STATE OF WISCONSIN
Town of Clear Creek
Eau Claire County
Ordinance # 7.9.24

SECTION 1 - TITLE/PURPOSE

The Title of this Ordinance is the Town of Clear Creek Land Division Ordinance, The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Clear Creek, Eau Claire County, Wisconsin, in order to accomplish the following purposes:

A. Promoting public health) safety, and general welfare of the Town of Clear Creek,
B. Supplementing County, State, and Federal controls to implement the Town Comprehensive Plan and other land use plans.
C. Minimizing public impact resulting from the division of large tracts into smaller parcels of land in the Town of Clear Creek.
D. Facilitating adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Clear Creek.
E. Enforcing goals and policies set forth in the Town Comprehensive Plan.
F. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Clear Creek.
G. Securing safety from fire, flooding, and other dangers in the Town of Clear Creek.
H. Promoting the rural and agricultural character of the Town of Clear Creek.
I. Regulating the development of and provide standards on condominiums, trailer parks, and multiple housing dwelling projects.
J. Providing for administration and enforcement of this Ordinance by the Town Board.

SECTION 2 - AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Clear Creek, to ss. 60.10 (2) (c), 61 .34 (1), 236.03, and 236.45, Wis. Statutes.

SECTION 3 - ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Clear Creek.

SECTION 4 - DEFINiTiONS

In this Ordinance, the following definitions shall apply:

A Certified survey or Certified Survey Map means a certified survey with a map of a minor land division of less than 5 acres prepared in accordance with sec. 236.34, Wis. Stats. A Certified Survey Map has the same legal force and effect as a division plat.
B. Multiple Housing Development means development from a land division in which dwellings and other buildings are grouped on a parcel of less than 5 acres. This includes trailer courts and land division for all condominiums or dwellings on parcels of land less than 5 acres in size within the Town of Clear Creek.
C. Condominium means a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis, A condominium is a legal form of ownership and not a specific building type or style.

D. Deed restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land

E Developer's Agreement means an agreement by which the local municipality and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality.

F. Land Divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.

G. Land Division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale for development or lease when the act of division creates two or more parcels, building sites, or dwellings inclusive of the original remnant parcel, any of which is 5 acres or less in area by a division or by successive division of any part of the original property, including any land division by a Cluster Development, a statutory Subdivision, a Minor Land division, a Condominium, Condominium Plat, Replat, Trailor Court, multiple housing developments, and any other land division. Any residual parcel from any division of land shall be included in the land division if said parcel is less than 5 acres in size.

H. Land Use Plan means the Town of Clear Creek Comprehensive Plan, adopted by the Town of Clear Creek, including any subsequent amendment.

I. Lot means a parcel of less than 5 acres used for a single family dwelling.

J. Natural Resources means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the Town.

K. Navigable Waters means any body of water, which is navigable under the laws of the State.

L. Parcel means contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.

M. Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.

N. Town means the Town of Clear Creek, Eau Claire County, Wisconsin.

O. Town Board means the Board of Supervisors for the Town of Clear Creek, Eau Claire County, Wisconsin and includes designees of the Board authorized to act for the Board.

P. Town Clerk means the Clerk of the Town of Clear Creek, Eau Claire County, Wisconsin.

Q. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Clear Creek under 66.1001 Wis. Stats.

R. Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed A restrictive covenant runs with the land and is binding upon subsequent owners of the property.

S. S. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 5- EXEMPTIONS

A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Clear Creek into less than 5 acre parcels, shall not apply to any of the following:

1 Transfers in interest in land by will or pursuant to court order.

2 Mortgages or easements.

3 The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size of 5 acres.

B. All of the following specific uses and activities are exempt from this ordinance:

1. Cemetery plats made under s. 157.07, Wis.Stats.
2. Assessor's plats made under s. 7017, Wis. Stats.

SECTION 6 - COVERAGE/COMPLIANCE

A. This Ordinance applies to all lands in the Town of Clear Creek. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority. The Town Board may seek information and advice from whatever sources they deem advantageous or necessary prior to taking decision action.

B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Clear Creek subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Statutory Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Eau Claire County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:

1 All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2 through 5 below, it is intended that the provisions of this Ordinance shall apply.
2 Chapter 236 Wis. Stats.
3 The Town of Clear Creek Comprehensive Plan adopted under s. 66.1001, Wis. Stats.
4 All applicable State and local sanitary codes.

C. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division approvals.

D. Any parcel in the Town of Clear Creek, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with s. 59.692, s 281 .31 , s. 236.45 Wis. Stats, Chapter 703 Wis. Stats., and any appropriate State Administrative Code provisions.

E. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Clear Creek in violation of this Ordinance or the Wisconsin Statutes.

F. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any dwelling construction, installation, or improvement on any land within the Town of Clear Creek, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.

G. No persons shall make, record, or replat of any land division, except as provided under s. 70.27 (1) Wis. Stats. if it alters acres dedicated to the public without proper Court action to vacate such plat, map, or part there.

SECTION 7 - SPECIFIC COMPLIANCE PROVISIONS

A All parcels, lots, multiple housing developments, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.

B. No land shall be issued a land division approval if the Town Board of the Town of Clear Creek determines that any proposed land division plat will materially interfere with other goals, objective, and policies as set forth in the Town Comprehensive Plan. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.

C, No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity or groundwater in the Town of Clear Creek.

D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use if deemed likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Clear Creek or likely to cause a public nuisance in the Town of Clear Creek. The Town Board may require any proposed land divider to furnish maps, data, and other information as may be necessary.

E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.

F. No person shall be issued any land division approval by the Town of Clear Creek who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Clear Creek.

G. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to ensure that the land divider will make these public improvements within a time established by the Town Board.

H. No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue land division are within the public right-of-way.

I. The Town of Clear Creek shall not be responsible, with respect to any final land division for any public improvements, [if applicable and shall not be responsible to accept any dedicated streets, roads} or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.]

J. No person shall be issued a final land division approval by the Town Board unless any proposed Town of Clear Creek roads have been specifically accepted for dedication approval by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and surface ditch inverts.

K No person shall be issued a final land division approval by the Town Board unless any natural gas, water, sewer, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or outlot in the proposed land division. In addition, plans including the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board every year.

L. No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless required curb and gutter with concrete sidewalk and lighting, as required by the Town Board, are installed with the plans and standard specifications for such structures approved by the Town Board. The cost of all curb, gutter, and sidewalk shall be borne by the land divider,

SECTION 9 - APPLICATION AND SKETCH MAP SUBMITTAL

A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of Clear Creek that will create a land division, including Minor Land Division, Replat, multiple housing development, or revision of an existing land division shall, prior to any submittal of any Preliminary Plat or map information, submit to the Town Clerk a Land Division Application, which may be obtained from the Town Clerk, with the appropriate fee and with all the following required attachments:

1.The name and address of the owner of the property and land divider.

2.The location and size of the property and the type of land division that is to be requested.

3 The names and addresses of all adjacent landowners.

4 A statement of intended use,

5 The name and address of the surveyor who will be doing the survey work.

6 The present use of the land.

7 The number and size of projected parcels, lots, and outlots upon a final land division.

8 Existing zoning and other land use controls on and adjacent to the proposed land division.

9 The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of Clear Creek.

B With any initial Land Division Application the land divider shall submit to the Town Clerk a sketch map at a scale of 1 inch = 200 feet or other appropriate scale. More than one attached sheet may be used but no sheet may be

larger than 8 1/4 x 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:

1 A north arrow, the date, the scale, and a reference to a section corner.
2 The approximate dimensions and areas of the parcels, lots, outlots, and easements.
3 The location and type of existing and proposed buildings and structures and uses, including any Cluster Development or Conservation Subdivision areas.
4 The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the land division.
5 The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
6 The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
7 The location of any slopes of 12% or greater.
8 The setback of building lines required by any approved agency.
9 The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to the navigable water, dedicated areas and utilities on/or adjacent to the land.
10 Setbacks for Building Requirements
   a. State Roads: 110 feet from centerline, 50 feet from right of way.
   b. County Roads: 83 feet from centerline, 50 feet from right or way.
   c. Town Roads: 63 feet from centerline, 30 feet from right of way.

C, The Town Clerk shall review for completion the initial Land Division Application and sketch map for completeness, including payment of applicable application fees. The Town Clerk shall thereafter notify the land divider by certified

mail if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification.

D. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Board for the appropriate meeting to review and consider the complete or incomplete Application and any preliminary approvals for land division.

E. The land divider or the land divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents, and sketch map to the Town Board for its consideration. Failure of the land divider or designee to attend the meeting or provide a complete Application may be used as grounds for the Town Board or Town Plan Commission to recommend denial of any later requested approvals for land division.

SECTION 10 - SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

A Prior to the submittal of the Statutory Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application noted in Section 9. The Statutory Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the Town Board for conformance and consistency with s 236,1 1 Wis. Stats., s 236.12 Wis. Stats., and this Ordinance, the Town Comprehensive Plan, and all other applicable Town of Clear Creek ordinances, rules, regulations, and plans.

B. A Statutory Subdivision Preliminary Plat shall be required for all proposed Statutory Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:

1. Title or name under which the proposed statutory subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
2. Property location of the proposed statutory subdivision by: government lot, quarter-section, townhip, range, County, and State;
3. A sketch showing the general location of the statutory subdivision within the U.S. Public Land Survey section, 4 Date, Graphic Scale, and North Arrow;
5 Names, addresses, and telephone numbers of the owners, land divider, and land surveyor prepared the plat;
6 The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purpose and intent of the Ordinance and severe hardship would result from the strict application;
7 Exact length and bearing of the exterior boundaries of the proposed Statutory Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
8 Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%] and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Veflical Datum of 1929 (mean seal level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
9 Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean seal level (1929) datum;
10 Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
11 Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
12 Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
13. Location and names of any adjacent Statutory Subdivisions} Minor Land Divisions, Certified Survey lots; unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
14, Location, size, and invent elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewer or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;
15. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the track being subdivided or immediately adjacent thereto;
16. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
17. Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers;
1 8. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church

sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat.

19. Approximate radii of all curves;
20, Existing zoning on and adjacent to the proposed Statutory Subdivision;
21 Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Statutory Subdivision in relation to the access;
22. Any proposed lake and stream improvements or relocation;
23 Soil types, slope and boundaries as shown on the detailed operational soil survey m maps prepared by the U.S. Soil Conservation Service,
24. Location of soil boring tests, where required by Section LHR 85.06 of the Wisconsin Administrative Code, made to a depth of at least six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
25. All environmental corridors and isolated natural wetlands as mapped by State, regional, or local agencies.
26. Al Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
27. The surveyor or engineer preparing the Statutory Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Statutory Subdivision and physical features and that he has fully complied with the provisions of the Ordinance;
28. The Town of Clear Creek, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Statutory Subdivision or otherwise entail an erosion and stormwater hazard,, may require the land divider to provide erosion and sediment control and stormwater management plans;
29. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the land divider intends to regulate land use in the proposed statutory subdivision and otherwise protect the proposed development. The covenant shall be subject to the review and approval of the Town of Clear Creek attorney as to form;
30. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication, On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
31 . Any wildlife habitat areas in addition to threatened or endangered species;
32, A detailed statement as to whether and how the proposed development is consistent with the Town of Clear Creek Comprehensive Plan.
33. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Clear Creek. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Statutory Subdivision preliminary plat;
34 The school district in which the development is located should be noted on the face of the preliminary plat.
35. Characteristics of vegetation;
36. Historic and cultural features;
37. Scenic vistas.

SECTION 11 - FINAL PLAT APPROVAL

A. The Statutory Subdivision Final Plat shall comply with 236.1 1 } 236.12, 236.20, 23621, and 236.25 Wis. Stats, its Statutory Subdivision final plat.

B. The Town of Clear Creek requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.

C, Prior to any request for any Statutory Subdivision Final Plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a Resolution from the Town of Clear Creek specifically stating that the Town of Clear Creek accepts from the land divider all lands shown on the plat as dedicated to the Town of Clear Creek for the public, including street or road dedications.

D. Prior to any request for the final Statutory Subdivision approval and recording of the Statutory Subdivision plat, the land divider shall seek and obtain a Resolution from the Town of specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Clear Creek under s. 236.293} Wis. Stats and by any Developer's Agreement and Developer's Schedule. The Town Board, by resolution, may later waive these restrictions or conditions.

SECTION 12 - DESIGN STANDARDS

Any Minor Land division or Statutory Subdivision shall meet the following design standards:

A. Street and Road Standards.

1 The land divider shall dedicate land for and to improve streets and roads in the Town of Clear Creek as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of Clear Creek. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities) land uses, and public convenience and safety.

2 All parcels, outlots, or lots shall have frontage on a public street or public road.

3 Street and road locations shall be consistent with any applicable Town of Clear Creek road or Town of Clear Creek Comprehensive Plan officials adopts by the Town Board Town road right-of-way widths, radii of curvature, and grades shall conform to standards in ss. 86.26 Wis. Stats.Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.

4 Minor public streets or roads shall be so laid out so as to discourage their use by through traffic.

6 The number of intersections of minor public streets or public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements, Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protection of residential properties,

7. A tangent at least 150 feet long shall be required between reverse curves on arterial and collector public streets and roads.

8. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.

9. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the land division in conformity with the other land requirements of this ordinance. Where a half street has been dedicated adjacent to a land division, the remaining half of the street shall be dedicated by the land divider of the adjoining land.

10. Permanent dead-end streets, roads, or cul-de-sacs shall not be longer than 100 feet, shall have a minimum width of 24 feet, and terminate with a turn-around having an outside roadway diameter of at least 40 feet and a street or road property line of 1 10 feet

11. Where possible, parcel, outlot, and lot lines shall be perpendicular to the public street or public road line, and to the tangent at the lot corner on curved public roads or public streets.

12. No public street or public road names shall be used which will duplicate or may be confused with the names of the existing streets or roads. Street or road manes shall be subject to the approval of the Town Board.

13. Alleys shall have a minimum roadway width of 24 feet.

B. Block and Lot Design and Improvements.

1 A block is a parcel of land bounded on at least one(l) side by a public street or public road and on the other side by natural or manmade barriers or unplatted land, The lengths, widths, and shapes of blocks shall be determined by the following

a. Building site needs.

b, Town of Clear Creek outlot, lot size, and dimensional requirements. The minimum parcel, outlot, and lot size requirements are: to be determined on a case by case basis.

c. Needs for convenient access, circulation, control, and safety or street traffic.

d. Limitations and opportunities of topography.

e, Block lengths shall normally not exceed 1320 feet, or be less than 660 feet in length, except cul-desacs and permanent dead-end public road or public streets, unless waived specifically by Resolution by the Town Board.

2 To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require for all land divisions that walkways and lighting be provided, either along public streets and public roads, or through the center of the blocks.

3 Double frontage lots for all land division plat shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.

4 Lighting, sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of Clear Creek shall be provided for each lot in accordance with specifications approved by the Town Board.

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SECTION 13 - MINOR LAND DIVISION

Any division of land less than 5 acres in size, other than a Statutory Subdivision as defined herein, shall be surveyed and a Certified Survey Map shall be prepared and recorded as provided in ss.236,34 Wis. Stats.

A, Prior to the preparation of the Map, the land divider shall submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section Nine (9) for a completeness determination by the Town Clerk, It shall be reviewed by the Town Board for preliminary approval to establish conformity and consistence with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis. Stats., the Town of Clear Creek Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules.

B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board or Town Plan Commission the land divider may proceed to have drawn a Certified Survey Map in accordance with ss 236.34 Wis. Stats. The land divider shall be required to dedicate any road right-of-way the Town of Clear Creek or the County deems necessary and shall be required to build the highway to the appropriate Highway Standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set forth in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.

C. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Board or the Town Plan Commission. That if so designated, within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the land divider or his or her agent, shall approve,

approve on condition, or reject the incomplete proposed Certified Survey Map as required in Section 12. If the Minor Land Division and Certified Survey Map are approved, a Resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds,

D. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the Town Board or Town Plan Commission, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under ss. 236.293 and ss, 235.45 Wis. Stats. and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.

E. Any Minor Subdivision shall meet the design standards noted in Section 13

SECTION 14 - EASEMENTS

A. The Town Board for any land division shall require rear or side outlot) parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board.

B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off to be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.

C. Private access easements for ingress and egress within any land division area shall be a minimum of 1 5 feet in width; excluding easements for lake access.

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SECTION 15 - COSTS OF APPLICATION REVIEW

A All Land Division Application and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Clear Creek fee schedule.

B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Clear Creek for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Clear Creek in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review by paid in advance.

SECTION 16 VARIANCES

A. The Town Board may grant variances because of exceptional or undue hardship from the provisions of this Ordinance, after public hearing with a Class I Notice of the hearing with written notice by U.S. mail to owners of adjoining lands.

B, The requirement of filing and recording the land division plat shall not be waived by the Town Board.

SECTION 17 - VIOLATIONS

A Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than $100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

1 Recordation improperly made carries penalties as provided in ss, 236.30 Wis. Stats.

2 Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in 236.31 Wis. Stats.

3 Monuments disturbed or not placed carries penalties as provided in ss. 236.32 Wis. Stats.

B. No person shall sell land in the Town of Clear Creek in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.

SECTION 18 - EFFECTIVE DATE

This ordinance is effective upon notice of publication and approval of the Town Board of Supervisors. The Town Clerk shall properly post or publish this ordinance as required under 60.80 Wis. Stats,

Adopted this day of July 09, 2024

Town Chairman

Town Supervisor

Michael Klotz
Town Supervisor

Carmen Dunham
Town Clerk