐	Yard Setbacks	Proposed	OK?
Structure in Shoreland? (per map)	☐	Yes ☒ No ☐	Street-1 st	<u>25.5'</u>	<u>yes</u>
Mitigation or Buffer Needed?	☐	Yes ☒ No ☐	Street-2 nd	<u>—</u>	<u>—</u>
Structure in Floodplain? (per map)	☐	*Yes ☐ No ☒	Side-1 st	<u>5.5'</u>	<u>yes</u>
*Structure's Fair Market Value \$ <u>N/A</u>		Cumulative %	Side-2 nd	<u>20.9'</u>	<u>yes</u>
*>50% of Fair Market Value? <u>N/A</u> ☒		Yes ☐ No ☐	Rear	<u>—</u>	<u>—</u>
Structure in Wetland? (per map)	☐	Yes ☐ No ☒	Shore	<u>±218'</u>	<u>yes</u>
Substandard Lot?	☒	Yes ☒ No ☐	Total Acc. Structures	<u>969 of 1000 ft²</u>	
BOA Variance Needed?	☐	Yes ☐ No ☒	Date of Approval	<u>—</u>	
Conditional Use/Site Plan Needed?	☐	Yes ☐ No ☒	Date of Approval	<u>—</u>	
Shoreland Contract Needed?	☐	Yes ☐ No ☒	Date of Approval	<u>—</u>	

Additional Zoning Permit Stipulations Listed on Back of this Form? Yes ☒ No ☐ (If "Yes," see back)

The applicant hereby acknowledges receipt of notice contained herein and certifies that submitted information/ attachments are true and correct to the best of the knowledge and belief of the signer, and that all construction/ use will be done in accordance with the Zoning Ordinance, applicable stipulations, and Wisconsin laws.

BOA/Conditional Use/Site Plan Pd: \$ _____
CC Date/Check#/Cash _____
Signature of Owner /Applicant/Agent Neil Demant Date 4/30/2026

Shoreland Contract Fee Pd: \$ _____
CC Date/Check#/Cash _____
Print Name(s) Neil Demant

Zoning Permit Fee Pd: \$ 85.00
CC Date/Check#/Cash 5/19/26
Notes (revisions, extensions, etc.)

Other: _____ Pd: \$ _____
Zoning Administrator [Signature] (Staff Initials) ELB

✓ ☐ if shoreland erosion review fee is included above
Make checks payable to "Racine County" - Note: ALL FEES ARE NONREFUNDABLE (OVER)

PIN 002031934055000

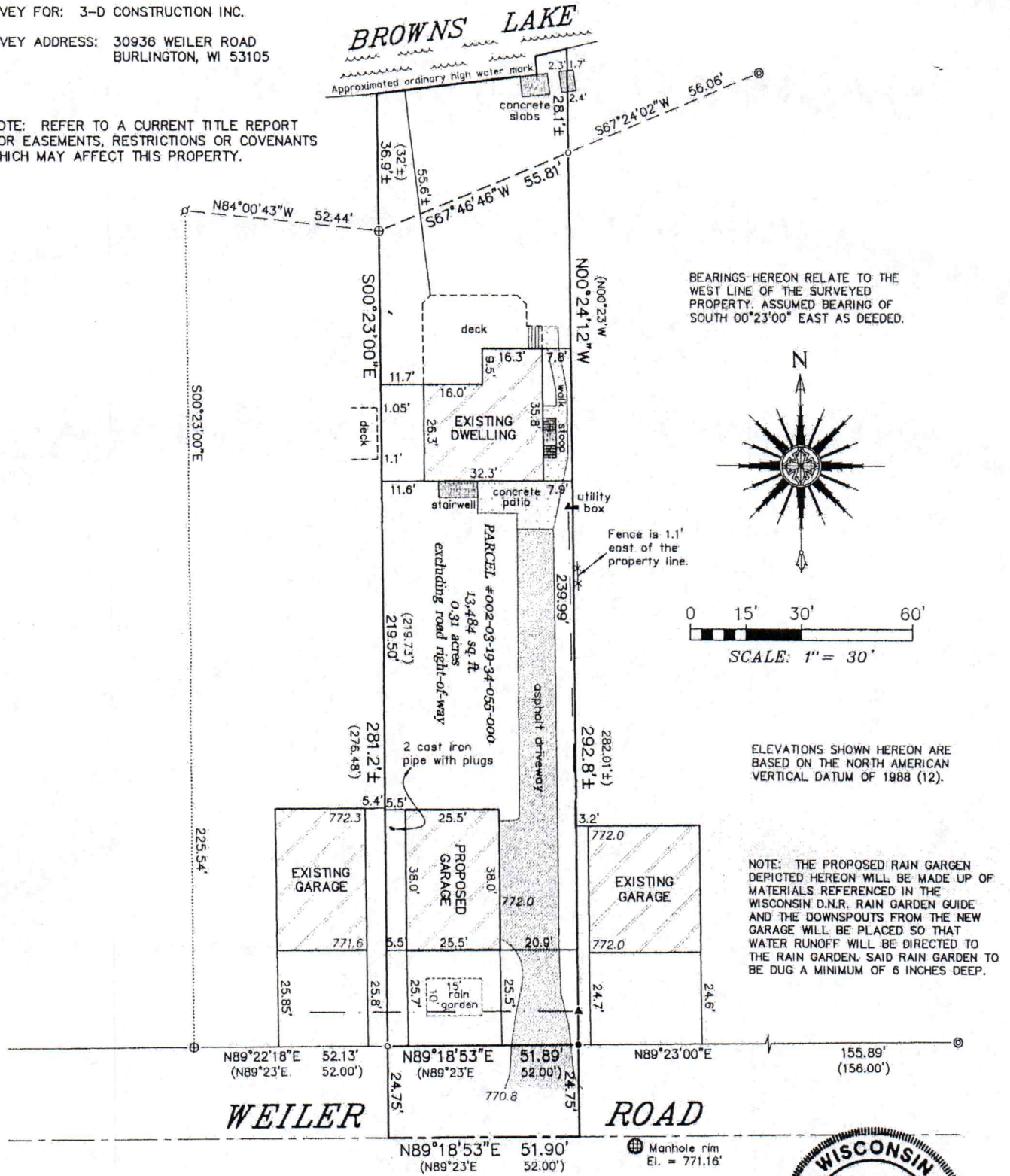
PLAT OF SURVEY
-OF-

PARCEL NO. 6 OF LAKE VIEW COMMUNITY, AN UNRECORDED PLAT, LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 34, T. 3 N., R. 19 E. OF THE 4TH P.M.; THENCE NORTH 00°05' WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34, 1622.28 FEET TO A POINT IN THE CENTER LINE OF A PUBLIC ROAD; THENCE NORTH 89°23' EAST, ALONG THE CENTER LINE OF SAID ROAD, 419.25 FEET TO A POINT; THENCE NORTH 00°23' WEST 244.48 FEET TO A CONCRETE MONUMENT AND THE POINT AND PLACE OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE SOUTH 00°23' EAST 244.48 FEET TO A POINT IN THE CENTER LINE OF SAID PUBLIC ROAD; THENCE NORTH 89°23' EAST ALONG THE CENTER LINE OF SAID ROAD, 52.00 FEET TO A POINT; THENCE NORTH 00°23' WEST 282.01 FEET, MORE OR LESS, TO THE WATER'S EDGE OF BROWNS LAKE; THENCE WESTERLY ALONG THE WATER'S EDGE OF BROWNS LAKE TO A POINT THAT IS NORTH 00°23' WEST 32.00 FEET, MORE OR LESS, FROM THE PLACE OF BEGINNING; THENCE SOUTH 00°23' EAST 32.00 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING. SAID PARCEL LYING AND BEING IN THE TOWN OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

SURVEY FOR: 3-D CONSTRUCTION INC.

SURVEY ADDRESS: 30936 WEILER ROAD
BURLINGTON, WI 53105

NOTE: REFER TO A CURRENT TITLE REPORT
FOR EASEMENTS, RESTRICTIONS OR COVENANTS
WHICH MAY AFFECT THIS PROPERTY.



ELEVATIONS SHOWN HEREON ARE
BASED ON THE NORTH AMERICAN
VERTICAL DATUM OF 1988 (12).

NOTE: THE PROPOSED RAIN GARDEN
DEPICTED HEREON WILL BE MADE UP OF
MATERIALS REFERENCED IN THE
WISCONSIN D.N.R. RAIN GARDEN GUIDE
AND THE DOWNSPOUTS FROM THE NEW
GARAGE WILL BE DIRECTED TO
THE RAIN GARDEN. SAID RAIN GARDEN TO
BE DUG A MINIMUM OF 6 INCHES DEEP.

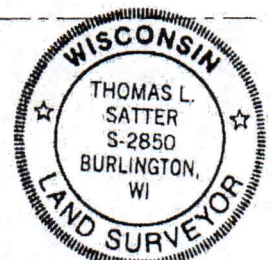
"I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE
DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A
CORRECT REPRESENTATION THEREOF AND SHOWS THE SIZE
AND LOCATION OF THE PROPERTY, ITS EXTERIOR
BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES
AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON,
BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS AND
ENCROACHMENTS, IF ANY."

"THIS SURVEY IS MADE FOR THE USE OF THE PRESENT
OWNERS OF THE PROPERTY, AND THOSE WHO PURCHASE,
MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE
YEAR FROM DATE HEREOF."

SATTER SURVEYING, LLC
LAND SURVEYS, MAPPING AND PLANNING
272 ORIGIN STREET
BURLINGTON, WI 53105
262-661-4239

LEGEND

- ⊕ FOUND CONCRETE MONUMENT
- ⊙ FOUND IRON PIPE IN CONCRETE
- ⌵ FOUND 2-3/8" O.D. IRON PIPE
- FOUND 1-5/16" O.D. IRON PIPE
- FOUND 1" O.D. IRON PIPE
- () RECORDED AS
- ▲ UTILITY POLE
- OVERHEAD UTILITY LINES
- 772.0 EXISTING ELEVATION



THIS IS NOT AN ORIGINAL PRINT
UNLESS THIS SEAL IS RED.

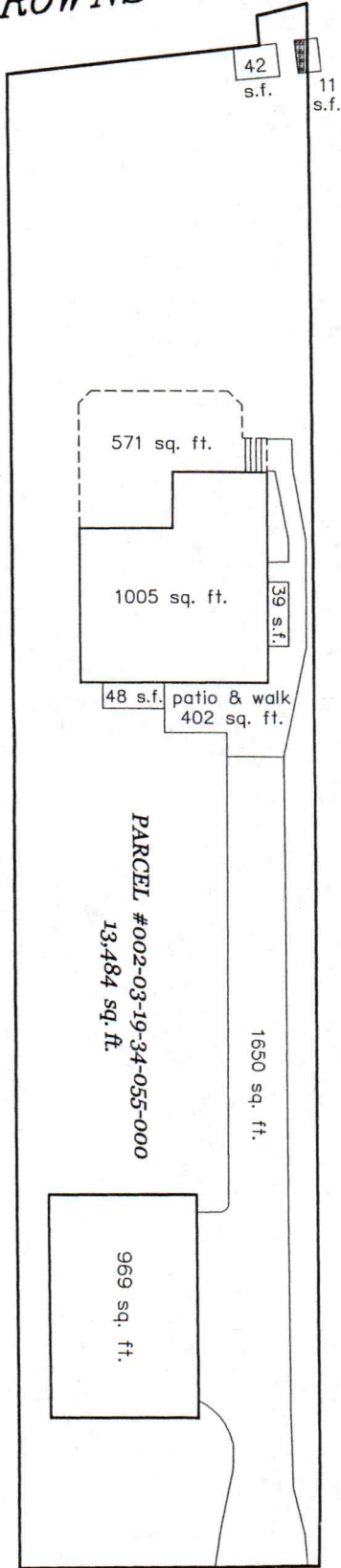
Thomas L. Satter
THOMAS L. SATTER S-2850

REVISED: 5/28/26
REVISED: 5/4/26
APRIL 20, 2026
DATE

032605
JOB NUMBER

IMPERVIOUS SURFACE BREAKDOWN FOR 30936 WEILER ROAD, BURLINGTON, WI 53105

BROWNS LAKE



PARCEL AREA = 13,484 sq. ft.
4,737 sq. ft. of impervious surfaces
35.1% impervious surface coverage

SATTER SURVEYING, LLC
LAND SURVEYS, MAPPING AND PLANNING
272 ORIGEN STREET
BURLINGTON, WI 53105
262-661-4239

REVISED: 5/4/26
APRIL 20, 2026
DATE

032605
JOB NUMBER

WEILER ROAD

Plan Commission Report for July 9, 2026

Applicant: Mark Pekelnicky
Project: Garage Construction
Requested Action: Oversized Garage Space Approval
Current Zoning: R-3
Location: 30936 Weiler Road

Report

The applicant has requested approval to construct a 38'x25.5' garage near the southwest corner of the subject property under coverage of a Town Oversized Garage Space Application. The existing garage within this location would be demolished, new garage constructed, and a rain garden excavated south of the proposed garage. Along with the application, the applicant has provided a proposed garage layout overlaid on a Plat of Survey of the subject property as well as an impervious surface breakdown of the parcel that includes the proposed work.

The proposed garage appears to encompass a similar footprint as the existing garage, with expanded roof area stretching north and south while the proposed east-west garage dimensions appear to be similar to existing. The proposed rain garden is set between the south edge of the proposed garage and the front parcel line, with dimensions noted as 10'x15'.

On the Plat of Survey Exhibit, there is a note that reads: "The proposed rain garden depicted hereon will be made up of materials referenced in the Wisconsin D.N.R. rain garden guide and the downspouts from the new garage will be directed to the rain garden. Said rain garden to be dug a minimum of 6 inches deep." After additional discussions and coordination between Town staff and the applicant, I confirmed that this rain garden is being constructed to supplement the added impervious area that is resulting from this work in a property that is within County shoreland zoning. The applicant should comply with all Racine County zoning regulations as they relate to the design and construction of this rain garden.

A detailed grading and drainage plan should be furnished to the Town for review. The plan should include the following detail: finished floor elevation of the proposed garage, locations and elevations of all garage downspout outfalls, existing and proposed contours, bottom of rain garden elevation, rain garden overflow relief drainage information, and all erosion control measures. It should be demonstrated that the construction of the proposed garage does not negatively impact drainage of adjacent properties. The use of swales and/or spillways should be considered to channelize the storm water runoff in a manner that perpetuates the existing condition.

Recommendation

Per the discretion of the committee. If approval is granted, it should be subject to the following conditions:

- Town approval of a grading and drainage plan for the proposed work.

Robert Wielgos, P.E.
July 1, 2026



Building a Better World
for All of Us®

TOWN OF BURLINGTON PLAN COMMISSION

TO: Plan Commission
FROM: Bryce Hembrook, AICP
Planner
REPORT DATE: July 2, 2026
PC MEETING DATE: July 9, 2026

RE: **30936 Weiler Road – Oversized Garage**
SEH No. 188914, TASK 6

Applicant: Neil Demant (3D Construction Inc.)

Property Owner: Mark Pekelnicky

Application Type: Oversized Garage – Zoning Review

Location: 30936 Weiler Road (PIN 002-03-19-34-055-000)

Land Use Plan: Residential-Sewered (25,000 Square Feet to 1.49 Acres Per Dwelling Unit)

Zoning: R-3 Suburban Residential District (Sewered) / Shoreland

The following report is provided to the Plan Commission for cursory review prior to action. Specifics relating to the submitted documents of this application may be referenced in the Commission's Packet.

Background

The applicant, Neil Demant of 3D Construction Inc., is requesting approval on behalf of property owner Mark Pekelnicky to raze an existing garage and construct a new detached garage at 30936 Weiler Road. The proposed new garage measures 38' x 25'-7", resulting in approximately 969 square feet of floor area. The permit application identifies this as a new accessory structure (garage), with a peak height of approximately 22'-1" and an eave height of approximately 9'-5". The property is located on the north side of Weiler Road along the shoreline of Browns Lake and is zoned R-2 Suburban Residential District (Sewered) by Racine County, with shoreland overlay regulations also applicable. The subject parcel totals approximately 0.34 acres.

Section 15.10.010(C) (Prohibited Buildings in Residential Zones) of the Town of Burlington Municipal Code states that "any detached garage proposed to be constructed in residential zones (R-1 through R-8), greater than 900 square feet but less than 1,200 square feet shall require a hearing before the Town of Burlington Planning and Zoning Committee; and approval by the Town of Burlington Town Board." At 969 square feet, the proposed garage exceeds the 900 square foot threshold and therefore requires Plan Commission review and Town Board approval before the zoning permit can be issued.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 501 Maple Avenue, Delafield, WI 53018-9351

SEH is 100% employee-owned | sehinc.com | 262.646.6855 | 888.908.8166 fax

Analysis**Location**

The subject property is located on Weiler Road along the southern shoreline of Browns Lake in the Town of Burlington. The parcel is a narrow, elongated lakefront lot typical of the Browns Lake area, measuring approximately .34 acres. The lot fronts Weiler Road to the south and extends north to the ordinary high water mark of Browns Lake. The surrounding neighborhood consists of single-family residential with similar lot configurations. The proposed new garage is sited in the southern portion of the lot near Weiler Road, where the existing garage is currently located.

Land Use

The Town of Burlington 2050 Land Use Plan identifies this property as Residential-Sewered (25,000 Square Feet to 1.49 Acres Per Dwelling Unit). The principal use of the property is single-family residential, and the proposed garage is an accessory structure. The Land Use Plan does not specifically address accessory structure size limits, as those are governed by the Town's Municipal Code and Racine County zoning. No conflict with the Land Use Plan's policies is identified for this request. The plan does encourage protection of lake quality and discourages development that would adversely affect Browns Lake. The proposed rain garden to manage stormwater from the new garage is a positive measure in that context.

Zoning

The property is zoned R-2 Suburban Residential District (Sewered) under the Racine County Zoning Ordinance, which permits single-family dwellings and their accessory structures. The zoning permit indicates that all applicable yard setbacks are met: a 25.5' street yard setback (R-2 requires a minimum street yard), a 5.5' first side yard, a 20.9' second side yard, and a shore setback of approximately $\pm 218'$. The total accessory structure area after construction is noted on the permit as 969 sq. ft. of 1,000 sq. ft. permitted, indicating the proposed garage is at or near the Racine County R-2 accessory structure size limit. The property also falls within the Shoreland overlay district due to its location within 300 feet of Browns Lake. Shoreland regulations under the Racine County Zoning Ordinance and Wisconsin Administrative Code NR 115 apply and will be reviewed by the county.

Neighborhood Context

Based on a review of available aerial photos, the existing garage proposed for removal appears to be smaller than most of the detached garages on the nearby lots along this stretch of Weiler Road. The submitted plan depicts the proposed garage to be located roughly in the same location and between two existing garages on the adjoining parcels to the east and west. The garage on the adjoining lot to the west is approximately 920 square feet and the garage on the adjoining lot to the east is approximately 1,060 square feet. At approximately 969 square feet, the proposed garage would be comparable in size to the adjacent garages and more consistent with nearby structures than the smaller garage it would replace. The dimensions of the existing garage are not stated in the submitted materials, but it appears to be 600 square feet or less.

Plan Commission Options

The Commission can make the following recommendations:

1. Approval of the request with any conditions or modifications the Commission finds justifiable and applicable.
2. Denial of the request with justification stated by the Commission.
3. Table the request for further study.

Recommendation

Per the discretion of the Commission. The Commission should determine whether this proposed garage fits in the surrounding neighborhood and is compatible with the aesthetics of the surrounding neighborhood.

TOWN OF BURLINGTON

Racine County, Wisconsin

AMENDED ORDINANCES

Chapters 16.04 – 16.60

Land Division Regulations

DRAFT

May 2026

Title 16
LAND DIVISION

Chapters:

- 16.04 Definitions
- 16.08 General Requirements
- 16.12 Land Suitability
- 16.14 Post-Construction Storm Water Management
- 16.15 Conceptual Plan
- 16.16 Preliminary Plats
- 16.20 Final Plats
- 16.24 Minor Land Divisions
- 16.28 Design Standards for Streets
- 16.32 Design Standards for Blocks and Lots
- 16.36 Required Improvements
- 16.40 Open Space and Public Facilities
- 16.44 Variances
- 16.48 Fees and Costs
- 16.52 Administration and Enforcement
- 16.56 Other Developments
- 16.60 Financial Security

May 2026

Chapter 16.04

DEFINITIONS

Amended May 2026

Sections:

16.04.010 Definitions [includes new: Period of Guaranty, Electronic Submission, Town Administrator]

16.04.010 Definitions

Unless otherwise defined in this section, the definitions contained in Chapter 236 of the Wisconsin Statutes apply to this title unless the context or subject matter clearly indicate otherwise. The following definitions apply to this title:

"Access corridor" (also referred to as a "flagpole") means the narrow strip of land within a flag lot or panhandle lot that connects the buildable portion of the lot to its frontage on a public or private street and over which the lot's driveway access is provided. (Added May 2026)

"Adjacent" means abutting or sharing a common boundary line. For purposes of this title, two parcels separated only by a street, road, alley, or other public right-of-way shall be considered adjacent to one another. (Added May 2026)

"Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, bulkhead lines, or shorelines of waterways, or corporate boundary lines of the city.

"Building" means any structure designed, built or intended for the shelter, enclosure or protection of persons, animals, chattels, or movable property of any kind.

"Building setback line(s)" means a line within a lot or other parcel of land, so designated on the plat of a subdivision, between which and the adjacent boundary of the street or adjoining properties or wetlands upon which the land abuts the erection of a building is prohibited.

"Certified survey map" means a survey map prepared in accordance with the provisions of Section 236.34, Wis. Stats., and this title to create a minor division.

"Corridor," when used in this title in reference to lot configuration or access, means an access corridor as defined above. This term is distinct from a "Primary Environmental Corridor," which refers to the environmentally significant lands so designated in the Town of Burlington 2050 Land Use Plan and by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). (Added May 2026)

"Cul-de-sac" means a minor street having one open end and being permanently terminated by a vehicle turn around.

"Development plan" means a plan designating use areas, roads, lot and block boundaries and such other information, including a subdivision plat or certified survey map.

"Developer" means a person, firm, association or corporation which proposes to divide land.

"Easement" means a grant by a property owner to another for a specific limited purpose or purposes.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

"Flag lot" means any lot where access to a public street is provided solely through a narrow strip of land (an "access corridor" or "flagpole") that is less than the required minimum frontage width for the majority of the lot's depth. (Added May 2026)

"Highway" means a right-of-way for vehicular traffic which traverses a non-urban area, usually a state or federally numbered route.

"Land use plan" means the extensively developed plan also called a comprehensive plan, adopted by the Plan Commission and certified to the Town Board pursuant to Section 62.23, Wis. Stats., including proposals for future land use, transportation and public facilities.

Commented [BH1]: May want to define "access corridor" and "corridor"

Commented [BH2]: Should panhandle lot also be defined?

Commented [BH3]: I typically recommend to not include information like this in the definitions. But it is fine to keep if desired.

"Lot" means a portion of a subdivision, minor division or other parcel of land intended for transfer of ownership or for building development.

"Map" means the certified survey map defined above.

"Minor land division" means the division of land resulting in the creation of not more than four parcels or building sites within a period of five years. This limitation shall not apply to non-buildable outlots which are deed restricted to prevent any future development.

"Multiple family" means two or more dwelling units, including apartments and attached houses.

"Official map" means the map indicating the location, width and extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Town Board.

"Outlot" means a parcel of land, other than a lot or block, so designated on the plat, but generally not of standard lot size, which is used to convey or reserve parcels of land for purposes other than residential development and which may be either redivided into lots or combined with one or more other adjacent land divisions in the future for the purpose of creating buildable lots.

"Panhandle lot" means a lot that obtains access to a public or private street through an access corridor at least sixty-six (66) feet in width for its entire length, and which otherwise complies with all applicable zoning and setback requirements. A panhandle lot is distinguished from a flag lot, which has a narrower access corridor. (Added May 2026)

"Parkway" means a route intended to be used primarily by passenger vehicles which may have a varying width of right-of-way and which right-of-way is or is intended to be developed with a park-like character.

"Pedestrian way" means a public right-of-way of land located across a block to provide pedestrian access to adjacent streets or areas and/or for the installation of underground utilities.

"Planned development" means a development permitting uses and building placement which need not conform to zoning district regulations.

"Plat" means a plan, map, drawing or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends to record in final form.

Plat, Final. "Final plat" means the map of a subdivision presented for final approval and prepared in accordance with this title and all other applicable ordinances and state statutes and rules.

Plat, Preliminary. "Preliminary plat" means the map of a proposed subdivision and documents presented for the purpose of preliminary consideration prepared in accordance with this title.

"Public way" means any public road, street, highway, walkway, drainage way, or part thereof.

"Residential development" means the conversion of agricultural or vacant land to residential use.

"Roadway" or "pavement" means the paved area for vehicular traffic existing on a street right-of-way and not the street right-of-way width.

"Street" means an area which primarily serves or is intended to serve as vehicular and pedestrian access to abutting lands or to other streets whether designated as street, highway, thoroughfare, parkway, throughway, road, drive, avenue, boulevard, lane, place or however otherwise designated. The word "street" refers to the width of the street right-of-way or easement, whether public or private, and shall not be considered as the width of the roadway or paving or other improvements on the street right-of-way.

1. Street, Collector. "Collector street" means a street intended to be used to carry traffic from minor streets to primary and secondary streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
2. Street, Major. "Major street" means a street intended to be used primarily for fast or heavy through traffic.
3. Street, Minor. "Minor street" means a street intended primarily as access to abutting properties.
4. Street, Primary. "Primary street" means a street of considerable continuity which serves or is intended to serve as a major traffic artery between the various sections of the town as shown on the master plan.
5. Street, Private. "Private street" means any street which is under the jurisdiction of an individual, corporation or trustee or any street which is privately owned or established, and which has been approved by the Town Board pursuant to Section 16.28.060 of this title. An approved private street provides legal access equivalent to a public street for purposes of lot frontage under Section

16.12.030. The street shall be designated on the preliminary plat and final plat as a numbered outlot with the label 'Private Street.' (Amended May 2026)

6. Street, Public. "Public street" means all primary, secondary, collector and minor streets which are shown on the subdivision plat and are to be dedicated for public use.
7. Street, Secondary. "Secondary street" means a street which carries traffic from minor and collector streets to the primary street system and designated as secondary streets on the master plan.

"Subdivider" means the person responsible for preparing and recording the plats of the subdivision and for carrying out all appropriate requirements outlined in this title.

"Subdivision" means a division of land which creates four or more parcels or building sites of less than thirty-five (35) acres within a period of five years.

"Subdivision development agreement" means a written agreement between the town and the subdivider which provides for the terms of development and payment for improvements.

"Period of Guaranty" means the period of time, beginning on the date the Town Board formally accepts all required public improvements, during which the developer remains responsible for defects, failures, or maintenance of those improvements. The Period of Guaranty shall be one (1) year unless otherwise specified in the subdivision development agreement. The financial surety required under Chapter 16.60 shall remain available to the Town through the expiration of the Period of Guaranty. (Added May 2026)

"Electronic submission" means the delivery of required applications, plans, plats, and supporting documents in digital format to the Town Clerk and Town Administrator via email or a Town-approved file transfer system. Electronic submissions shall be in PDF format at a minimum resolution of 300 DPI, shall be clearly named with the project name and document type, and shall be accompanied by a signed transmittal letter. Where a licensed surveyor or engineer certification is required, a digitally signed PDF bearing the certifier's electronic seal as authorized under Wisconsin Statutes is acceptable. (Added May 2026)

"Town Administrator" means the individual appointed by the Town Board to serve as the chief administrative officer of the Town of Burlington, responsible for coordinating land division applications, maintaining records, and serving as the primary administrative point of contact for applicants under this title. (Added May 2026)

"Town Engineer" means the individual or firm appointed by the town who is licensed to practice professional engineering in the state of Wisconsin and is responsible for reviewing subdivision plats and documents on behalf of the town, and performs other duties as directed by the town. (Ord. dated 12/12/02; Ord. dated 7/27/95 § 4; amended May 2026)

"Town Planner" means the individual or firm appointed by the Town who is responsible for reviewing land divisions, plats, and certified survey maps for consistency with the Town's Land Use Plan, zoning, and the planning provisions of this title; advising the Plan Commission and Town Board on planning matters; and performing other duties as directed by the Town. (Added May 2026)

Commented [BH4]: Should we define Town Planner or is that not necessary?

May 2026

Chapter 16.08 GENERAL REQUIREMENTS

Amended May 2026

Sections:

- 16.08.010 Purpose
- 16.08.020 Jurisdiction
- 16.08.030 Compliance
- 16.08.040 Covenants
- 16.08.050 No division of land
- 16.08.060 Relationship to Racine County regulations and state law [NEW]
- 16.08.070 Consistency with the Land Use Plan [NEW]

16.08.010 Purpose

The purpose of this title is to regulate and control the division of land within the town in order to promote the public health, safety, prosperity, aesthetics and general welfare of the community and to:

- A. Lessen congestion on the streets and highways;
- B. Further the orderly layout and appropriate use of land;
- C. Secure safety from fire and other dangers;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land;
- F. Avoid undue concentration of population;
- G. Facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements;
- H. Secure safety from flooding, water pollution, disease and other hazards;
- I. Prevent flood damage to persons and property, and minimize expenditures for flood relief and flood control projects;
- J. Ensure adequate legal description and proper survey monumentation of subdivided land;
- K. Ensure sound, harmonious subdivision development and community growth, and to safeguard the interests of the home owners, the subdivider, the investor and the town;
- L. Provide quality environment for human habitation;
- M. Provide permanent assets to the locality and to the town;
- N. Control scattered development;
- O. Assure the development of land for the highest possible use and protect against deterioration and obsolescence;
- P. Provide for the administration and enforcement of this title. (Ord. dated 7/27/95 § 1)

16.08.020 Jurisdiction

This title applies to all lands and water within the town except:

- A. Transfers of interest in land by will or court order;
- B. Leases for a term not to exceed ten (10) years, mortgages or easements; or

- C.** Sale or exchange of parcels of land between owners of adjoining property where no new lot line and no additional lots are created and the lots resulting are not reduced below the minimum size required by these regulations, the zoning ordinance, or other applicable laws or applications of laws or ordinances. (Ord. dated 7/27/95 § 2)

16.08.030 Compliance

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

- A.** The provisions of Chapter 236, Wis. Stats. as amended from time-to-time;
- B.** Rules of Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;
- C.** Rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state and county trunk highway or connecting street;
- D.** Rules of the Wisconsin Department of Natural Resources setting water quality standards, preventing and abating pollution and regulation of septic systems;
- E.** Approved land use or land use plan components including the zoning ordinances, sanitary codes, official maps and all other applicable ordinances of the town and county;
- F.** Applicable ordinances and official map of the town when the land is located within the one and one-half mile extra-territorial review jurisdiction of the town; and
- G.** The policies, district standards, and density requirements of the Town of Burlington Land Use Plan (as amended), as implemented by Section 16.08.070 of this title. (Ord. dated 7/27/95 § 3; amended May 2026)
- G.** The Town of Burlington 2050 Land Use Plan and any amendments thereto. No plat or certified survey map shall be approved that is inconsistent with the density, land use district, or policies of the Land Use Plan applicable to the subject property. The Plan Commission shall make an explicit finding of Land Use Plan consistency as part of its recommendation on every application. (Added May 2026)

16.08.040 Covenants

Protective covenants may be required by which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. (Ord. dated 7/27/95 § 6(3))

16.08.050 No division of land

No division of land shall be permitted in the town unless all real estate taxes or special assessments affecting the land sought to be divided are not delinquent. Prior to approval of the divisions of land by the town, applicant for the division of land shall submit proof, satisfactory to the town, that there are no delinquent taxes or special assessments affecting the parcel of land sought to be divided. (Ord. dated 6/13/88; prior code § 8.07)

16.08.060 Relationship to Racine County regulations and state law [NEW]

The requirements of this title are intended to work in conjunction with the Racine County Zoning Ordinance (Chapter 20), Racine County sanitary and Private Onsite Wastewater Treatment System (POWTS) regulations, Racine County shoreland and floodplain ordinances, and all applicable Wisconsin Statutes and administrative rules. Where any provision of this title conflicts with or is less restrictive than any applicable county ordinance, state statute, or administrative rule, the more restrictive provision shall govern, consistent with § 236.45, Wis. Stats. No plat or certified survey map shall receive final Town approval until the subdivider has obtained or demonstrated eligibility for all required Racine County approvals, including but not limited to sanitary permits, shoreland-wetland permits, and floodplain compliance determinations. Cross-reference: Racine County Code Chapter 20 (Zoning); Wisconsin Administrative Code Chapters NR 115, NR 116 (Shoreland/Floodplain); DSPS Chapter SPS 383 (POWTS). (Added May 2026)

Commented [BH5]: Because there is greater detail mentioned later on (16.08.070) I think we could remove the minimum parcel size information for later.

16.08.070 Consistency with the Land Use Plan [NEW]

All land divisions within the Town of Burlington shall be consistent with the Town of Burlington Land Use Plan (as amended), and with the applicable land use district policies, density standards, and natural resource protection standards set forth therein. No plat or certified survey map shall be approved that would create lots, parcels, or densities inconsistent with the Land Use Plan district applicable to the property. The following minimum standards, drawn directly from the Land Use Plan, apply to all land divisions:

- A. Holding Tanks Prohibited for New Construction.** Holding tanks shall not be permitted as an acceptable form of sewage disposal for new residential construction. Holding tanks may be permitted for existing structures only when no other sewage treatment system is suitable or until public sewers are available, consistent with Land Use Plan policy.
- B. Land Use Plan Amendment Required.** Where a proposed land division would require lot sizes, densities, or uses inconsistent with the applicable Land Use Plan district, the applicant shall first obtain an amendment to the Land Use Plan. A Land Use Plan amendment application may be submitted simultaneously with a preliminary plat or Certified Survey Map application. The Town Board shall not approve a land division that is inconsistent with the Land Use Plan unless and until a Land Use Plan amendment has been approved. The Plan Commission shall serve as the recommending body for all Land Use Plan amendments. A Land Use Plan amendment changes the Land Use Plan and its map.
- C. Land Use Plan Waiver.** In the alternative to a Land Use Plan amendment under subsection I, the Town Board may grant a Land Use Plan waiver authorizing a specific land division to depart from the otherwise applicable Land Use Plan district standards. A Land Use Plan waiver does not amend the Land Use Plan and does not change any land use designation, district boundary, or density shown on the Land Use Plan map; it applies only to the specific land division for which it is granted. A Land Use Plan waiver application may be submitted simultaneously with a preliminary plat or Certified Survey Map application, and the Plan Commission shall serve as the recommending body for all Land Use Plan waivers. The Town Board may grant a waiver only upon finding that the waiver is consistent with the general intent and policies of the Land Use Plan and will not be detrimental to the public health, safety, or welfare.
- D. Official Map.** No land division shall be approved that would conflict with or permanently foreclose the future rights-of-way designated on the Town of Burlington official map. Where a proposed land division abuts or traverses a designated future right-of-way, the subdivider shall reserve or dedicate the necessary right-of-way width as a condition of plat approval.
- E. Access Management.** Residential land divisions in areas designated for development on the Land Use Plan map shall be served by collector or minor streets. Direct individual lot access onto state or county trunk highways shall be prohibited where an alternative access via a collector or local street exists or can reasonably be provided. Frontage roads shall be required where direct highway access would otherwise be necessary, consistent with Land Use Plan transportation policies. (Added May 2026)

Commented [BH6]: Test out some examples to see if we run into any unintended consequences.

May 2026

Chapter 16.12

LAND SUITABILITY

Amended May 2026

Sections:

- 16.12.010 Determination of land suitability
- 16.12.020 Soil tests
- 16.12.030 Road frontage and lot configuration [NEW]
- 16.12.040 Primary Environmental Corridor and environmental resource areas [NEW]

16.12.010 Determination of land suitability

- A.** No land shall be divided which is unsuitable for use by reason of flooding, inadequate drainage, adverse soil or rock formations, unfavorable topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed area. The Town Board may require the developer to conduct and provide the results of tests to determine soil suitability, groundwater and rock conditions. The Town Board shall recite the particular facts upon which it bases its conclusions that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability. Thereafter, the town may affirm, modify or withdraw its determination of unsuitability. The Town Board may require the developer to provide an EPA audit.
- B.** In addition, the following criteria must be met:
1. All lands to be subdivided shall be at least one foot above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood on record.
 2. No building sites shall be created which do not meet the standards as established in the Department of Safety and Professional Services of the Wisconsin Administrative Code, and the Racine County code of ordinances.
 3. Any lot must be of sufficient size relative to the topography to permit the location of any building to meet zoning requirements. The average grade must be compatible to the surrounding area. The Town Board may grant an exception where such grant would not be contrary to the spirit or intent of this chapter, providing the proposed building would not be of such character or quality as to depreciate the property values of the surrounding area. (Ord. dated 7/27/95 § 5(5))
 4. All lots located within a shoreland or floodplain area as defined by Racine County Zoning Ordinance (Chapter 20) and Wisconsin Administrative Code Chapters NR 115 and NR 116 shall comply with all applicable county shoreland setback, shoreland-wetland, and floodplain requirements. No building site shall be created within a delineated 100-year floodplain, consistent with Land Use Plan surface water protection policies. The boundaries of any shoreland or floodplain area affecting the proposed division shall be delineated on all plats and certified survey maps. A Racine County floodplain inquiry or FIRM-based determination shall be submitted with any application involving land within or adjacent to a mapped floodplain. (Added May 2026)
 5. All lots proposed within or adjacent to a Primary Environmental Corridor (PEC), Secondary Environmental Corridor (SEC), or Isolated Natural Resource Area (INRA), as identified on the Town of Burlington Land Use Plan map or SEWRPC maps, shall comply with the environmental corridor density and development standards of Section 16.08.070 E. The applicant shall delineate any PEC, SEC, or INRA boundaries on the plat or certified survey map and demonstrate that no building site is located on steep slopes greater than twelve (12) percent, in a wetland, or within a delineated floodplain. (Added May 2026)
 5. Holding tanks shall not be permitted as an acceptable form of sewage disposal for new residential construction in any land division. Holding tanks may be permitted for existing structures only where

no other sewage treatment system is technically suitable, or as a temporary measure until public sewer service becomes available, subject to Racine County and DSPS approval. This prohibition is consistent with the Town of Burlington 2050 Land Use Plan. (Added May 2026)

16.12.020 Soil tests

All plats and certified surveys which include lands not served by sanitary sewer, shall be accompanied by the results of current pedology tests meeting the standards of the Department of Safety and Professional Services (DSPS), the Racine County Code Administration Department, and other pertinent agencies, showing that each proposed parcel is suitable for on-site sewage treatment. (Ord. dated 7/27/95 § 5(6); amended May 2026)

16.12.030 Road frontage and lot configuration [NEW]

- A. Purpose.** The requirements of this section are intended to ensure adequate access, emergency serviceability, and compatibility with surrounding development, while discouraging lot configurations that create substandard access, maintenance burdens, or visual incompatibility with adjacent properties.
- B. Minimum Road Frontage.** Every lot within a land division not served by public sanitary sewer shall meet the minimum lot frontage, lot width, and lot area requirements of the applicable Racine County Zoning Ordinance district and shall have direct access to a public street, unless one of the alternatives in subsection C or F is approved by the Town Board.
- C. Frontage Alternatives.** The Town Board may approve a reduced frontage of not less than sixty-six (66) feet where the applicant demonstrates all of the following:
1. The lot width at the required building setback line meets or exceeds one hundred (100) feet (the "building envelope width" standard);
 2. The lot configuration is not a flag lot as defined in subsection D;
 3. The reduced frontage is necessitated by unique topographic or natural feature constraints documented in writing by the applicant; and
 4. Emergency vehicle access is not impaired, as confirmed in writing by the applicable fire department prior to Town Board approval.
- D. Flag Lots — General Prohibition and Special Circumstances Waiver.** No land division shall be approved that creates a flag lot configuration except as provided in subsection D.1 below.
1. **Special Circumstances Waiver.** The Town Board may, upon recommendation of the Plan Commission, grant a waiver of the flag lot prohibition for special circumstances where all of the following findings are made:
 - a. The flag lot configuration is the only practicable means of providing access to a landlocked or geographically constrained parcel, and no alternative lot layout or public street extension is reasonably feasible given topography, wetlands, existing development patterns, or other documented physical constraints;
 - b. The access corridor (flagpole) is at least twenty (20) feet in width for its entire length and provides an access drive that aligns with the Town's driveway ordinance;
 - c. The flag lot will not adversely affect drainage, access, or the character of the surrounding area;
 - d. The granting of the waiver is consistent with the purpose of this title and the Town's comprehensive plan; and
 - e. Conditions of approval may be imposed by the Town Board, including minimum access corridor width greater than twenty (20) feet, paving or maintenance requirements for the access corridor, maximum number of flag lots served by a single corridor, landscaping or screening, or any other condition reasonably necessary to mitigate the impacts of the flag lot configuration.
 2. **Application.** A waiver application under this subsection shall be submitted simultaneously with the preliminary plat or Certified Survey Map application, shall include a written statement of special circumstances with supporting documentation, and shall pay any applicable fee established by Town Board resolution. The burden of demonstrating special circumstances rests with the applicant.

Commented [BH7]: I think these changes sound great in theory, but will be interesting to see if there are any issues when we actually can apply these.

Commented [BH8]: Think about this one further. Maybe create a graphic showing what this means. I feel like this is not going to work.

Commented [BH8R2]: Unless this is trying to suggest that the building envelope width is where the lot becomes normal.

Commented [BH9]: Is corridor defined? If not, we should define it or provide more clarity for what is meant here.

3. Limitation. No more than one (1) flag lot may be created from any single parcel of record in any five (5) year period under this waiver provision.

E. Panhandle Lots. A lot whose access corridor is at least sixty-six (66) feet wide for its entire length and which otherwise complies with all applicable zoning and setback requirements shall not be considered a flag lot for purposes of this section. Such panhandle lots shall nonetheless require specific Town Board approval upon a finding that the configuration is necessitated by topography or existing parcel constraints and that no alternative lot layout is practicable. The access road within the corridor shall comply with all applicable standards of Chapter 12.14 of this Code. The access corridor serving a panhandle lot shall not constitute buildable area and shall not count toward minimum lot area, and no principal or accessory building or structure shall be erected within the access corridor.

Commented [BH10]: Include graphics?

F. Shared Access Alternative. As an alternative to reduced frontage, the Town Board may approve a shared private driveway or access easement serving no more than three (3) fire numbers (as assigned by Racine County 911), provided that:

Commented [BH11]: Will Chapter 12 still keep these regulations? If so, we will want this to stay consistent.

1. Each lot has a minimum of sixty-six (66) feet of frontage on the shared access easement;
2. The easement meets the minimum width and private-lane standards of the Town's driveway ordinance;
3. The driveway or access road within the easement meets the roadbed, overhead clearance, and emergency vehicle access standards of the Town's driveway ordinance;
4. Any bridge or structure within the easement meets the inspection, load-rating, and width standards of the Town's driveway ordinance;
5. A permanent maintenance agreement, binding on all lot owners and their successors, is prepared by a Wisconsin-licensed attorney and recorded with the plat or certified survey map;
6. All lots otherwise comply with all applicable zoning, setback, and suitability standards of this title; and
7. Expansion of Use. If the shared access easement is subsequently used to serve four (4) or more fire numbers, the easement width must be expanded to sixty-six (66) feet, thirty-three (33) feet in each direction from the centerline, and the access road must comply fully with the private road standards of Chapter 12.14. A maintenance agreement acceptable to the Town must be recorded at the time of any land division that results in the fourth or subsequent fire number being served by the easement.

16.12.040 Primary Environmental Corridor and Environmental Resource Areas [NEW]

The Town of Burlington 2050 Land Use Plan identifies Primary Environmental Corridors (PEC), Secondary Environmental Corridors (SEC), and Isolated Natural Resource Areas (INRA) on its Land Use Plan Map. These designations are based on SEWRPC mapping and reflect areas of significant natural resource value. The following standards apply to all land divisions involving or adjacent to these areas:

Commented [BH12]: Should probably define adjacent. Does that include properties split by right-of-way (roads)?

- A. Mapping Required.** All plats and certified survey maps shall delineate any Primary Environmental Corridor, Secondary Environmental Corridor, or Isolated Natural Resource Area located on or within 300 feet of the subject property, based on current SEWRPC and Racine County mapping. The source and date of the mapping shall be noted on the plat.
- B. PEC Development Standards.** Development within a Primary Environmental Corridor shall be limited to uses consistent with the Town of Burlington 2050 Land Use Plan PEC policies.
- C. Plan Commission Findings.** Before recommending approval of any plat or certified survey map involving land within or adjacent to a Primary Environmental Corridor, the Plan Commission shall make a written finding that the proposed land division is consistent with the PEC policies of the Town of Burlington 2050 Land Use Plan and will not materially diminish the ecological integrity or linear connectivity of the corridor.
- D. SEC and INRA.** Development proposals involving Secondary Environmental Corridors or Isolated Natural Resource Areas shall be referred to Racine County and SEWRPC for comment prior to Plan Commission hearing. The Town Board may impose conditions to protect the resource values of these areas as a condition of plat or CSM approval. (Added May 2026)

Commented [BH12R2]: I think this may not be the best way to express which properties are applicable for this section. It may best to include a distance requirement instead and clarify that any portion of a land division that is located within these lands or within XX amount of feet"...

May 2026

Chapter 16.14 POST-CONSTRUCTION STORMWATER MANAGEMENT

Amended May 2026

Sections:

- 16.14.010 Authority
- 16.14.020 Findings of fact
- 16.14.030 Purpose
- 16.14.040 Stormwater quality and quantity management applicability
- 16.14.050 Definitions
- 16.14.060 Technical standards
- 16.14.070 Performance standards
- 16.14.080 Permitting requirements, procedures, and fees
- 16.14.090 Stormwater management plan
- 16.14.100 Maintenance agreement
- 16.14.110 Financial guarantee
- 16.14.120 Reserved
- 16.14.130 Enforcement
- 16.14.140 Appeals

16.14.010 Authority

This chapter is adopted by the Town Board under the authority granted by Section 60.627, for towns, Wis. Stats. (Ord. dated 3/24/05)

16.14.020 Findings of fact

The Town Board finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- A.** Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- B.** Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- C.** Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- D.** Reduce the quality of groundwater by increasing pollutant loading;
- E.** Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities;
- F.** Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;
- G.** Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
- H.** Aggravate excessive infiltration and inflow of water into sanitary sewer connections during peak storm events causing the conveyance system to surcharge, overflow, or backup into basements. (Ord. dated 3/24/05)

16.14.030 Purpose

This chapter integrates federal and state construction post-construction site stormwater quality standards with duties to reasonably manage the quantity of water runoff for regional flood abatement. (Ord. dated 3/24/05)

16.14.040 Stormwater quality and quantity management applicability

- A.** The water quality management duties apply to property development disturbing one or more acres and the water quantity management duties apply to subdivisions, condominium developments, Planned Unit Developments, multifamily housing, commercial developments, and private recreational developments, unless the site is exempt under subsection B, C, or D of this section.
- B.** A site meeting any one of the following criteria is exempt from stormwater quality requirements:
1. A redevelopment post-construction site with no increase in exposed parking lots or roads;
 2. A post-construction site with less than ten (10) percent connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre;
 3. Non-point discharges from agricultural facilities and practices;
 4. Non-point discharges from silviculture activities;
 5. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility;
 6. Underground utility construction such as water, sewer, and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
- C.** Water quantity management duties do not apply if:
1. Residential infill where the lot is five acres or less, the development is exclusively residential, the net increase in the area of impervious surface is less than twenty (20) percent of the area of the site; and each boundary of the site is contiguous to: sites that contain earlier development served by sanitary sewers, streets, or public water supply when the governmental unit receives the plans for the new development or parkland; or other public land, a utility right-of-way, or a watercourse;
 2. Sites where the area of impervious surface after development will be five percent or less of the total area of the site;
 3. Recreational trails if the trail is less than or equal to ten (10) feet in width and has a continuous pervious buffer at least five feet wide on each side, disregarding interruption by streets, driveways, or other impervious surfaces crossing the trail; or
 4. Notwithstanding the applicability requirements in subsection (C)(1) of this section, this chapter applies to post-construction sites of any size that, in the opinion of the project administrator, is likely to result in runoff that exceeds the capacity of the existing drainage facilities or the level of flooding protection in a watercourse that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- D.** Town Board Exemption. The Town Board may, at its sole discretion, waive the requirements of this chapter for any development or activity.
- E.** Comity. State agencies should design and incorporate best management practices for surface water quality and stormwater quantity management for new impervious surfaces. The runoff management techniques should be the same as flood abatement plans and techniques utilized by local governments in the watershed. The lead agency preparing an environmental assessment for a federal or state project shall identify the mitigating runoff management techniques to prevent increases in peak flood flows from new impervious areas. (Ord. dated 3/24/05)

16.14.050 Definitions

As used in this chapter:

"Administering authority" means the Town of Burlington or their designee, municipal employees under Section 60.627, Wis. Stats., as designated by the Town Board to administer this chapter.

"Agricultural facilities and practices" has the meaning given in Section 281.16, Wis. Stats.

"Average annual rainfall" means a calendar year of precipitation, excluding snow, which is considered typical.

"Best management practice" or "BMP" means structural or nonstructural measures, practices, techniques, or devices employed to: (1) Avoid or minimize sediment or pollutants carried in runoff to waters of the state; or (2) Manage the rate or volume of runoff.

"Business day" means a day the office of the project administrator is routinely and customarily open for business.

"Cease and desist order" means a court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.

"Combined sewer system" means a system for conveying both sanitary sewage and stormwater runoff.

"Connected imperviousness" means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

"Critical time" means the period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.

"Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

"Development" means construction of residential, commercial, industrial or institutional land uses and associated roads, including redevelopment.

"Division of land" means the creation from one parcel of two or more parcels or building sites of one and one-half or fewer acres each in area where such creation occurs at one time or through the successive partition within a five-year period.

"Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

"Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

"Exceptional resource waters" mean waters listed in Section NR 102.11, Wis. Adm. Code.

"Extraterritorial" means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village.

"Final stabilization" means that all land-disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least seventy (70) percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

"Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the project administrator by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

"Governing body" means the Town Board.

"Impervious surface" means any pavement or structural element that prevents rain, surface water runoff, or melting snow from infiltrating into the ground below, including, but not limited to, roofs and paved roads, driveways, and parking lots.

"In-fill area" means an undeveloped area of land located within existing development.

"Infiltration" means the entry of precipitation or runoff into or through the soil.

"Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadside channels designed for conveyance and pollutant removal only.

"Karst feature" means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

"Land-disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land-disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

"Maintenance agreement" means a legal document that provides for long-term maintenance of stormwater management practices.

"MEP" or "maximum extent practicable" means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

"New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.

"Off-site" means located outside the property boundary described in the permit application.

"On-site" means located within the property boundary described in the permit application.

"Ordinary high water mark" has the meaning given in Section NR 115.03(6), Wis. Adm. Code.

"Outstanding resource waters" mean waters listed in Section NR 102.10, Wis. Adm. Code.

"Percent fines" means the percentage of a given sample of soil, which passes through a No. 200 sieve.

"Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

"Permit" means a written authorization made by the project administrator to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the state.

"Permit administration fee" means a sum of money paid to the project administrator by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

"Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

"Pollutant" has the meaning given in Section 283.01(13), Wis. Stats.

"Pollution" has the meaning given in Section 281.01(10), Wis. Stats.

"Post-construction site" means a construction site following the completion of land-disturbing construction activity and final site stabilization.

"Pre-development condition" means the extent and distribution of land cover types present before the initiation of land-disturbing construction activity; assuming that all land uses prior to development activity are managed in an environmentally sound manner.

"Preventive action limit" has the meaning given in Section NR 140.05(17), Wis. Adm. Code.

"Project administrator" means the Town of Burlington or their designee.

"Public right-of-way" means any road, alley, street, parking lot, sidewalk, plaza, mall, or pathway owned by or dedicated to a governmental unit.

"Recreational trail" means a path that is: (1) Distinctly set apart from a roadway, street, or sidewalk; (2) Designed for activities such as jogging, walking, hiking, bird-watching, bicycle riding, roller skating, or similar recreational activities not involving the use of motorized vehicles; and (3) Not a sidewalk according to Section 340.01(58), Wis. Stats.

"Redevelopment" means new construction, modification or replacement of older development.

"Regional flood" means the peak flow and peak elevation of water with a one percent probability of occurring during any one year, considering rainfall time and intensity patterns, rainfall duration, area distribution, antecedent moisture, and snow melt. The common misnomer, "one hundred (100) year flood or floodplain" implies a temporal element rather than a one in one hundred (100) random probability of the event.

"Responsible party" means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

"Runoff" means stormwater or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

"Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which: (1) Is designed or used for collecting water or conveying runoff; (2) Is not part of a combined sewer system; (3) Is

not draining to a stormwater treatment device or system; and (4) Discharges directly or indirectly to waters of the state.

"Site" means the entire area included in the legal description of the land on which the land-disturbing construction activity occurred.

"Stop work order" means an order issued by the project administrator, which requires that all construction activity on the site be stopped.

"Stormwater management plan" means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

"Stormwater management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

"Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

"Time of concentration" means the time period for the furthest runoff from the outlet of a watershed to contribute to flow at the watershed outlet.

"Top of the channel" means an edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve (12) percent continually for at least fifty (50) feet. If the slope of the land is twelve (12) percent or less continually for the initial fifty (50) feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

"TR-55" means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

"Type II distribution" means a rainfall type curve as established in the United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

"Water quality management" means the stormwater standards and duties established under the Clean Water Act, 33 U.S.C. 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.

"Waters of the state" has the meaning given in Section 281.01(18), Wis. Stats. (Ord. dated 3/24/05)

16.14.060 Technical standards

The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the requirements of this chapter:

- A.** Technical standards identified, developed, or disseminated by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.
- B.** Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the project administrator.
- C.** The most recent rainfall data available from the Southeastern Wisconsin Regional Planning Commission or more protective data shall be the basis for the analyses required by this chapter. (Ord. dated 3/24/05)
- D.** Technical Standards — Current DNR List. Notwithstanding subsections A through C of this section, the Town recognizes that the Wisconsin Department of Natural Resources updates its list of approved technical standards for post-construction stormwater management on an ongoing basis. The most current DNR-approved technical standards, as published on the DNR website under NR 151, shall be deemed acceptable for use under this chapter without requiring amendment to this ordinance. Where a newer DNR-approved method provides equivalent or greater protection than TR-55 or other methods referenced in this chapter, the project administrator may approve its use. (Added May 2026)

16.14.070 Performance standards

- A. Responsible Party.** The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- B. Plan.** A written stormwater quality and quantity management plan in accordance with Section 16.14.090 of this chapter shall be developed and implemented for each post-construction site.
- C. Requirements.** The water quality plan required under subsection B of this section shall include the following:
- 1. Total Suspended Solids.** BMPs shall be designed, installed, and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 - a. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty (80) percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an eighty (80) percent total suspended solids reduction to meet the requirements of this subsection.
 - b. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by forty (40) percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a forty (40) percent total suspended solids reduction to meet the requirements of this subsection.
 - c. For in-fill development under five acres that occurs within ten (10) years after the effective date of this chapter (February 2005), by design, reduce to the maximum extent practicable, the total suspended solids load by forty (40) percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a forty (40) percent total suspended solids reduction to meet the requirements of this subsection.
 - d. For in-fill development that occurs ten (10) or more years after the effective date of this chapter (February 2005), by design, reduce to the maximum extent practicable, the total suspended solids load by eighty (80) percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an eighty (80) percent total suspended solids reduction to meet the requirements of this subsection.
 - e. Notwithstanding subsections (C)(1)(a) through (C)(1)(d) of this section, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
 - 2. Water Quantity and Management of Peak Runoff.**
 - a. BMPs shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the regional flood and stream bank erosion rates.
 - b. These BMPs may be implemented on either a watershed basis or an individual site basis.
 - c. When implemented on a watershed basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional stormwater management plan, rather than subsection (C)(2)(d) of this section.
 - d. Unless otherwise provided for in this chapter, all land development activities subject to this chapter shall establish on-site management resources to control the peak flow rates of stormwater discharge from the site. Infiltration of stormwater runoff from driveways, sidewalks, rooftops, and landscaped areas shall be incorporated to the maximum extent technically and financially practical to provide volume control in addition to control peak flows. On-site management measures shall be used to meet the following minimum performance standards: (A) The peak flow rates of stormwater runoff from the development shall not exceed those calculated for the series of design storms specified in subsection (C)(2)(d) occurring under pre-development conditions. Discharge velocities must be nonerosive to discharge locations, outfall channels, and receiving streams. (B) At a minimum, post-development peak flow rates for the two-year and the ten (10) year rainfall events shall be controlled either at or below pre-development discharge rates and post-development peak flow rates for the one hundred (100) year rainfall events shall be controlled either at or below the twenty-five (25) year rainfall event pre-development discharge rates. (C) When the NRCS TR-55 method is used to calculate peak flow discharge rates and runoff volumes for the pre-development condition, NRCS curve numbers shall not exceed the following maximums for cropland areas — Hydrologic Soil Group A: 56; B: 70; C: 79; D: 83. (D) Stormwater discharges to wetlands may be appropriate when the increase or decrease in runoff

volumes do not negatively change the wetland functional values, assessed using a methodology acceptable to the Wisconsin Department of Natural Resources.

3. Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with this subsection, except as provided in subsections (C)(3)(e) through (C)(3)(g).

a. For residential developments, one of the following shall be met: (i) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least equal to the pre-development infiltration volume, based on an average annual rainfall, with no more than one percent of the project site required as an effective infiltration area; or (ii) Infiltrate twenty-five (25) percent of the post-development runoff from the two-year, twenty-four (24) hour design storm with a Type II distribution, with no more than one percent of the project site required as an effective infiltration area.

b. For nonresidential development, including commercial, industrial, and institutional development, one of the following shall be met: (i) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty (60) percent of the pre-development infiltration volume, based on an average annual rainfall, with no more than two percent of the project site required as an effective infiltration area; or (ii) Infiltrate ten (10) percent of the runoff from the two-year, twenty-four (24) hour design storm with a Type II distribution, with no more than two percent of the project site required as an effective infiltration area.

c. Pre-development condition shall be as specified in subsection (C)(3)(b)(ii).

d. Pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas before infiltration. Pretreatment options may include oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

e. Infiltration Exclusions: the following areas are prohibited from meeting the infiltration requirements: (i) Tier 1 industrial facility areas (NR 216.21(2)(a)); (ii) Storage and loading areas of tier 2 industrial facilities (NR 216.21(2)(b)); (iii) Fueling and vehicle maintenance areas; (iv) Areas within 1,000 feet upgradient or 100 feet downgradient of karst features; (v) Areas with less than three feet separation to seasonal high groundwater or bedrock (except roof runoff); (vi) Areas with less than five feet separation for industrial/commercial/institutional parking and arterial residential roads; (vii) Areas within 400 feet of a community water system well or 100 feet of a private well (for commercial/industrial/institutional or regional residential devices); (viii) Areas with contaminants of concern in the infiltration soil; (ix) Areas without qualifying soil fines percentage between the infiltration system and seasonal high groundwater.

f. Infiltration Exemptions — the following are not required to meet infiltration requirements: (i) Areas with soil infiltration rate less than 0.6 inches/hour; (ii) Parking areas and access roads under 5,000 sq. ft. for commercial/industrial development; (iii) Redevelopment post-construction sites; (iv) In-fill development areas less than five acres; (v) Infiltration areas when the soil is frozen; (vi) Roads in commercial, industrial, institutional, and arterial residential land uses.

g. Infiltration systems shall, to the extent technically and economically feasible, minimize pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit under Chapter NR 140, Wis. Adm. Code. The discharge from BMPs shall remain below the enforcement standard at the point of standards application.

4. Protective Areas.

a. Protective area means an area commencing at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, of the following minimum widths measured horizontally from the top of the channel or wetland boundary to the closest impervious surface: (i) Outstanding and exceptional resource waters, and wetlands in areas of special natural resource interest: 75 feet; (ii) Perennial and intermittent streams (per USGS 7.5-minute or county soil survey): 50 feet; (iii) Lakes: 50 feet; (iv) Highly susceptible wetlands (fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, forested wetlands, fresh wet meadows, shallow marshes, deep marshes, seasonally flooded basins): 50 feet; (v) Less susceptible wetlands: 10 percent of average wetland width, minimum 10 feet, maximum 30 feet; (vi) Concentrated flow channels with drainage areas greater than 130 acres: 10 feet.

b. This subsection applies to post-construction sites within a protective area, except those exempted under subsection (C)(4)(d).

c. Within protective areas: (i) Impervious surfaces shall be kept out to the maximum extent practicable; (ii) Where land-disturbing activity occurs and no impervious surface is present, adequate vegetative cover of at least 70 percent shall be established and maintained; (iii) BMPs such as filter strips, swales, or wet detention basins may be located in the protective area.

d. Protective area requirements do not apply to: (i) Redevelopment post-construction sites; (ii) In-fill development under 5 acres; (iii) Structures crossing or accessing surface waters (boat landings, bridges, culverts); (iv) Structures per Section 59.692(1v), Wis. Stats.; (v) Sites from which runoff does not enter the surface water, except as needed for bank stability.

5. Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed, and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

6. Swale Treatment for Transportation Facilities. Transportation facilities using swales for runoff conveyance and pollutant removal meet the requirements of this section if the swales are designed to the maximum extent practicable to be vegetated and to carry runoff for at least two hundred (200) feet with a flow velocity no greater than one and one-half feet per second based on a two-year, twenty-four (24) hour design storm. The project administrator may require other provisions on transportation facilities with average daily travel greater than 2,500 vehicles discharging to outstanding resource waters, exceptional resource waters, Section 303(d) impaired waters, or waters with targeted performance standards under NR 151.004.

D. General Considerations for On-Site and Off-Site Stormwater Management Measures. Natural topography and land cover features shall be preserved and used to the extent possible. Emergency overland flow shall be provided for all stormwater facilities. BMPs for water quantity management shall utilize, in order of preference: (1) Preservation of natural site features; (2) Preservation of existing natural streams and drainageways; (3) Minimization of new impervious surfaces; (4) Conveyance in open vegetated channels; (5) Structures providing both quantity and quality control (multi-site preferred); (6) Structures providing only quantity control (multi-site preferred). (Ord. dated 3/24/05)

E. Location and Regional Treatment Option. BMPs may be located on-site or off-site as part of a regional stormwater device within the same watershed. The project administrator may approve off-site measures where a stormwater management system plan approved by the Town covers the post-construction runoff, and the off-site facility is in place, adequately sized, and has a legally obligated entity responsible for long-term operation and maintenance. Where a regional treatment option exempts the applicant from on-site requirements, a fee reflecting an equitable share of land, design, construction, and maintenance costs shall be paid. (Ord. dated 3/24/05)

F. Alternate Requirements. The project administrator may establish stormwater management requirements more stringent than those set forth in this section if an added level of protection is needed to protect sensitive resources. (Ord. dated 3/24/05)

16.14.080 Permitting requirements, procedures, and fees

A. Approval Required. No responsible party may undertake a land-disturbing construction activity subject to this chapter without receiving a post-construction runoff approval letter from the project administrator prior to commencing the proposed activity.

B. Any responsible party desiring a post-construction stormwater management approval shall submit to the project administrator a stormwater management submittal according to the requirements of this chapter.

1. Unless specifically excepted, a stormwater management submittal must contain a stormwater management plan and a maintenance agreement.
2. The stormwater management plan shall be prepared to meet the requirements of Sections 16.14.070 and 16.14.090; the maintenance agreement shall be prepared to meet the requirements of Section 16.14.100; the financial guarantee shall meet the requirements of Section 16.14.110.

C. Review and Approval. The project administrator shall review any stormwater management plan submittal as follows:

1. Within twenty (20) business days of receipt of a complete submittal, the project administrator shall inform the applicant whether the plan and maintenance agreement are approved or disapproved.
2. If approved, the project administrator shall issue a stormwater runoff management approval letter.

3. If disapproved, the project administrator shall detail in writing the reasons for disapproval.
 4. The project administrator may request additional information. If additional information is submitted, the project administrator shall have fifteen (15) business days from receipt to inform the applicant of approval or disapproval.
- D. Stormwater Approvals.** All approvals issued under this chapter shall be subject to the following conditions:
- (1) The responsible party shall design and install all structural or identify nonstructural stormwater management measures in accordance with the approved plan;
 - (2) The responsible party shall notify the project administrator at least three business days before commencing work and within three business days upon completion;
 - (3) Practice installations shall be certified as-built and must pass a final inspection;
 - (4) The responsible party shall maintain all stormwater management practices until responsibility is transferred per the maintenance agreement;
 - (5) The responsible party consents to special assessment or charge against the financial guarantee for work by the project administrator to bring measures into conformance;
 - (6) The responsible party shall repair damage to municipal facilities caused by non-compliant runoff activities;
 - (7) The responsible party shall permit property access for compliance inspections;
 - (8) Where site development involves increases in peak rate or total volume of runoff, the project administrator may require legal arrangements with affected property owners.
- E. Approval Conditions.** Approvals may include reasonable and necessary conditions beyond those needed to meet performance standards, including a financial guarantee as provided in Section 16.14.110.
- F. Approval Duration.** Approvals shall be valid from the date of issuance through the date the project administrator notifies the responsible party that all stormwater management practices have passed the final inspection. (Ord. dated 3/24/05)

16.14.090 Stormwater management plan

- A. Plan Requirements.** The stormwater management plan required under Section 16.14.080(B) shall contain at a minimum the following information:
1. Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 2. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 3. Pre-development site conditions, including: (a) One or more site maps at a scale of not less than 1" = 100' showing: site location and legal description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours not to exceed two feet; topography and drainage network for contiguous properties; watercourses that may affect or be affected by runoff; flow path and direction for all stormwater conveyance sections; watershed boundaries; lakes, streams, wetlands, channels, ditches, and other watercourses; regional floodplain limits; location of wells and wellhead protection areas. (b) Hydrology and pollutant loading computations with all major assumptions stated and geographic areas clearly referenced to the required maps.
 4. Post-development site conditions, including: (a) Explanation of provisions to preserve natural topography and land cover to minimize changes in peak flow runoff; (b) Explanation of restrictions imposed by wellhead protection plans; (c) Site maps showing post-construction conditions including pervious areas, impervious surfaces, topographic contours, drainage network, drainage easements, maintenance easements, flow paths, stormwater management practice locations and types, conveyance system routing to the nearest adequate outlet, watershed boundaries, and any changes to watercourses; (d) Hydrology and pollutant loading computations for each discharge point; (e) Results of soil and groundwater investigations; detailed drawings of all permanent stormwater conveyance and treatment practices.
 5. A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 16.14.070.
 6. A maintenance plan developed for the life of each stormwater management practice including required maintenance activities and schedule.
 7. Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

8. Other information requested in writing by the project administrator to determine compliance with this chapter.
9. All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer.

B. Alternate Requirements. The project administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 16.14.070(E). (Ord. dated 3/24/05)

16.14.100 Maintenance agreement

A. Maintenance Agreement Required. The maintenance agreement required under Section 16.14.080(B) for stormwater management practices shall be an agreement between the Town of Burlington and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

B. Agreement Provisions. The maintenance agreement shall contain the following information and provisions: (1) Identification of the stormwater facilities and designation of the drainage area served; (2) A schedule for regular maintenance of each aspect of the stormwater management system; (3) Identification of the responsible party(s) or organization responsible for long-term maintenance; (4) Requirement that the responsible party maintain stormwater management practices in accordance with the schedule; (5) Authorization for the project administrator, its designee and Racine County to access the property to conduct inspections; (6) Agreement that the responsible party for long-term maintenance shall be notified of maintenance problems and shall undertake corrective actions within a reasonable time frame set by the project administrator; (7) Authorization for the project administrator to perform corrective actions if the responsible party does not make required corrections, with costs entered on the tax rolls as a special charge pursuant to Subchapter VII of Chapter 66, Wis. Stats. (Ord. dated 3/24/05)

16.14.110 Financial guarantee

A. Establishment of the Guarantee. The project administrator may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the project administrator. The financial guarantee shall be in an amount determined by the project administrator to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the project administrator the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party.

B. Conditions for Release. Conditions for the release of the financial guarantee are as follows:

1. The project administrator shall release the portion of the financial guarantee, less any costs incurred by the Town of Burlington to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The project administrator may make provisions for a partial pro-rata release based on the completion of various development stages.
2. The project administrator shall release the portion of the financial guarantee to assure maintenance of stormwater practices, less any costs incurred by the Town of Burlington, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement. (Ord. dated 3/24/05)

16.14.120 Reserved

Reserved.

16.14.130 Enforcement

A. Any land-disturbing construction activity or post-construction runoff initiated after the effective date of the ordinance codified in this chapter by any person subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.

- B.** The project administrator shall notify the responsible party of any noncomplying land-disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, or additional enforcement action which may be taken.
- C.** If the violations are likely to result in damage to properties, public facilities, or waters of the state, the project administrator may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the project administrator plus interest and legal costs shall be paid by the responsible party.
- D.** If the project administrator determines that any person is in violation of this chapter or a stormwater permit, the authority may issue a notice of violation, a stop work order, a cease and desist order, or revoke the permit, or refer the noncompliance to the Town Attorney for civil enforcement, penalties, injunctive orders or other appropriate relief.
- E.** Every violation of this chapter is a public nuisance. Any person who violates this chapter shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.
- F.** When the project administrator determines that the holder of a permit has failed to follow practices or comply with schedules in a stormwater management plan, the project administrator may enter upon the land and perform the work necessary to bring the condition into conformance with the approved plan. Costs shall be deducted from any financial security posted pursuant to Section 16.14.110 or, where no security exists or is insufficient, entered on the tax roll as a special charge. (Ord. dated 3/24/05)

16.14.140 Appeals

- A.** Town Board. The Town Board shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the project administrator in administering stormwater quality or quantity duties arising from development. The board may authorize variances that are not contrary to the public interest, and where owing to special conditions unique to the property, a literal enforcement would be an unnecessary hardship.
- B.** Who May Appeal. Appeals to the Town Board may be taken by any aggrieved person or by an officer, department, board, or bureau of the Town of Burlington affected by any decision of the project administrator. (Ord. dated 3/24/05)

May 2026

Chapter 16.15

CONCEPTUAL PLAN

Amended May 2026

Sections:

- 16.15.010 Preconceptual meeting
- 16.15.020 Conceptual plan data
- 16.15.030 Conceptual plan review

16.15.010 Preconceptual meeting

Prior to submitting a conceptual plan or preliminary plat to the Plan Commission for review, a cost recovery agreement, on a form prepared and approved by the Town, must be signed and a pre-conceptual meeting must be held with the Town Engineer, the Town Planner and applicable town staff members. The meeting will address the land division feasibility, protection of existing natural features, the land division process, and required submittals. This pre-conceptual meeting satisfies the presubmission conceptual review required under § 236.105, Wis. Stats. Opinions and comments provided at the preconceptual meeting are not binding on the Town, the Plan Commission, the Town Board, or the subdivider.

Commented [BH13]: Or Town Planner. It is probably fine as is but if both of us sat in on their meeting and billed time they could point to this and say it only mentioned the Town Engineer.

16.15.020 Conceptual plan submittal requirements

The purpose of the conceptual plan is to receive initial feedback from the Plan Commission regarding the feasibility of the proposed land division. The conceptual plan should include the following:

- A.** An accurate property boundary from a property survey or site plan.
- B.** Adjacent highways, roads, and streets labeled on the plan.
- C.** All natural features, including but not limited to Primary Environmental Corridor, Floodplain, and Wetlands shown on the plan.
- D.** Proposed stormwater management facility areas, a primary focus being storm water infiltration areas.
- E.** Proposed connections to surrounding properties.
- F.** Proposed lot layout with minimum sizes.
- G.** Existing and, if applicable, proposed zoning classifications.
- H.** If the plan includes construction in phases, each phase shall be defined, and estimated start and finish dates shall be noted.

16.15.030 Conceptual plan review

Before submitting a conceptual plan for review, the petitioner shall prepare a conceptual plan complying with this title. The necessary applications, fees, and two (2) copies of the conceptual plan and any supporting information must be submitted to the Town Clerk at least twenty-one (21) days before the next Plan Commission meeting at which the matter is to be considered. An electronic copy in PDF format shall be submitted to the Town Clerk and Town Administrator simultaneously with any paper copies.

It shall be the subdivider's responsibility to post the town-supplied notification sign at least twenty-one (21) days prior to that hearing date.

The Town Engineer and the Town Planner will review the submitted conceptual plan and notify the subdivider when the conceptual plan is scheduled for a Plan Commission meeting. Following notice from the Town

Engineer or the Town Planner, copies of the conceptual plan and supplemental information must be submitted to the Town Clerk at least eight (8) days prior to the Plan Commission meeting, in such number as directed by the Town Clerk, together with an electronic copy in PDF format.

The conceptual plan does not receive an approval or denial from the Plan Commission or Town Board. The concept is presented solely for Town comment.

May 2026

Chapter 16.16

PRELIMINARY PLATS

Amended May 2026

Sections:

- 16.16.010 Preliminary plat submittal requirements
- 16.16.020 Street plans and profiles
- 16.16.030 Preliminary plat review for subdivisions
- 16.16.040 Preliminary plat approval for subdivisions
- 16.16.050 Replat
- 16.16.060 Assessor's plat

16.16.010 Preliminary plat submittal requirements

A. An application shall accompany the preliminary plat. It shall include, at a minimum, the following information:

1. A list of the names and addresses of all persons owning abutting property;
2. A list of improvements proposed to be installed;
3. A letter of financial stability or proper evidence of the applicant's financial capability to complete required improvements;
4. An estimate of the costs of the proposed improvements.

Commented [BH14]: This may be a bit too vague. Would a letter(s) of recommendation from a bank work?

B. A preliminary plat shall be required for all subdivisions and shall be signed, sealed and dated by a land surveyor registered in the state of Wisconsin. The plat shall be prepared on suitable materials of good quality capable of clearly legible reproduction at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face information required by § 236.12, Wis. Stats and the following:

1. Name under which the proposed subdivision is to be recorded;
2. Location of proposed subdivision by: government lot, quarter section, township, range, county and state;
3. Small location map orienting proposed division with nearest primary road(s);
4. Date, graphic scale, north arrow;
5. Names and address of the owner, subdivider and land surveyor preparing the plat;
6. Land contiguous to the proposed plat owned or controlled by the subdivider, even though only a portion of the area is proposed for immediate development;
7. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
8. Contours at vertical intervals of not more than two feet, but where ground slopes exceed ten (10) percent, five foot vertical intervals will be sufficient. Elevation shall be based on mean sea level datum;
9. Ordinary High water mark of all ponds, streams, lakes, flowages, and wetlands based upon mean sea level datum. Floodland and shoreland boundaries shall be delineated and the contour line lying a vertical distance of two feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five feet above the maximum flood on record or a known high water elevation;
10. Location and names of any adjacent developments and/or property along with the location, established and existing width of all roads and names of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way and easements, and all section and quarter section lines in the immediate area of the plat. The type, width and elevation of existing street

pavements within or adjacent to the proposed development together with any legally established centerline elevations referred to mean sea level;

11. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric power and telephone poles or underground installations, location and size of any existing water and gas mains within the area of the plat or adjacent thereto. If no sewers, water mains or other utility facilities are present, those which might be extended to serve the tract shall be indicated by their direction and distance from the tract, their size, and their invert elevation;
 12. Location of all existing property boundary lines, structures, drives, streams or water courses, marshes, wetlands, primary environmental corridors or isolated natural areas, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto;
 13. The scaled dimensions of all lots, proposed roadways, proposed open space dedications, drainageways, or other public use areas or other nonpublic uses that do not require lotting;
 14. Existing zoning on and adjacent to the proposed subdivision along with corporate limit lines;
 15. Proposed lake and stream access in the subdivision along with any improvement or relocation of the lake or stream;
 16. Soil types, slopes and boundaries as shown on the soil survey maps, prepared by the Natural Resources Conservation Service, U.S. Department of Agriculture and the location of soil borings with numerical cross reference to data;
 17. The location of the proposed conventional, mound or other private onsite septic treatment system for each lot as approved by Racine County Code Administration;
 18. The location of the proposed building envelopes in conformance with the planned zoning classification and existing site conditions;
 19. Vision corner easements per Section 16.28.020 D;
 20. Any additional information required by the Town Board or Town Engineer;
 21. Certification by the surveyor that the preliminary plat is an accurate representation of all matters required to be shown and that it fully complies with this title. (Ord. dated 7/27/95 § 6(1)).
- C. A preliminary stormwater management plan shall be prepared in accordance with Chapter 16.14 of this ordinance prior to submittal of a preliminary plat for review.
- D. Plats only need comply with those requirements in existence as of the date the preliminary plat is filed. This means that if a new ordinance is adopted, or an existing ordinance is amended, after a plat has been submitted, the new requirements shall not apply to the plat.
- E. GIS Data Submittal. In addition to the required plat drawings, the subdivider shall submit plat boundary, lot line, easement, and right-of-way data in a GIS-compatible digital format (ESRI Shapefile or geodatabase, or equivalent format approved by the Town Engineer) for integration into the Racine County land information system. The GIS data shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, NAD83. This requirement may be waived by the Town Engineer for minor land divisions of four or fewer lots where GIS submittal would be impractical. (Added May 2026)

16.16.020 Street plans and profiles

The subdivider shall prepare and submit street plans and profiles to the Town Engineer for recommendation and/or approval prior to submittal of the final plat. These plans and profiles shall show existing ground surface, proposed and established street grades and profiles, including extensions for a reasonable distance beyond the boundary of the proposed subdivision. If the subdivision is phased, the plans shall identify which street and utility improvements are included in each phase. (Ord. dated 7/27/95 § 6(2))

16.16.030 Preliminary plat review for subdivisions

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat complying with this title. The necessary applications, fees, and two (2) copies of the preliminary plat must be submitted to the Town Clerk and Town Administrator at least twenty-one (21) days before the next Plan Commission meeting at which the matter is to be considered. An electronic copy in PDF format shall be submitted to the Town Clerk and Town Administrator simultaneously with any paper copies. Within ten (10) business days after

submittal, the Town shall determine whether the application is complete. If incomplete, the applicant shall be notified in writing of the missing items. The official review period shall commence upon filing of a complete application.

It shall be the subdivider's responsibility to post the town-supplied notification sign at least twenty-one (21) days prior to that hearing date.

The Town Staff will review the submitted preliminary plat and notify the subdivider when the preliminary plat is scheduled for a Plan Commission hearing. Following notice from the Town Staff, copies of the preliminary plat must be submitted to the Town Clerk at least eight (8) days prior to the Plan Commission meeting, in such number as directed by the Town Clerk, together with an electronic copy in PDF format.

If the applicant submits a substantially revised preliminary plat, determined by the Town Engineer, after staff or Plan Commission review, the Town may require a revised application, additional review fees, and rescheduling for a future Plan Commission meeting.

The Town Board is the approving authority and shall receive a recommendation from the Plan Commission. Failure of the Town Board to act within ninety (90) days of filing of a plat shall constitute an approval, consistent with § 236.11, Wis. Stats. The Plan Commission shall include in its recommendation a written finding of consistency or inconsistency with the Town of Burlington 2050 Land Use Plan. (Ord. dated 7/27/95 § 6(2); amended May 2026)

16.16.040 Preliminary plat approval for subdivisions

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 of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission at the time of its submission. (Ord. dated 7/27/95 § 8(3))

16.16.050 Replat

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in this chapter. (Ord. dated 7/27/95 § 8(6))

16.16.060 Assessor's plat

Where it is not practicable to require that a plat of a subdivision created by successive divisions be filed in accordance with this title, the Town Board may, in lieu thereof, order an assessor's plat to be made under Section 70.27, Wis. Stats., and may assess the cost thereof as provided in such section or to the developer. Regardless of the type of plat filed, any such division shall comply with all provisions of this title to the extent that they may reasonably be applied. (Ord. dated 7/27/95 § 11)

Commented [C15]: Timing check for the Town: with the application deadline now anchored to the next Town Board meeting (21 days prior), the Plan Commission meeting and the sign-posting (21 days before the Plan Commission hearing) both fall inside that 21-day window. Please confirm this works with the actual Plan Commission / Town Board meeting cadence — if the Plan Commission hearing occurs fewer than 21 days before the Town Board meeting, the sign could not be posted in time. Options: (a) anchor sign-posting to the Town Board meeting as well; (b) state that the sign must be posted within a set number of days of submittal; or (c) keep as-is if the meeting schedule already provides the needed lead time.

Commented [BH16]: Not sure if we need this but figured I would include for discussion.

May 2026

Chapter 16.20 FINAL PLATS

Amended May 2026

Sections:

- 16.20.010 Final plat submittal requirements
- 16.20.020 Final plat review for subdivisions
- 16.20.030 Final plat approval for subdivisions

16.20.010 Final plat submittal requirements

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sections 236.15, 236.16, 236.20 and 236.21 of the Wisconsin Statutes and amendments thereto, this title, and applicable rules of the Wisconsin Department of Transportation (WisDOT) and the Department of Safety and Professional Services (DSPS). The final plat shall also be consistent with the approved preliminary plat in accordance with § 236.11(1)(b), Wis. Stats., and any conditions of preliminary plat approval. The final plat shall also include the following:

- A. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;
- B. Special restrictions as may be required by the Town Board or the county planning and development committee;
- C. Location of the soil absorption field if portions of the proposed lots would be unsuitable for a septic system;
- D. Floodland and shoreland boundaries and the contour line lying a vertical distance of one foot above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, a vertical distance of five feet above the elevation of the maximum flood of record;
- E. If the plan includes construction in phases, each phase shall be defined, and estimated start and finish dates shall be noted. Phased construction is permitted, as approved by the Town Board;
- F. Any additional information required by the Town Board. (Editorially amended during 2001 codification; Ord. dated 7/27/95 § 6(4))

16.20.020 Final plat review for subdivisions

The subdivider shall prepare a final plat complying with this title and any applicable state statutes and rules and county ordinances and any condition previously requested by the town.

Two (2) copies of the final plat must be submitted to the Town Clerk and Town Administrator at least twenty-one (21) days before the next Plan Commission meeting at which the matter is to be considered. An electronic copy in PDF format shall be submitted to the Town Clerk and Town Administrator simultaneously with any paper copies. Within ten (10) business days after submittal, the Town shall determine whether the application is complete. The review period under § 236.20, Wis. Stats., shall commence upon filing of a complete application.

It is the subdivider's responsibility to gain approval for any municipal extra-territorial jurisdictions.

The Town Staff will review the submitted final plat and determine if the final plat substantially conforms to the preliminary plat. The Town Staff shall give a recommendation for approval or denial of the final plat to the

town board, orally or in writing, and made part of the public record at the proceeding at which the final plat is being considered.

The Town Staff shall notify the subdivider when the final plat is scheduled for a Plan Commission hearing. Following notice from the Town Staff, copies of the final plat must be submitted to the Town Clerk at least eight (8) days prior to the Plan Commission meeting, in such number as directed by the Town Clerk, together with an electronic copy in PDF format.

The Town Board is the approving authority and shall receive a recommendation from the Plan Commission.

The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this and all ordinances, rules, regulations, land use plans and land use plan components which may affect it; and shall recommend approval, conditional approval or rejection of the plat to the Town Board. (Ord. dated 7/27/95 § 8(4); amended May 2026)

16.20.030 Final plat approval for subdivisions

- A. Submission.** If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat. The Town Board may extend the time for submission of the final plat as it may deem appropriate.
- B. Subdivision Development Agreement.** At the time of submission of the final plat to the Town Board, the subdivider shall submit the executed subdivision development agreement as required by this title.
- C. Within sixty (60) days of the date of filing the original final plat with the Town Clerk, the Town Board shall approve or reject such plat, unless the time is extended by agreement with the subdivider. 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. See § 236.20, Wis. Stats.**
- D. Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objection having been filed, the plat shall be deemed approved.**
- E. Recordation.** After the final plat has been approved by the Town Board, 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 register of deeds. The register of deeds cannot record the plat unless it is offered within twelve months from the date of the last approval and within 36 months of the first approval. A copy of the recorded plat, required restrictions, covenants, or easements, and developer's agreement, must be submitted to the Town Clerk. (Ord. dated 7/27/95 § 8(5))
- F. Bond or Security.** After approval of the final plat, but prior to the commencement of work, the developer shall establish a bond or other financial security per s. 236.13(2)(a)1, Wis. Stat., in an amount not to exceed one hundred twenty percent (120%) of the estimated cost of the project, as determined by the Town Engineer.

May 2026

Chapter 16.24

MINOR LAND DIVISIONS

Amended May 2026

Sections:

- 16.24.010 Requirements for minor land divisions
- 16.24.020 Survey map
- 16.24.030 Certified Survey Map review
- 16.24.040 Certified Survey Map approval

16.24.010 Submittal requirements for minor land divisions

- A. Certified Survey Map.** A certified survey map prepared by a registered surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wis. Stats. and this title.
- B. Additional Information.** The map shall show correctly on its face, in addition to the information required by Section 236.34 Wis. Stats., and the following:
1. All existing buildings, watercourses, drainage ditches, and other features pertinent to proper division;
 3. All lands being dedicated and/or reserved for future acquisition;
 4. Date, graphic scale, names and address of surveyor, owner and subdivider;
 5. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands;
 6. Floodland, shoreland, and wetland boundaries and the contour line at a vertical distance of two feet above the elevation of the one hundred (100) year recurrence interval flood or where such data is not available, at a vertical distance of five feet above the elevation of the maximum flood of record;
 7. Any additional information as may be required by the Plan Commission, Town Board, or Town Engineer.
- C. Certificates.** The surveyor shall certify on the face of the map that the survey has fully complied with all the provisions of this title. The town shall also certify its approval on the map. Dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(a), Wis. Stats. (Ord. dated 7/27/95 § 7)

Commented [RW17]: Should add wetland boundaries to the list.

16.24.020 Survey map

- A. Certified Survey Map Required.**
1. Any division of land which results in a minor land division shall be surveyed and a certified survey map thereof prepared at a graphic scale of not more than 100 feet to one inch, to be approved and recorded as required by this title. Upon application to the Town Board, this requirement may be waived in whole or in part, based upon the circumstances of each case. The Town Board may require one or more, but not all of the parcels created by the land division to be surveyed.

16.24.030 Certified Survey Map review

- A. Before submitting a Certified Survey Map for approval, the subdivider shall prepare a Certified Survey Map complying with this title.**

The necessary applications, fees, and two (2) copies of the Certified Survey Map must be submitted to the Town Clerk and Town Administrator at least twenty-one (21) days before the next Plan Commission meeting at which the matter is to be considered. An electronic copy in PDF format shall be submitted to the Town Clerk and Town Administrator simultaneously with any paper copies. Within ten (10) business days after

submittal, the Town shall determine whether the application is complete. The review period shall commence upon filing of a complete application.

It shall be the subdivider's responsibility to post the town-supplied notification sign at least twenty-one (21) days prior to the meeting date.

The Town Staff will review the submitted Certified Survey Map and notify the applicant when the Certified Survey Map is scheduled for a Plan Commission meeting. Following notice from the Town Staff, copies of the Certified Survey Map must be submitted to the Town Clerk at least eight (8) days prior to the Plan Commission meeting, in such number as directed by the Town Clerk, together with an electronic copy in PDF format. (Amended May 2026)

16.24.040 Certified Survey Map approval

- A.** The Town Board is the approving authority and shall receive a recommendation from the Plan Commission. Failure of the Town Board to act within ninety (90) days of filing of a Certified Survey Map shall constitute an approval.
- B.** The Town Board shall approve, approve conditionally or reject such map within ninety (90) days from the date of filing of the map unless the time is extended by agreement with the applicant. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the map.
- C.** Recordation. The developer shall record the map with the register of deeds within six (6) months of its approval. Costs of recording shall be borne by the developer. A copy of the recorded certified survey map must be submitted to the Town Clerk. (Ord. dated 7/27/95 § 8(7))

May 2026

Chapter 16.28

DESIGN STANDARDS FOR STREETS

*Amended May 2026***Sections:**

- 16.28.010 Design standards
- 16.28.020 Intersection design
- 16.28.030 Construction standards
- 16.28.040 Final asphalt surface
- 16.28.050 Transfer of private roads to the Town [NEW]
- 16.28.060 Private street standards [NEW]

16.28.010 Design standards

All land division improvements and designs shall at a minimum conform to the standards set forth in this chapter and other applicable statutes, rules, regulations and ordinances relating to standards.

A. General Consideration.

1. Arrangement. In any new land division, the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan, or the component neighborhood development plan of the governmental unit. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and vegetative growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The division shall be designed so as to provide each lot with satisfactory access to a public street or a Town Board-approved private street meeting the standards of Section 16.28.060. Residential developments shall be served by internal collector or minor streets rather than by direct multiple individual lot access onto town, county, or state highways, consistent with the Town of Burlington 2050 Land Use Plan Transportation Policy 3. Where a proposed subdivision abuts undeveloped land that may be further subdivided in the future, the street layout shall include stub streets or reserved rights-of-way of not less than sixty-six (66) feet to the boundary of the adjacent parcel to provide for future connections, consistent with Land Use Plan Transportation Policy 4.
2. Construction Standards. All streets to be constructed shall conform to the construction standards as required by the Town Board standards.

B. Street Classification.

1. Arterial streets: provide for efficient safe and direct connection to, or separation of, neighborhoods; for circulation to destination outside the residential area.
 - a. Where a division abuts or contains an existing or proposed major highway of primary classification the Town Board may require a frontage road or a non-access reservation along the property contiguous to such highway, or other treatment as may be necessary for adequate protection of residential properties and to separate minor and arterial traffic.
 - b. Where the proposed division abuts the arterial street, the width, as required, shall be dedicated. If the division abuts only one side of the arterial one-half of the width as required shall be dedicated. Where the division abuts both sides of the arterial, the entire width as required shall be dedicated.
2. Collector streets: provide for circulation to serve local traffic moving between minor streets and arterial streets.
3. Minor streets: provide access and service to abutting properties.

- 3a. Private streets:** privately owned and maintained streets approved by the Town Board under Section 16.28.060, providing access to abutting properties within a land division. Private streets are not dedicated to or maintained by the Town and are the sole maintenance responsibility of the property owners served. See Section 16.28.060 for standards and approval requirements.
- 4. Cul-de-sac.** Cul-de-sac shall normally not be longer than one thousand, two hundred (1,200) feet, except where topographical and particular conditions warrant an extension and will be subject to approval of the Plan Commission and the Town Board. The closed end shall have a paved turning diameter of a clear ninety (90) feet and a right-of-way diameter of one hundred fifty (150) feet.
- 5. Alley.** Alleys shall be provided in commercial and industrial districts except that the town may waive this requirement where other provisions are made for service access such as off-street loading and parking adequate for the uses proposed. Alleys shall be prohibited in residential areas unless necessary because of exceptional circumstances. Dead end alleys shall be avoided. Alleys shall have a minimum width of thirty (30) feet.
- 6. Half-Streets.** Half-streets are streets which are only a portion of the required width and are usually platted along property lines. These half-streets shall be prohibited except where it is deemed essential for reasonable development in conformity with the other requirements of these regulations and where the Town Board finds it will be practical to require the dedication of the other half when the adjoining property is subdivided; the other half of the street shall be platted within such tract.
- C. Width.** The right-of-way of all streets shall be no less than sixty-six (66) feet. Pavement widths for minor streets shall be no less than two (2) eleven (11') foot paved driving lanes with five (5) foot shoulders on both sides of the pavement. Right-of-way and pavement widths for collectors and arterials will be as required by the Town Board.
- D. Grades.** The Wisconsin Facilities Development Manual shall define the maximum allowable changes in grade without vertical curves and vertical curve geometry based on the design speed of the roadway.
- E. Sight Distance.** Proper sight distances must be provided with respect to both horizontal and vertical alignment as per Procedure 11-10-5 of the State of Wisconsin Facilities Development Manual.
- F. Curves.** The Wisconsin Facilities Development Manual shall define the maximum deflections of a roadway without a horizontal curve based on the design speed of the roadway.
- G. Street Names.** Street names shall be required for all proposed public streets and shall not duplicate or be confused with the name of an existing street within the town or the same zip code. Streets that are extensions, or that are proposed to be aligned with existing named streets, must bear the names of these streets. Street signs shall be required at all intersections. Their location and design shall be coordinated with the Town Highway Superintendent and the Town Engineer. (Ord. dated 6/13/96; Ord. dated 7/27/95 § 10(1))
- H. Drainage Facilities.** Roadside drainage facilities must be designed to convey the storm water runoff from a twenty-five (25) year reoccurrence level storm. Crossing culverts and driveway culverts within a subdivision shall be a minimum of fifteen (15) inch diameter pipe, or as required by the Town Highway Superintendent or Town Engineer; this standard is intentionally more restrictive than the twelve (12) inch minimum applicable to individual non-subdivision driveway permits under Chapter 12.14. Culverts shall be installed with at least sixteen (16) inches of cover from the top of the pipe to the finished road grade. Culvert material shall be galvanized steel or as required by the Town Highway Superintendent or Town Engineer. Driveway construction within any town road right-of-way, including material requirements and surface type restrictions, is also governed by Chapter 12.14 of this Code.

Commented [RW18]: Defer to Jake on this but in another one of my communities they prefer 90' diameter max since that can accommodate large vehicles and minimizes maintenance time. Cul-de-sacs larger than 90' tend to chew up plowing time.

Commented [RW19]: Revise to: The Wisconsin Facilities Development Manual shall define the maximum allowable changes in grade without vertical curves and vertical curve geometry based on the design speed of the roadway."

Commented [RW20]: FDM 11-10-5 Lays out criteria for maximum deflection angles as well that has been vetted. Recommend revising to: The Wisconsin Facilities Development Manual shall define the maximum deflections of a roadway without a horizontal curve based on the design speed of the roadway."

16.28.020 Intersection design

- A.** Streets shall intersect at right angles and not more than two streets shall intersect at one point.
- B.** Intersections must be approached on all sides by grades not to exceed four percent for a distance of at least fifty (50) feet in length unless exceptional topography prohibits these grades.
- C.** The minimum edge of roadway turning radius at an intersection shall not be less than forty (40) feet.
- D.** Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections. Measured along the centerline, there shall be a clear sight triangle easement with sides as follows: state and federal highways, two hundred fifty (250) feet; arterials, one hundred fifty (150) feet; collectors, one hundred (100) feet. No building shall form an obstruction to the view.

- E.** If a proposed street is to intersect a town, county, or state highway and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the developer to correct the potential hazard through an agreement with the Town Board or to relocate the proposed entrance to a more suitable location.
- F.** The following distances between intersections must be observed:
- 1.** Minor and collector streets may not empty into state and federal highways at intervals less than one thousand (1,000) feet. They shall be in alignment with existing and planned streets entering the above highways from the opposite side.
 - 2.** If the intersections on minor and collector streets are not in alignment, the distance between streets opening up on opposite sides of any existing or proposed streets must be at least one hundred fifty (150) feet measured along the intersecting centerline. Where the streets enter on the same side, the intersection distance measured from the centerline shall be at least three hundred (300) feet. (Ord. dated 7/27/95 § 10(2); amended May 2026)

16.28.030 Construction standards

All streets and roads shall be constructed in conformance with those standards adopted by the town. The minimum standards of the State of Wisconsin Department of Transportation shall apply. Restrictions may also require the installation and/or improvement of curbs, sidewalks, gutters, storm drainage, sewers, etc. These improvements shall be constructed in accord with town requirements. (Ord. dated 7/27/95 § 10(3))

16.28.040 Final Asphalt Surface

Final surface asphalt cannot be installed over basecoat until at least one winter season has passed. (Ord. dated 9/11/08; amended May 2026)

16.28.050 Transfer of Private Roads to the Town [NEW]

Prior to the transfer of any private road or lane to the Town of Burlington for acceptance as a public street, the road or lane must meet all design and construction standards set forth in this chapter, including but not limited to right-of-way width, pavement width, grade, drainage, and sight distance requirements. The subdivider or road owner shall submit certification by a Wisconsin-licensed professional engineer that the road meets all applicable Town standards. The Town Board shall not accept any private road as a public street until such certification is received and the Town Engineer has confirmed compliance. See also Chapter 12.14 of this Code, which governs driveway and private road construction standards and establishes the requirement for roads to meet these standards prior to Town acceptance. (Added May 2026)

16.28.060 Private street standards [NEW]

The Town of Burlington recognizes that certain rural residential land divisions are best served by privately owned and maintained streets rather than dedicated public streets, particularly where topography, lot size, low traffic volumes, or the rural character of the area makes full public street dedication impractical. This section establishes standards for Town Board approval of private streets in land divisions.

- A.** Applicability. The Town Board may approve a private street as part of a preliminary plat or Certified Survey Map where the subdivider demonstrates that a private street is appropriate given the character of the development, the anticipated traffic volume, and the costs of public street construction relative to the number of lots served. Private streets are permitted to serve residential land divisions only. Commercial and industrial developments shall not use private streets.
- B.** Gravel Surface Option. Private streets may be constructed with a gravel surface provided all of the following conditions are met:
- 1.** The private street serves no more than eight (8) lots or fire numbers;
 - 2.** The gravel surface is constructed to a minimum roadbed width of twenty-two (22) feet with a minimum twelve (12) foot traveled way and five (5) foot gravel shoulders on each side;

3. The road base meets a minimum depth of eight (8) inches of compacted crushed aggregate, constructed on a properly graded and compacted subgrade, to the satisfaction of the Town Engineer;
 4. The grade aligns with the Town's driveway ordinance;
 5. Drainage is provided per Section 16.28.010 H; and
 6. The private street maintenance agreement, required under subsection F of this section, specifically addresses gravel surface grading, replenishment, and dust control obligations.
- C. Paved Surface Standard.** Private streets serving four (4) or more lots or fire numbers, or any private street where the Town Board determines that traffic volumes or safety warrant a paved surface, shall be paved with a minimum of three (3) inches of asphalt on a properly prepared aggregate base, consistent with the construction standards of Section 16.28.030, and shall comply with the minimum width standards of Section 16.28.010 C for minor streets.
- D. Design Standards.** All private streets, whether gravel or paved, shall comply with the following minimum design standards:
1. Right-of-way or easement width as required by the Town's driveway ordinance;
 2. Overhead clearance as required by the Town's driveway ordinance;
 3. Any bridge or structure on the private street meets the inspection, load-rating, and width standards of the Town's driveway ordinance;
 4. Grades, curves, sight distance, and intersection design shall conform to the applicable standards of Sections 16.28.010 and 16.28.020 to the maximum extent practicable given topographic constraints, as approved by the Town Engineer;
 5. Cul-de-sac turnarounds shall be provided at dead ends per the standards of Section 16.28.010 B.4; and
 6. Street name signs shall be posted at all intersections with public roads. Private street names shall not duplicate existing public or private street names within the same zip code. The name shall include a designation such as 'Private Road,' 'Private Lane,' or 'Private Drive' to distinguish it from public streets.
- E. Plat Requirements.** A private street approved under this section shall be shown on the plat or certified survey map as a numbered outlot labeled 'Private Street' with the easement width, centerline, and full geometry clearly delineated. The plat shall note the following on its face: '[Private Street Name] is a private street. It is not dedicated to or maintained by the Town of Burlington. Maintenance is the sole responsibility of the owners of lots served by this street pursuant to the recorded private street maintenance agreement.'
- F. Maintenance Agreement Required.** No private street shall be approved without a recorded private street maintenance agreement that:
1. Is prepared by a Wisconsin-licensed attorney and approved by the Town Attorney prior to final plat or CSM approval;
 2. Is recorded with the Racine County Register of Deeds and runs with the land, binding all current and future owners of lots served by the private street;
 3. Establishes a property owners association or similar entity responsible for street maintenance, or allocates maintenance responsibilities and costs among the lot owners in proportion to use or lot count;
 4. Specifies maintenance standards and frequency for the surface type (gravel replenishment and grading schedules for gravel streets; crack sealing, overlay, and pothole repair schedules for paved streets);
 5. Provides a funding mechanism, such as a reserve fund or assessment authority, sufficient to cover anticipated maintenance and reconstruction costs; and
 6. Addresses winter maintenance (snow removal) responsibilities.
- G. Financial Guarantee.** Prior to recording of the final plat or CSM, the subdivider shall provide a financial guarantee acceptable to the Town Board, in an amount equal to one hundred twenty percent (120%) of the Town Engineer's estimated cost of constructing the private street, to ensure completion of street construction to the approved standards. The guarantee shall be released by the Town Board upon certification by the Town Engineer that the private street has been constructed in compliance with this section.

Commented [RW21]: If the minimum grades requirement changes above this will have to change.

Commented [BH22]: Would private streets that have less than 8 lots provide paved surface even if not required by town board? Just want to make sure that this would also be included.

Commented [RW22R2]: Wondering if there should be a cap on number of lots allowed to have a single gravel access drive. Dust will be a concern as more vehicles traverse along a gravel driveway without any periods of rain.

Commented [BH23]: Would this be ROW if it is a private street?

Commented [BH23R2]: Maybe it could be an outlot specifically designed for road purposes only.

Commented [BH24]: Should include some language saying that the Town Engineer or Town Board may determine that a private road must be repaired if in unsafe condition or something along that lines. It is good to codify that the Town can require maintenance of the road somehow. It is somewhat touched on in subsection H but may want to work in additional language.

- H. Town Has No Maintenance Obligation.** Approval of a private street under this section does not obligate the Town of Burlington to maintain, repair, plow, or otherwise service the private street at any time. If a private street falls into disrepair and the owners fail to maintain it, the Town may, after written notice and opportunity to cure, cause the necessary work to be done and assess the costs against the benefited properties as a special assessment under Wisconsin Statutes, but is not required to do so.
- I. Transfer to Public Street.** A private street may be transferred to the Town for acceptance as a public street only if it meets all applicable design and construction standards for a public street under this chapter, including paved surface requirements, at the time of transfer. Gravel private streets must be upgraded to a paved surface before Town acceptance. See Section 16.28.050 and Chapter 12.14. The Town Board retains sole discretion to accept or reject any private street offered for transfer. (Added May 2026)

May 2026

Chapter 16.32

DESIGN STANDARDS FOR BLOCKS AND LOTS

Amended May 2026

Sections:

16.32.010 Design standards

16.32.010 Design standards

All land division improvements and designs shall at a minimum conform to the standards set forth in this chapter and other applicable statutes, rules, regulations and ordinances relating to standards.

- A.** The lengths, widths and shapes of blocks shall be determined by: provisions for building sites suitable to meet the needs of the type of use contemplated; zoning ordinance requirements pertaining to lot size and dimensions; needs for convenient access; limitation and opportunities of topography. Block lengths shall normally not exceed two thousand (2,000) feet, or be less than six hundred (600) feet in length.
- B.** The dimensions of the lots must conform to any applicable zoning ordinance. Corner lots shall be twenty (20) percent wider than the minimum width as required for lots less than one hundred fifty (150) feet in width. Where the required minimum average width of lots is one hundred fifty (150) feet or greater, corner lots shall not be required to be increased in width.
- C.** Road frontage and access for unsewered lots shall be governed by Section 16.12.030 of this title, which establishes minimum frontage standards, frontage alternatives, generally prohibits flag lots, and provides a special circumstances waiver process. (Amended May 2026)
- D.** Lot lines shall be at right angles or radial to the street lines. Double frontage shall be avoided except where essential to provide separation of the development from traffic arteries or to overcome particular topographic or orientation disadvantages. Where residential lots abut a commercial or industrial district, additional depth shall be provided for the lot in an amount equal to at least twenty (20) percent of the minimum depth which would normally be required. All lots shall be designed with a suitable proportion between width and depth. Neither long narrow nor wide shallow lots are normally desirable. Depth of lots shall not be less than one hundred fifty (150) feet. (Editorially amended during 2001 codification; Ord. dated 6/13/96; Ord. dated 7/27/95 § 10(4); amended May 2026)

May 2026

Chapter 16.36 REQUIRED IMPROVEMENTS

Sections:

- 16.36.010 Dedication and installation of improvements
- 16.36.020 Fire protection
- 16.36.030 Survey monuments

16.36.010 Dedication and installation of improvements

A. The Town Board may require the developer to dedicate and install public improvements as follows:

Such improvements must be completed within the time required by the Town Board following plat approval. Consistent with § 236.13(2)(am)1., Wis. Stats. (as amended by 2025 Wis. Act 68, effective July 1, 2026), the Town may require the subdivider to agree to install public improvements and to provide financial security ensuring installation within a reasonable time after approval, but the Town may not require the installation or acceptance of public improvements as a condition of submitting, reviewing, approving, or recording a preliminary or final plat. The public improvements required shall be as follows where appropriate to the circumstances of the development:

1. Street grading;
2. Street pavement and right-of-way;
3. Concrete curb and gutter;
4. Pedestrian ways;
5. Sanitary sewer system — septic system;
6. Water supply and treatment facilities;
7. Fire storage or supply facilities;
8. Drainage system and easements for the development;
9. Street lighting;
10. Street name signs;
11. Street trees and landscaping (every tree removed — two planted);
12. Guard rails, protective fencing and barricades;
13. Erosion control for the development;
14. Survey monuments;
15. Lot grading, drainage and erosion control;
16. Utility company services and easements to the utilities above or below ground as required by the Town Board.

B. Improvement Standards. Public improvements shall be installed in accord with specifications as adopted by the Town Board and shall be subject to the requirements, inspection and approval of the Town Board, Town Engineer, utilities and other agencies having the power of approval.

C. Improvement Plans and Specifications. The divider shall apply to the Town Board for the preparation by the Town Engineer or his representative of plans and specifications for the public improvements required. The Town Board, in lieu of the foregoing shall require that the divider cause to have prepared any such plans or specifications by a Wisconsin Registered Professional Engineer in accord with town standards and subject to the approval of the Town Engineer and Town Board. Plans and specifications for other improvements shall be provided by the divider in such form as approved by the Town Engineer.

D. Partial Improvement. In all instances where it shall appear to the satisfaction of the Town Board that the whole of a land division cannot immediately be fully improved for some good reason or cause, the Town Board may authorize the divider to proceed with the installation of improvements required under this chapter on a portion or part of the parcels. In such event, the requirements of this chapter shall apply to that portion or part authorized for immediate improvement and later to the remainder of the land division. (Ord. dated 7/27/95 § 5(4))

16.36.020 Fire protection

A. The developer of any residential, commercial or industrial subdivision or minor land division or planned development shall provide and dedicate the following facilities and improvements which must be installed or provided within the time established by the Town Board: a well, cistern, tank, dry hydrant or other device suitable to the needs of the fire department as determined by the Town Board, sufficient to provide a supply of water for fire protection purposes for the development planned for that site. (Editorially amended during 2001 codification; Ord. dated 7/27/95 § 5(2))

16.36.030 Survey monuments

The developer shall install survey monuments in accordance with the requirements of Section 236.15, Wis. Stats. (Ord. dated 7/27/95 § 10(6))

May 2026

Chapter 16.40

OPEN SPACE AND PUBLIC FACILITIES

Amended May 2026

Sections:

- 16.40.010 Requirements for all land divisions
- 16.40.020 Open space and neighborhood recreational areas
- 16.40.030 Reservation for public purposes
- 16.40.040 Easements

16.40.010 Requirements for all land divisions

All land divisions, whether by certified survey map or by subdivision, shall comply with all provisions of Chapter 236, Wisconsin Statutes, all applicable state agency rules and regulations and all applicable county and town ordinances and shall comply with the requirements of this chapter and this title. (Ord. dated 7/27/95 § 5 (part))

16.40.020 Open space and neighborhood recreational areas

Applicability. The provisions of this section shall apply to all new development with a residential component that is subdivided by, or requires, a major subdivision plat or a Certified Survey Map (CSM), including the replatting of a recorded subdivision. The provisions of this section shall not apply to: (1) lot line adjustments, lot combinations, or retracement Certified Survey Maps where no new residential dwelling unit is created; (2) any land division that contains no residential component; (3) property zoned for agricultural use under the Racine County Zoning Ordinance; or (4) development for which the Town Board grants credit for existing lots, or for development projects that have already received Town approval. (Added May 2026)

- A.** The Town Board may require the developer to provide appropriate area and facilities to serve the recreational needs of the immediate neighborhood in the form of "tot lots," greenways with pedestrian walkways and bicycle paths, small open spaces of meadow or woods, plazas, water courses or ponds. The Town Board may also require the developer to provide open spaces in the form of undeveloped woods, meadow, marsh or water, pasture or cropland, golf courses, riding trails, or ski hills or similar uses consistent with the preservation of open space for its aesthetic and ecologic value to the community.
- B.** The minimum amount of open space and neighborhood recreational space required depends on the lot size in the development and shall be provided at no less than the following amount of land per dwelling unit: for one-half (1/2) acre lots, 0.10 acre (ten percent of an acre) per dwelling unit; for one (1) acre lots, 0.08 acre (eight percent of an acre) per dwelling unit; and for lots of three (3) acres or more, 0.04 acre (four percent of an acre) per dwelling unit.
- C.** Such open space and neighborhood recreational space may be retained as private common lands or may be dedicated to the public with the consent of the Town Board. In the case of private ownership, the protection of such reservation and provision for care and maintenance shall be assured as provided below.
- C-1.** **Fee in Lieu of Dedication.** As an alternative to land dedication, the Town Board may accept a fee in lieu of open space dedication, provided that: (1) the fee bears a rational relationship to the need for park and open space facilities generated by the development; (2) the Town has prepared a public facilities needs assessment supporting the fee; and (3) the fee amount has been established by resolution of the Town Board after a public hearing. Fee-in-lieu payments shall be deposited in a separate, segregated, interest-bearing account and expended only for the acquisition or initial improvement of parkland or open space serving the development. Any fee not expended within seven (7) years of collection shall be refunded, with interest, to the current owner of the property for which the fee was paid. (Added May 2026)
- D.** Open Space Easements and Care And Maintenance Provisions.

Commented [BH25]: Is this relevant to remain Ch. 16.40? If it is mentioned earlier in the chapter, then consider removing.

Commented [BH25R2]: At a minimum, it would make sense to mention something along the lines of "All land divisions, whether by certified survey map or by subdivision, shall comply with the requirements of this chapter and this title." But I find this interesting to require for CSM's as well. If anything you could consider requiring the fee in lieu of dedication for all new residential CSM's.

Commented [BH26]: I don't love the word "shall" in this sentence. It could be swapped with the Town Board may require....

Commented [BH26R2]: The fee in lieu of dedication can be the alternative route but I still think you would want to consider changing language here.

Commented [BH26R3]: Here's an example of how applicability language could be changed from a different municipality :
Applicability. The provisions of this Article shall apply to all new development with a residential component where land is subdivided or requires a plat for a major subdivision, or Certified Survey Map (CSM), including the replatting of subdivisions. The provisions shall not apply to:
(a) Lot line adjustments, lot combinations, or retracement CSMs zoned single family residential.
(b) Lot line adjustments, lot combinations, or retracement CSMs where no new residential development is proposed.
(c) Property zoned RH-35 "Rural Holding" district.
(d) Development that contains no residential component.
(e) Development where the Common Council grants credit for existing development or existing lots where development projects have already been approved.

Commented [BH27]: I don't fully understand this paragraph and may be confusing for other users.

Commented [BH28]: I'd recommend removing the statute language and tailoring specifically for the Town.

1. If lands are set aside for recreational or open space purposes under private ownership, the area reserved shall be protected against additional building development by conveying to the town a permanent open space easement over such areas restricting them against additional future building or use except as is consistent with that of providing open space for the aesthetic, ecologic and recreational benefit of the community. Buildings or uses for recreational, cultural or other purposes compatible with this objective may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Plan Commission following approval of building, site, and operational plans.
2. The care and maintenance of private reservations shall be assured by establishment of an appropriate management organization such as a property owners association. The manner of assuring maintenance and assessing the cost thereof to individual properties shall be established in the bylaws for such organization and in correlated deed restrictions, and shall be included in the conditions of approval and recorded with the title for each property.
3. The care, maintenance and appropriate operation of open space reservations involving agricultural, recreational, or other use under individual private ownership, and not as common lands to the development shall be assured by appropriate covenants and agreements with the town. Such covenants and agreements shall be consistent with the specific situation, provide adequate assurance that the use in perpetuity shall be consistent with the purpose of preserving the area as open space.

E. Determination of Required Land Area.

1. The number of units of required land to be provided for the specific purpose as set forth in subsection B of this section, shall be one for each dwelling unit anticipated from the layout of the development.
2. In the case of multiple-family developments, the number of units shall be the maximum permitted under the zoning unless the number is specifically limited by the terms of a planned development.
3. In the case of a planned development the unit factor as related to the zoning district lot size shall be converted to an average density for the entire development and the nearest appropriate factor selected.
4. In the case of a minor division, the number of units required shall be only for the additional dwelling units resulting from the division, and any permanent residential units which have existed for at least one year prior to the date of the division shall be exempt.

F. Waiver. The Town Board may waive or reduce the open space and neighborhood recreational area requirements of this section, in whole or in part, upon recommendation of the Plan Commission and upon a finding that one or more of the following applies: (1) the development is of a size or type that does not generate a need for additional neighborhood open space or recreational facilities; (2) adequate open space or recreational facilities already serve, or are planned to serve, the development and its residents; (3) the strict application of these requirements would be impractical or would not serve the purposes of this section given the location, configuration, or character of the development; or (4) a fee in lieu of dedication under subsection C-1 more appropriately meets the open space needs generated by the development. Any waiver granted shall be stated in writing, shall set forth the reasons supporting it, and may be conditioned as the Town Board deems necessary to protect the public interest. (Added May 2026)

16.40.030 Reservation for public purposes

- A.** Where a development includes land indicated in whole or part as a site for a public school, park, recreation area, new highway, or other public use and any part of such land is not dedicated pursuant to the provisions of this subsection, it shall be reserved for the town, county or school district and such reservation may be released by the Town Board if it has not been accepted or developed within five years of recording the plat or map.
- B.** Any site so reserved may be used for any purpose, consistent with the zoning regulation, except that no permanent buildings or other improvements may be placed thereon unless a waiver is filed with the Town Board releasing it from any claim for the value of such improvements if the property is acquired for such public purpose. (Ord. dated 7/27/95 § 5(3))

16.40.040 Easements

- A.** Pedestrian easements or dedications, at least twenty (20) feet in width shall be required, where deemed necessary, to provide access to playgrounds, parks, schools, shopping centers, or other community facilities.
- B.** Utility easements shall be provided as may be deemed necessary by those utility companies having installations in the plat. The utility companies shall review all plats to determine whether easements will be necessary and where they should be required.
- C.** Where a division is traversed by a drainage way or stream, an adequate easement shall be provided as deemed necessary by the Town Board. The location, width, alignment and improvement of such drainage way or easement shall be subject to approval by 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, subject to review and approval by the Town Engineer. Where deemed necessary, the town may require these channels to be enclosed with pipe. (Ord. dated 7/27/95 § 10(5))

May 2026

Chapter 16.44 VARIANCES

Amended May 2026

Sections:

16.44.010 General requirements

16.44.010 General requirements

In any particular case where the applicant and/or developer can show evidence of exceptional topographic or other physical conditions which would cause an extraordinary hardship, the Town Board may vary and make exceptions to the provisions of this title to the extent deemed just and proper, so as to relieve such extraordinary hardship, provided such exception made or variance granted may be made or granted without detriment to the public good and without impairing the intent and purpose of the provisions of this title, or the desirable general development of the town in accordance with the official plan and County zoning ordinance, provided:

- A.** An application for any variance from these regulations shall be filed in writing simultaneously with the preliminary plat for the land division, or simultaneously with the Certified Survey Map application in the case of a minor land division, and such application shall explain in detail the reasons and facts supporting the request;
- A-1.** Extractive Use CSM Waiver. Consistent with the Town of Burlington Land Use Plan Extractive district policies, the Town Board may waive the Certified Survey Map requirement for a temporary extractive use (mining, quarrying, or similar activity) where: (1) the property has received Land Use Plan amendment approval designating the temporary extractive use; (2) the use is temporary and the property will revert to its prior land use designation upon completion of reclamation; and (3) no new permanent parcels or building sites are created by the extractive activity. The waiver shall be documented in writing and filed with the Town Clerk. Upon completion of reclamation, the Town Board shall administratively remove the extractive designation from the Land Use Plan. (Added May 2026)
- B.** In no event shall the requirement of filing and recording of the plat or map be waived;
- C.** Any exception made or variance granted shall be stated in writing and filed with the records of division setting forth the reasons which justified such exception or variation. (Ord. dated 7/27/95 § 9; amended May 2026)

May 2026

Chapter 16.48

FEES AND COSTS

Sections:

- 16.48.010 Fees by resolution
- 16.48.020 Review fee
- 16.48.030 Inspection fee
- 16.48.040 Guaranty bond — Financial security

16.48.010 Fees by resolution

The town shall, from time to time, create and update a resolution with respect to base fees for developers under this title. The Town Board shall review and, if necessary, update the fee resolution no less than once every two (2) years, with a review to occur in conjunction with the annual budget process. In conducting each review, the Town Board shall consider changes in construction costs, engineering fees, legal fees, and general inflation since the last fee update. (Ord. dated 8/14/03; amended May 2026)

16.48.020 Review fee

In addition to the foregoing fees, established by resolution, the developer shall also enter into a cost recovery agreement, by which the developer shall agree to reimburse the town for any and all costs associated with the review and drafting of plans, documents and a development agreement by the Town Engineer, Town Planner, Town Attorney, or other independent contractors of the town associated with the development. The cost recovery agreement shall be signed in conjunction with the initial preconceptual conference. (Ord. dated 8/14/03)

Commented [BH29]: If Town Planner is added to definitions, we should add here.

16.48.030 Inspection fee

The Town Board may condition final approval of any land division upon payment of the costs of any final inspection, and any outstanding costs subject to the cost recovery agreement. If all fees and costs have not been paid in full, the town may deny final approval until payment of the same. (Ord. dated 8/14/03)

16.48.040 Guaranty bond — Financial security

When the Town Board requires the installation of public improvements, final approval of any land division shall be conditioned upon the developer providing to the town a cash bond, letter of credit or other acceptable financial security sufficient to guarantee quality and adequate completion of the improvements, in an amount not to exceed 120% of the estimated cost of the project or phase of such project. The bond or other security may be subject to partial release, but in any event shall be released at the end of one year from the date the Town Board accepts all improvements. (Ord. dated 8/14/03)

May 2026

Chapter 16.52

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.52.010 Abrogation and greater restrictions
- 16.52.020 Interpretation
- 16.52.030 Violations
- 16.52.040 Penalties

16.52.010 Abrogation and greater restrictions

It is not intended by this title to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this title imposes greater restrictions, the provisions of this title shall govern. (Ord. dated 7/27/95 § 12)

16.52.020 Interpretation

In the interpretation and application of this title, the provisions of this title shall be held to be the 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. (Ord. dated 7/27/95 § 13)

16.52.030 Violations

It is unlawful to build upon, divide, convey, record or monument any land in violation of this title or the Wisconsin Statutes and no person shall be issued a building permit by the town authorizing the building on, or improvement of, any subdivision, minor division, or replat not of record until the provisions and requirements of this title have been fully met. The town may institute appropriate action or proceedings to enjoin violations of this title or the applicable Wisconsin Statutes. (Ord. dated 7/27/95 § 14)

16.52.040 Penalties

Any person who fails to comply with the provisions of this title shall upon conviction forfeit not less than one thousand dollars (\$1,000.00), nor more than five thousand dollars (\$5,000.00), and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in accordance with Chapter 1.20. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sections 236.30, 236.31 and 236.32, Wis. Stats. shall be available to the town. (Editorially amended during 2001 codification; Ord. dated 7/27/95 § 15; amended May 2026)

May 2026

Chapter 16.56 OTHER DEVELOPMENTS

Amended May 2026

Sections:

- 16.56.010 Purpose
- 16.56.020 Definitions
- 16.56.030 Scope
- 16.56.040 Compliance
- 16.56.050 Developer's agreement
- 16.56.060 Binding effect
- 16.56.070 Violation or non-compliance

16.56.010 Purpose

The purpose of this chapter is to govern the terms and conditions of larger developments or improvement of properties in the town, which are not already governed by this title. The Town Board believes it has a vested interest in ensuring quality and viable developments in the township, and wishes to regulate the terms and conditions of any such development, and to meet all of the purposes set forth at Section 16.08.010. (Ord. dated 9/25/03)

16.56.020 Definitions

- A. The definitions at Section 16.04.010 of the town are incorporated into this chapter.
- B. "Development" shall be utilized for all improvements subject to the terms of this chapter, as set forth below.
- C. "Public improvements" shall refer to and include any of the following: Public and private streets or sidewalks, surface and storm water drainage facilities, public utilities and grading. (Ord. dated 9/25/03)

16.56.030 Scope

This chapter shall govern any development, construction or improvement to real estate with a total estimated cost in excess of seven hundred fifty thousand dollars (\$750,000.00) or any development which shall include public improvements as defined herein. However, single-family residences and subdivisions, which are governed by another chapter in this title, are excluded. This chapter shall include and govern, but not be limited to, condominium developments, PUDs, multi-family housing, commercial developments and private recreational developments. The Town Board shall review and, if necessary, adjust the dollar threshold in this section no less than once every five (5) years to account for changes in construction costs. (Ord. dated 9/25/03; amended May 2026)

Commented [BH30]: I am sort of confused what this is reviewing. Is it a land division related to the reviews listed (i.e PUD) or just in general?

Commented [BH30R2]: It is just questionable whether it can/should be included in Chapter 16. But I am not an attorney.

16.56.040 Compliance

No person, firm, association or corporation shall develop or improve any property located within the jurisdictional limits of these regulations which results in a development with a value of more than seven hundred fifty thousand dollars (\$750,000.00) without first complying with the terms and conditions of this chapter. (Ord. dated 9/25/03)

16.56.050 Developer's agreement

Prior to issuance of any building permit or construction, a developer shall prepare and submit, for review by the Plan Commission and Town Board, a comprehensive developer's agreement, which shall include the following terms and conditions which will address the following topics:

- A. All improvements to the property;
- B. The layout of public and private streets or sidewalks;
- C. Surface and storm-water drainage;
- D. Grading, erosion and silt control;
- E. Landscaping and green space;
- F. Street signs and traffic control signs;
- G. Estimated completion of improvements and dedication of improvement;
- H. Guarantees of improvements, including repairs, maintenance and warranties;
- I. Financial guarantees for the improvements, including a cash deposit or letter of credit in an amount no less than one hundred twenty (120) percent of the estimated cost of such improvements;
- J. Building and occupancy permits;
- K. Easements, deed restrictions, shared and common area agreements, and any other restrictions on the property;
- L. Park and public site dedication;
- M. Cost recovery for the town;
- N. Insurance;
- O. Indemnification and liability; and
- P. Any other terms and conditions requested by the Plan Commission, the Town Board, Town Engineer, Town Attorney, Town Building Inspector or other representatives or employees of the town and other approving authorities. (Ord. dated 9/25/03; amended May 2026)

16.56.060 Binding effect

It is intended that any developer's agreement entered into between developer and the town shall be binding on the developer, its successors in interest, employees, representatives and assigns, including any purchasers of property located within the development. In order to ensure the binding effect, the developer's agreement shall be filed with the register of deeds of the county in which any of the property is situated. (Ord. dated 9/25/03)

16.56.070 Violation or non-compliance

In the event of any violation or non-compliance with the terms of the developer's agreement, the town shall have the right to enforce the same by such means as it deems appropriate, including bringing the development into compliance, the cost of which may be included as a special assessment on all owners of property in the development. (Ord. dated 9/25/03)

May 2026

Chapter 16.60

FINANCIAL SECURITY

Amended May 2026

Sections:

- 16.60.010 Purpose
- 16.60.020 Surety required
- 16.60.030 Reduction of surety
- 16.60.040 Use of proceeds
- 16.60.050 Failure to pay for improvements
- 16.60.060 Events of default
- 16.60.070 Town's rights upon default

16.60.010 Purpose

The Town of Burlington has an interest in ensuring that it does not bear the cost of private development. In order to guarantee the financial security of the developer, the following ordinance is established. As used in this chapter, 'Period of Guaranty' has the meaning set forth in § 16.04.010 of this title.

16.60.020 Surety required

As assurance of compliance with all of the requirements under this Chapter, the Developer shall file with the Town a Performance Bond, or Irrevocable Letter of Credit or escrow a cash deposit representing one hundred and twenty percent (120%) of the Town Engineer's estimate of the cost of improvements, which Performance Bond, Irrevocable Letter of Credit, or cash deposit shall be adjusted periodically so that at all times it equals or exceeds the total amount of improvement contracts entered into in accordance with this Agreement. The said Performance Bond, Irrevocable Letter of Credit, or cash deposit shall be filed with the Town Board prior to letting any improvement contracts hereunder and which Performance Bond shall be executed by the Developer, as principal, and a Surety Corporation duly licensed and authorized to do business under the Laws of the State of Wisconsin, as surety, that said Performance Bond shall be payable to the Town of Burlington and be conditioned upon the faithful performance of any and all services and labor furnished by the Developer. The surety shall specify that it shall remain effective until the Development is completed and all public improvements are approved and accepted by the Town. Failure to file such bond within ten (10) days after written demand shall result in the cessation of all development until such surety has been filed.

16.60.030 Reduction of surety

After the acceptance of any improvement by the Town, the amount which the Town is entitled to draw on the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow shall be reduced by an amount equal to ninety percent (90%) of the estimated cost of the improvement. At the request of the Developer, the Town shall execute a certificate verifying the acceptance of the improvement and waiving its right to draw on the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow to the extent of such amount. If the Developer is in default under this Agreement, the Developer shall have no right to such a certificate. Upon the acceptance of all of the improvements, the balance that may be drawn under the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow shall be available to the Town for ninety (90) days after expiration of the Period of Guaranty.

16.60.040 Use of proceeds

The Town shall use funds drawn under the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow only for the purposes of completing the improvements, correcting defects in or failures of the improvements, or the completion of any of the Developer's obligations under this Agreement.

16.60.050 Failure to pay for improvements

In the event the Developer fails to pay a Contractor the required amount for the improvement or services enumerated herein within thirty (30) days after being billed for each improvement of each stage, the Surety Corporation shall make the said payments to the Contractor upon five (5) days demand by the Town. Demand shall be by registered letter with a return receipt requested, addressed to the Surety Corporation at the address indicated on the Performance Bond. It is understood between the parties to this Agreement, that the billing for the improvements shall take place as the various segments and sections of said improvements are completed and certified by the Town Engineer, and accepted by the Town. However, thereafter the sequence and timing of the billing is to be entirely at the discretion of the Town.

16.60.060 Events of default

The following conditions, occurrences, or actions shall constitute a default by the Developer during the completion period:

- A.** Developer's failure to cure the defective construction of any improvement within the applicable cure period; or
- B.** Developer's failure to perform work within the Subdivision Plat for a period of more than sixty (60) consecutive days; or
- C.** Developer's insolvency, the appointment of a receiver for the Developer or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer; or
- D.** Foreclosure of any lien against the Property or a portion of the Property or assignment or conveyance of the Property in lieu of foreclosure.

The Town may not declare a default until written notice has been given to the Developer.

16.60.070 Town's rights upon default

When any event of default occurs, the Town may draw on the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow to the extent of the face amount of the credit less ninety percent (90%) of the estimated cost of all improvements theretofore accepted by the Town, as determined by the Town Engineer. The Town shall have the right to cure the default itself or contract with a third party to cure the defaults, and the Developer hereby grants to the Town, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing required improvements. Alternatively, the Town may assign the proceeds of the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow to a subsequent developer (or a lender) which agrees in writing to complete the unfinished improvements. In addition, the Town also may suspend Final Plat approval during which time the Developer shall have no right to sell, transfer, or otherwise convey lots or homes within the Subdivision or Condominium Plat without the express written approval of the Town or until the improvements are completed and accepted by the Town. These remedies are cumulative in nature; except that during the Period of Guaranty, the Town's only remedy shall be to draw funds under the Performance Bond, or Irrevocable Letter of Credit, or cash deposit in escrow. The provisions herein shall not affect the right of third parties who may have acquired lots in the subdivision prior to a default or their lenders.