Title 16: Land Division Regulations

Title 16

LAND DIVISION REGULATIONS

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Chapter 16.00

INTRODUCTION

Sections:

16.00.010 Purpose
16.00.020 Determination of Requirements

16.00.010 Purpose

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

16.00.020 Determination of Requirements

In order to apply the correct requirements to both land divisions and subsequent development of said divisions, the Town hereby outlines the process for identifying the requirements.

Referring to Illustration 16.00.020, requirements are determined as follows:

A. Divisions that result in two (2) parcels that are each more than thirty-five (35) acres do not require the preparation or recording of a Certified Survey Map. Development of the property (i.e., construction of a house) must comply with the following requirements found in this Ordinance, as applicable:
   1. Construction (Chapter 16.24)
   2. Streets/Roads/Blocks/Driveways (Chapter 16.30)
   3. Stormwater Management/Erosion Control/Ponds (Chapter 16.40, Chapter 16.42 and Chapter 16.44)

B. Divisions that result in two (either under 35 acres), three or four parcels or building sites must comply with the following land division requirements found in this Ordinance:
   1. Minor Land Divisions (Chapter 16.10)
   2. Certified Survey Map (Chapter 16.12)

   Development of the property (i.e., construction of a house) must comply with the following requirements found in this Ordinance, as applicable:

   1. Construction (Chapter 16.24)
   2. Streets/Roads/Blocks/Driveways (Chapter 16.30)
   3. Stormwater Management/Erosion Control/Ponds (Chapter 16.40, Chapter 16.42 and Chapter 16.44)

C. Divisions that result in five or more parcels or building sites that are each three acres or less must comply with the following land division requirements found in this Ordinance as applicable:
   1. Traditional Subdivision Design (Chapter 16.20)
   2. Preliminary Plat (Chapter 16.22)
   3. Final Plat (Chapter 16.23)

   Development of the property (i.e., construction of a house) must comply with the following requirements found in this Ordinance, as applicable:

   1. Construction (Chapter 16.24)
   2. Streets/Roads/Blocks/Driveways (Chapter 16.30)
   3. Stormwater Management/Erosion Control/Ponds (Chapter 16.40, Chapter 16.42 and Chapter 16.44)

D. Divisions that result in dwelling units being clustered on twenty (20) or more acres must comply with the following

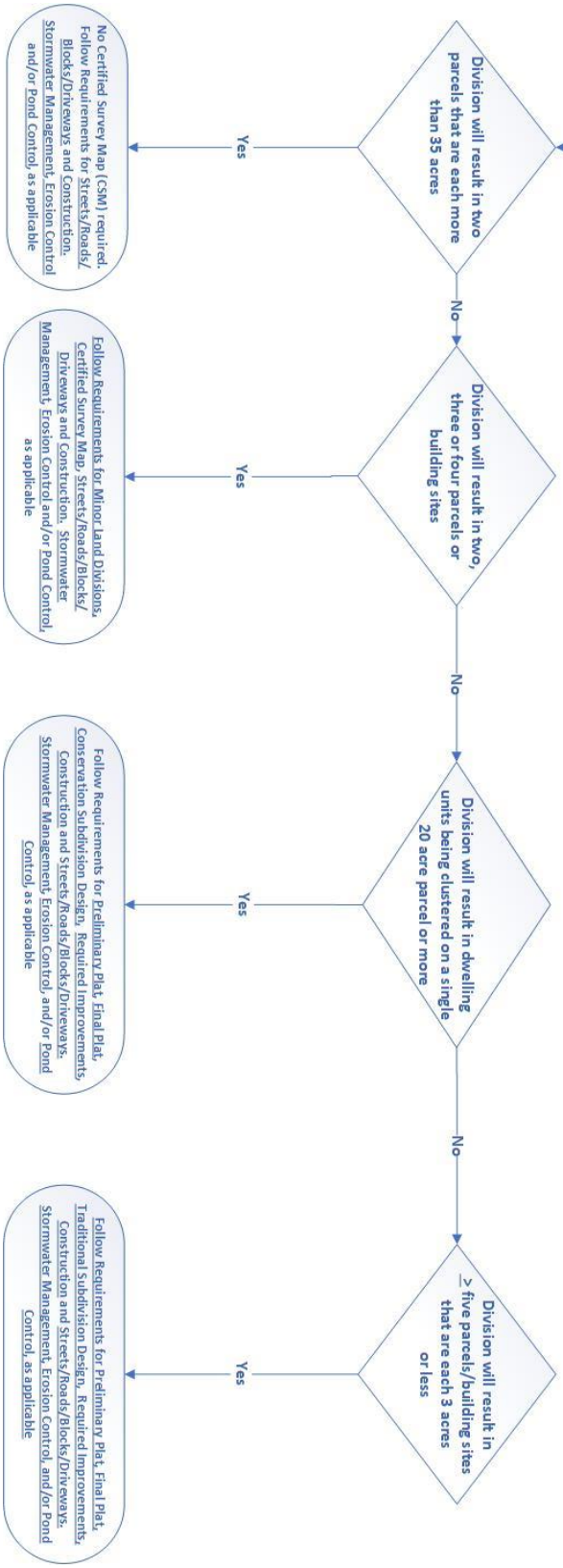
land division requirements found in this Ordinance:

1. Conservation Subdivision Design (Chapter 16.21)
2. Preliminary Plat (Chapter 16.22)
3. Final Plat (Chapter 16.23)

Development of the property (i.e., construction of a house) must comply with the following requirements found in this Ordinance, as applicable:

1. Construction (Chapter 16.24)
2. Streets/Roads/Blocks/Driveways (Chapter 16.30)
3. Stormwater Management/Erosion Control/Ponds (Chapter 16.40, Chapter 16.42 and Chapter 16.44)

Illustration 16.00.020



Chapter 16.04

DEFINITIONS

Sections:

16.04.010 General Definitions

16.04.020 Specific Words and Phrases

16.04.010 General Definitions

For the purposes of this title, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not discretionary.

16.04.020 Specific Words and Phrases

Advisory Agency – Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the town and may suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or on the Town Plan Commission. Examples of advisory agencies include the Racine County Land Conservation Committee, the Southeastern Wisconsin Regional Planning Commission, and local utility companies.

Alley – A special public way affording only secondary access to abutting properties.

Back lot development – Also known as "lot pyramiding," "keyhole development," and "development funneling" means the practice whereby a lot, outlot or common open space is used for waterfront access by a large number of parcels built away from the water body. In many cases, a common road or drive leads to a pier or beach. This practice is viewed by many as crowding more development onto a body of water than would otherwise occur with individual waterfront lots, thus altering the appearance and quality of development on the body of water.

Base development density – The number of dwelling units authorized by the Plan Commission for the conservation subdivision, not including any dwelling units authorized as a result of a development density bonus.

Best management practices – Practices, techniques or measures identified in areawide water quality management plans, which are determined to be the most effective means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality objectives established under Wisconsin Statutes Section 281 (Nonpoint Source Water Pollution Abatement) and which do not have an adverse impact on fish and wildlife habitat.

Block – A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of navigable waters, and municipal boundaries.

Buffer – An area of land that serves as a protective barrier for an environmentally sensitive area, natural viewshed or agricultural lands.

Building – Any structure having a roof supported by columns or walls used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Line – A line parallel to a lot line and at a distance from the lot line to comply with the terms of this title.

Cluster – Concentrated organization of dwelling units that abut, and thereby achieve the goal of Common Open Space conservation.

Common open space – Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed, as appropriate, and a stewardship plan shall be prepared for the open space.

Common facilities – Those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.

Community – A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan – The extensively developed plan, also called a master plan, adopted by the Town Plan Commission and certified to the Town Board pursuant to Wisconsin Statutes Sections 66.1001 and 60.23, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

Condominium – Property subject to a condominium declaration established under Wisconsin Statute Chapter 703.

Conservation Easement – A non-possessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in Wis. Stats. Section 700.40 (Uniform Conservation Easement Act) and Section 170(h) of the Internal Revenue Code.

Conservation Subdivision – A development in which dwelling units are concentrated and/or clustered in specific areas in order to allow other portions of the development to be preserved for common open space, including restoration and management of historical, agricultural or environmentally sensitive features.

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

Density bonus – An increase in the base development density of a subdivision in exchange for conserving certain landscape features or a greater percentage of common open space than the minimum required.

Density factor – The number of dwelling units permitted per acre according to the town's land use plan, applicable neighborhood plans, the town's ordinances, and applicable zoning regulations.

Developer Checklist – A document created by the town for use by a developer in determining what steps must be taken from commencement to completion of construction and any warranty period.

Development envelopes – Areas within which pavement and buildings will be located.

Dwelling Unit – A detached building designed or used exclusively as living quarters for one family located outside of a mobile home park, but does not include boarding houses or lodging houses, motels, hotels, tenements, or cabins.

Ecological restoration – To protect, enhance, recreate or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a stewardship plan for uplands, wetland areas, and aquatic resource areas, which include specific remedial and management activities for sustainable maintenance of each of these areas.

Extraterritorial Plat Approval Jurisdiction – The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one community exercises extraterritorial powers over any area.

Final Plat – A map prepared in accordance with the requirements of Wisconsin Statutes Chapter 236 and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

Flood lands – Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred-year recurrence interval flood or, where such data is not available, the maximum flood of record.

Gross acreage – The total land area of the parent parcel to be subdivided.

High Groundwater Elevation – The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. “Mottling” is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled giving a multi-colored effect.

High Water Elevation (Surface Water) – The average annual high water level of a pond, stream, lake, flowage, or wetland referred to in an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristic.

Homeowners Association – A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or common facilities.

Irrevocable Letter of Credit – An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the

town, and which is approved, as to form, by the town attorney.

Land Division – Any division of land from one parcel into more than one parcel. This shall not include lot line adjustments.

Lot – A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of the zoning ordinance.

1. **Corner** – A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side. (See Illustration No. 1)

2. **Double Frontage** – A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. (See Illustration No. 1)

3. **Flag** – a lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement or private right-of-way. Flag lots are not generally considered to conform to sound urban design principles. (See Illustration No. 1, Appendix A0)

4. **Interior** – a lot other than a corner lot, with frontage on one street. (See Illustration No. 1)

In a Conservation Subdivision, private lots that serve as a development envelope.

Lot Shape – (A1, A2, A3, A4, and R1 zoned property): Excessive depth in relation to width may be discouraged and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Other ratios may be considered by the Town as necessary.

Lot Size – Lot size (area) excludes any right of way area such as road or street right of ways etc..

Minor Land Division – Any division of land where the resulting parcels are less than thirty five (35) acres each. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the block, lot or outlot; or the division of any number of parcels greater than three (3) acres in area (exclusive of any rights of way). No more than four (4) parcels or building sites regardless of size and inclusive of the original remnant parcel, are to be created by successive divisions within a period of five (5) years. All such minor land divisions shall be made by a certified survey map.

Municipality – An incorporated city, village or town.

National map accuracy standards – Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

Navigable Water – Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. (Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)).

Net acreage – The land area of a parent parcel available for development after subtracting areas that are protected from or are unsuitable for development as described in the definition, "net density."

Net density – The number of dwelling units permitted in the conservation subdivision prior to calculating and adding any development density bonus under Section 16.21.010(C). This number is obtained by performing the following calculation:

1. Derive the net acreage for the parent parcel by subtracting from the gross acreage of the parent parcel the acreage consisting of the following existing features:

a. Existing street rights-of-way, restrictive utilities rights-of-way,

b. Floodplains (identified within the general floodplain overlay district, Racine County zoning ordinance),

c. Resources within the shoreland-wetland overlay district, Racine County zoning ordinance,

d. Non-shoreland wetlands (that must be preserved according to state statutes),

e. Slopes greater than twelve (12) percent in environmentally sensitive areas,

f. Slopes of twenty (20) percent in all other areas;

2. Determine the density factor as permitted for the parent parcel from the Town land use plan and zoning requirements applicable to the parent parcel, taking into account the Town preference, if any is indicated on the Town land use plan, for a density factor consistent with, but not necessarily identical to, the surrounding neighborhood;

3. Multiply the net acreage result under subsection 1 of this definition by the applicable density factor under subsection 2 of this definition to obtain the net density for the parent parcel.

Nonpoint source – A land management activity which contributes to runoff, seepage or percolation which adversely affects or threatens the quality of waters of this state and which is not a point source as defined under Wisconsin Statutes Section 283.01. (See also point source.)

Nonprofit conservation organization – A qualified land trust organized for the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. Qualified organizations must be authorized to acquire and hold conservation easements pursuant to Wisconsin Statutes Section 700.40 and is a publicly supported, tax-exempt nonprofit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code of 1986.

Objecting agency – An agency empowered to object to a subdivision plat pursuant to Wisconsin Statutes Chapter 236. The town may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Administration (DOA), the Wisconsin Department of Transportation (WisDOT), the Wisconsin Department of Safety and Professional Services (DSPS), the Wisconsin Department of Natural Resources (DNR). For waterfront properties.

Outlot – A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots. Wisconsin law provides that an outlot may not be used as a building site unless it complies with the building restrictions set forth in Wisconsin Statutes Chapter 236, and this title.

Parent parcel – The existing parcel of record, as of the effective date of the ordinance codified in this chapter.

Point source – A discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants may be discharged either into waters of this state or into a publicly owned treatment works. “Point source” shall not include diffused surface drainage or any ditch or channel which serves only to intermittently drain excess surface water from rain or melting snow and is not used as a means of conveying pollutants into waters of the state. “Point source” shall not include uncontrolled discharges composed entirely of storm runoff when these discharges are uncontaminated by any industrial or commercial activity, unless the particular storm runoff discharge has been identified by the Department of Natural Resources as a significant contributor of pollution.

Preliminary Plat – A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

Primary environmental corridor – A concentration of significant natural resources at least four hundred (400) acres in area, at least two miles in length, and at least two hundred (200) feet in width, as delineated and mapped

by the Southeastern Wisconsin Regional Planning Commission.

Professional ecological services – An individual or firm with professional qualifications to prepare and implement an ecological stewardship plan for upland, wetland areas, and aquatic resource areas, including specific remedial and management activities for sustainable management of each of these areas and the planting of those variety of plants that are indigenous to the area.

Public Way – Any public road, street, highway, walkway, drainageway or part thereof.

Racine County subdivision ordinance – Chapter 18 of the Racine County code of ordinances, as amended.

Racine County zoning ordinance – Chapter 20 of the Racine County code of ordinances, as amended.

Replat – The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of the block, lot or outlot is not a replat.

Sanitary sewer service area – The area within and surrounding a city, village or other community that is planned to be served with public sanitary sewerage facilities.

Secondary environmental corridor – A concentration of significant natural resources at least one hundred (100) acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Shorelands – Those lands, in the unincorporated areas of Racine County, lying within the following distances: one thousand (1,000) feet from the high water elevation of navigable lakes, ponds, and flowages or three hundred (300) feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Soil mapping unit – Soil type, slope and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Natural Resources Conservation Service.

State plan coordinate system – Where the map is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by Racine County or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one of the section or quarter-corners so relocated, monumented and coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plan coordinate of the monument marking the relocated section or quarter-corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced by the Wisconsin Coordinate System, South Zone, and adjusted to the town's control survey. (Ord. dated 12/13/06 (part))

Stewardship plan – a comprehensive management plan for the long-term enhancement and sustainability of natural ecosystems (uplands - including forests, prairies, meadows, wetlands, shorelands, lakes,

river systems and similar ecosystems). Such plans shall include but not be limited to management goals, implementation and monitoring schedules, identification and description of measures to be taken should degradation of the system(s) be noted, programs for the removal and control of invasive vegetation species, and maps and plans that illustrate management regimens.

Street

1. **Arterial** – A street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
2. **Collector** – A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.
3. **Frontage** - a minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
4. **Minor** – A street used, or intended to be used, primarily for access to abutting properties.

Subdivider – Any person, corporation, partnership, association, individual, firm, trust or any agent thereof, dividing or proposing to divide land resulting in a land subdivision, minor land division, other division, or replat which is subject to this title.

Subdivider's Agreement – An agreement, by which the town and the subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the subdivider's agreement and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the town.

Subdivision – The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of three (3) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of three (3) acres each or less in area by successive division within a period of five (5) years. Parcel size excludes any right of way area such as road or street right of ways.

Surety bond – A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if the contract or obligation is unfulfilled by the subdivider.

Town – Town of Dover.

Wetland – An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wisconsin Administrative Code – The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Wisconsin Statutes Section 35.93 and Chapter 227, including subsequent amendments to those rules.

Woodlands – Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

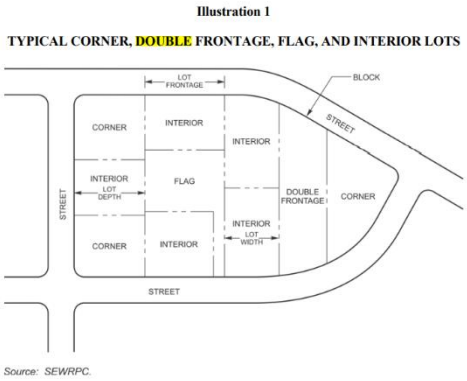


Figure 1: Illustration 1 Example of lot shapes and types (also shown in Appendix AO)

Chapter 16.08

GENERAL PROVISIONS

Sections:

16.08.010 Authority
16.08.020 Jurisdiction
16.08.030 Title and Purpose
16.08.040 Intent
16.08.050 Approval
16.08.060 Compliance
16.08.070 Abrogation and greater restrictions
16.08.080 Interpretation
16.08.090 Severability
16.08.100 Disclaimer of liability
16.08.110 Repeal

16.08.010 Authority

These regulations are adopted under the authority granted by the Wisconsin Statutes Section 236.45. Therefore, the Town Board does ordain as follows in this title.

16.08.020 Jurisdiction

Jurisdiction of these regulations shall include all lands within the Town. The provisions of this title as it applies to divisions of tracts of land into less than five parcels shall not apply to:

A. Transfers of interests in land by will or pursuant to court order;

B. Leases for a term not to exceed ten (10) years, mortgages, or easements;

C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances;

D. Cemetery plats made under Wisconsin Section Statutes Section 157.07;

E. Assessors' plats made under Wisconsin Statutes Section 70.27 but such assessors' plats shall comply with Wisconsin Statutes Sections 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e). (Ord. dated 12/13/06 (part))

16.08.030 Title and Purpose

A. This chapter shall be known and cited as the "Town of Dover Land Division Regulations,", and is enacted pursuant to Chapter 236 of the Wisconsin Statutes.

B. The purpose of this title is to regulate and control the division of land within the limits of the Town, in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Town.

C. Conservation Subdivisions encourage land division for the following purposes:

1. To preserve the rural character of the Town through permanent preservation of meaningful contiguous open space and sensitive natural resources such as groundwater, floodplains, wetlands, shorelands, streams, steep slopes, woodlands and wildlife habitats;

2. To preserve scenic views and to minimize views of new development from existing streets;

3. To preserve important historic and archaeological sites;

4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;

5. To promote contiguous and interconnected greenways, agricultural lands and environmental corridors throughout the town;

6. To protect productive farmland, and preserve farming as an economic activity;

7. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses;

8. To provide for the unified and planned development of tracts twenty (20) acres or larger in size for clustered, single-family, low-density residential uses, incorporating large areas of permanently protected common open space;

9. To create clusters of dwellings with direct visual and physical access to common open space;

10. To provide for greater design flexibility in the siting of dwellings, in sizes of private lots, and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape;

11. To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements and the amount of paving required for residential development, where possible;

12. To encourage street designs, building footprints, and drainage designs that generate minimal impacts to water quality and encourage groundwater recharge;

13. To create an attitude of stewardship, or caring, for the land within common open space areas by requiring a land management, or stewardship, plan for the common open space;

14. To implement the objectives of the land use plan for the Town of Dover as incorporated into the Southeastern Wisconsin Regional Planning Commission Vision 2050 A Regional Land Use and Transportation Plan for Southeastern Wisconsin.

16.08.040 Intent

It is the general intent of this title to regulate the division of land so as to:

A. Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and

wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

B. Lessen congestion in the streets and highways;

C. Further the orderly layout and appropriate use of land;

D. Secure safety from fire, panic and other dangers;

E. Provide adequate light and air;

F. Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;

G. Secure safety from flooding, water pollution, disease and other hazards;

H. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

I. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;

J. Preserve natural vegetation and cover and promote the natural beauty of the town;

K. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;

L. Facilitate the orderly division of larger tracts into smaller parcels of land;

M. Facilitate lot sizes and residential densities similar to adjacent areas;

N. Ensure adequate legal description and proper survey monumentation of subdivided land;

O. Provide for the administration and enforcement of this title;

P. Provide penalties for its violation; and

Q. Implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans, adopted plan components, Racine County zoning ordinance, and Town building code.

R. Ensure that land is developed in a manner that supports healthy, livable communities.

S. Foster the development of a range of housing types.

T. Advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike.

U. Encourage development patterns that provide safe and convenient transportation choices for a variety of users.

16.08.050 Approval

Any and all approvals by the Town Plan Commission are subject to majority approval by the Town Board. The Town Board reserves the right to waive any of the requirements listed in 16.08.040 if conditions of the property make these requirements untenable.

16.08.060 Compliance

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division or replat as defined in Chapter 16.04; no such subdivision, minor land division, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this title and the following documents:

A. Wisconsin Statutes Chapter 236;

B. Rules of the 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 Wisconsin 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 trunk highway or connecting street;

D. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland and shoreland areas;

E. Duly approved comprehensive plans or comprehensive plan components of the town, and/or Racine County, Wisconsin;

F. The Racine County zoning ordinance as it applies to the town and all other applicable local and county ordinances.

G. It is the goal of the Town that alternative subdivision design and standards for residential development are endorsed through primarily, voluntary means. If the subdivider elects conservation design subdivision, these provisions shall prevail over any conflicting provisions in this title. Notwithstanding, the Town reserves the right to require compliance with conservation subdivisions based on geographic location and environmental qualities of the property.

16.08.070 Abrogation and greater restrictions

It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall govern.

16.08.080 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

16.08.090 Severability

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

16.08.100 Disclaimer of liability

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

16.08.110 Repeal

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

Chapter 16.09

LAND SUITABILITY

Sections

16.09.010 Land Suitability
16.09.020 Violations
16.09.030 Penalties and remedies
16.09.040 Appeals

16.09.010 Land Suitability

No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Town Plan Commission and Town Board, upon the recommendation of the Town Engineer or any other agency as determined by the Town Plan Commission and Town Board, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Town. In addition:

A. Floodlands. No lot served by public sanitary sewerage facilities shall have more than twenty (20) percent of its required lot area below the elevation of the one hundred-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record. No lot one acre or less in area served by an on-site sanitary sewage disposal systems shall include floodlands. All lots more than one acre in area served by an on-site sanitary sewage disposal system shall contain not less than forty thousand (40,000) square feet of land which is above the elevation of the one hundred-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.

B. Lands made, altered or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The town does not guarantee, warrant or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board of supervisors, its agencies, agents or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

C. Lands having a slope of twelve (12) percent or more shall be maintained in permanent open space use. No lot shall have more than fifty (50) percent of its minimum required area in slopes of ten percent or greater.

D. Lands having bedrock within two (2) feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services (DSPS).

E. Lands having groundwater within two (2) feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services (DSPS).

F. Lands covered by soils having a percolation rate slower than sixty (60) minutes per inch or faster than ten minutes per inch shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services (DSPS).

G. Land drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services (DSPS).

H. The Town Plan Commission and Town Board, in applying the provisions of this chapter, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he or she so desires. Thereafter the Town Plan Commission and Town Board may affirm, modify or withdraw its determination of unsuitability.

16.09.020 Violations

It is unlawful to build upon, divide, convey, record or place monuments on any land in violation of this title or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this title not of record as of the effective date of the ordinance codified in this title 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 12/13/06 (part))

16.09.030 Penalties and remedies

Any person, firm or corporation who violates or fails to comply with the provision of this title, upon conviction thereof, shall be subject to the following penalties:

A. A forfeiture of not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00), plus the costs of prosecution for each offense. Each day a violation exists or continues shall constitute a separate offense;

B. Recordation improperly made carries penalties as provided in Wisconsin Statutes Section 236.30;

C. Conveyance of lots in unrecorded plats carries penalties as provided for in Wisconsin Statutes Section 236.31;

D. Monument disturbed or not placed carries penalties as provided for in Wisconsin Statutes Section 236.32;

E. An assessor's plat made under Wisconsin Statutes Section 70.27 may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision as defined in Chapter 16.04 is created by successive divisions;

F. The Town may have injunctive relief by which any violation shall be required to return to a state of compliance with this title;

G. As and for additional forfeitures, the town may require that any net profit realized from a violation of this title be paid over to the Town and/or any other parties harmed or damaged by the violation.

Upon default of payment or noncompliance with any penalty or remedy, the violating person, firm or corporation shall be imprisoned in the county jail until payment or compliance thereof, but not exceeding six (6) months. (Ord. dated 12/13/06 (part))

16.09.040 Appeals

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Wisconsin Statutes Section 236.13(5), within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory. (Ord. dated 12/13/06 (part))

Chapter 16.10

MINOR LAND DIVISIONS

Sections

16.10.020	Minor land divisions not Requiring a certified survey Map
16.10.030	Minor land division (certified survey map)
16.10.040	Conceptual plan

16.10.020 Reserved

16.10.030 Minor land division (certified survey map)

When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites; or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot; or when it is proposed to divide any number of parcels greater than three (3) acres and less than thirty-five (35) acres in size (thus not constituting a "subdivision" as defined in Section 16.08.020), the subdivider may subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this title and shall file sufficient copies of the map and the letter of application with the Town Clerk at least ten (10) days prior to the meeting of the Town Plan Commission at which action is desired.

A. Preapplication Conference – Prior to the filing of an application for the approval of a certified survey map, the subdivider shall consult with the Town Plan Commission and/or its staff in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plan, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his or her development. In so doing, both the subdivider and Town Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

B. Certified Survey Map Review. The certified survey map shall be prepared in accordance with this title, and the subdivider shall file eight (8) legible copies of the map and a letter of application with the Town Clerk, together with the review fees specified in Chapter 16.56. In addition:

1. The Town Clerk shall, within two normal work days after filing, transmit the copies of the map and letter of application to the Town Plan Commission.

2. The Town Plan Commission shall transmit a copy of the map to all affected Town committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. A copy shall also be submitted to the Racine County Planning and Development Department for review and comment concerning zoning and other planning matters. Copies may also be transmitted to the Racine County Land Conservation Committee and to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for review and comment. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the date the map is filed. The map shall be reviewed by the Town Planning Commission for conformance with this title and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and neighborhood plans.

3. The Town Plan Commission shall, within ninety (90) days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.

4. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected map, 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 subdivider. 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 original map and return the map to the subdivider.

5. Recordation. After the certified survey map has been approved by the Town Board, the subdivider shall cause the certificate to be inscribed upon the map attesting to such approval and shall record the map with the Racine County Register of Deeds and file a hard copy with the Town Clerk. The Register of Deeds shall not record the map unless it is offered within 36 months from first approval and 12 months from last approval from the date of the last approval.

6. Copies. The subdivider shall file ten copies of the certified survey map with the Town Clerk for distribution to the town engineer, building inspector, assessor, and other affected departments for their files.

16.10.040 Conceptual Plan

In accordance with Section 16.22.010, it is suggested that prior to the preparation of a minor land division the subdivider provide a conceptual plan for review by the Town Plan Commission.

Chapter 16.12

CERTIFIED SURVEY MAP

Sections:

16.12.010	**General**
16.12.011	**Definitions**
16.12.020	**Required information**
16.12.030	**Additional information**
16.12.040	**State plane coordinate system**
16.12.041	**Jurisdiction and application**
16.12.042	**Compliance**
16.12.043	**Procedure**
16.12.044	**Penalties**
16.12.050	**Certificates**
16.12.060	**Recordation**

16.12.010 General

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions as described in 16.10. It shall comply in all respects with the requirements of Wisconsin Statutes Section 236.34. The minor division shall comply with the design standards and improvement requirements set forth in Chapters 16.25 and 16.30.

16.12.011 Definitions

As used in this chapter:

Certified survey map – A survey map prepared by a registered land surveyor and complying with Wisconsin Statutes Section 236.34.

Land split – A division of land by the owner resulting in the creation of not more than four parcels or building sites, any one of which is thirty-five (35) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

Land splitter – A person or entity making a land split.

Racine Development Plan – The plan identifying goals and objectives for the physical development of the county adopted by the Racine County board pursuant to State Statute.

Road, street or highway – A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, road, avenue, boulevard, lane, place or other designation.

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16.12.020 Required information

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

A. All existing structures, watercourses, lakes, streams, wetlands, flowages, drainage ditches, drain tiles, and other features pertinent to proper land division;

B. Setbacks or building lines if required by the Town Plan Commission in accordance with the guidelines set forth in Section 16.32;

C. Utility, drainage, and/or conservation easements, both existing and required;

D. All lands reserved for future public acquisition or dedication;

E. Date of the map;

F. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred-year (100) recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record; wetland and shoreland boundaries;

G. Graphic scale and north arrow;

H. Name and address of the owner, subdivider and surveyor;

I. Names and locations of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands;

J. Soil boring locations on sites to be served with on-site waste disposal system, where the CSM consists of twenty (20) or more acres, a sketch plan is required that depicts the location of future house lots, open space and road connections. Where the land split results in a residual parcel of twenty (20) or more acres, that parcel will be included in the sketch plan for the purpose of depicting the location of future house lots and connections to future roads and open space. (Ord. dated 12/13/06 (part))

16.12.030 Additional information

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

A. Existing contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slopes of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed;

B. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;

C. Location of soil boring tests, where required by Wisconsin Administrative Code Section SPS 385, made to a 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 certified survey map;

D. Location of soil percolation tests where required by Wisconsin Administrative Code Sections SPS 383-385, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

E. The Town Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even though only a portion of the area is proposed for immediate development. If the Town determines that such a survey is not required, a sketch drawn to scale shall be submitted showing the developer's entire contiguous holdings.

F. 1. The Town Plan Commission may require that a drainage system be designed and constructed by the developer, at the cost of the developer, to provide for the proper drainage of surface water for the development and related adjacent areas the Town Plan Commission may consider some or all of the requirements of Section 16.24.040 in determining the nature and extent of the drainage plan to be submitted by the developer. If a drainage plan is required and prepared by the developer, the certified survey map shall, on the face of the certified survey map, contain the following statement:

WARNING: A drainage plan has been developed and approved by the Town of Dover for this property. Owner shall be required to comply with the terms and provisions of the drainage plan. Copies of the drainage plan are available from the clerk of the Town of Dover.

2. The subdivider shall be responsible for the payment of all fees required by Chapter 16.56.

3. No permits shall be issued for construction until the provisions of this section have been complied with fully.

4. Any additions, changes, amendments or deletions to the drainage system on file shall be approved by the Town and Town Plan Commission prior to implementation.

5. Every person, firm or entity found to be in violation of this section shall, upon conviction, forfeit not less than two hundred dollars ($200.00), nor more than one thousand dollars ($1,000.00) for each day of noncompliance, together with the costs of prosecution. Further, the town may revoke any existing permit(s) until compliance with the approved drainage

system is demonstrated. Compliance with the requirements of this section is necessary to promote the safety, health and welfare of the community. Therefore, violations of this chapter shall constitute a public nuisance which may also be enjoined in a civil action. (Ord. dated 12/13/06 (part))

G. The Town Plan Commission may recommend that deed restrictions be filed with the final CSM and shall be recorded with the approved CSM. Deed restrictions can include restrictions on further land divisions etc.

16.12.040 State plane coordinate system

Mapping shall comply with the State Plane Coordinate System as described in Section 16.04.020 of this Chapter.

16.12.041 Jurisdiction and application

A. No land split within the Town shall be recorded, or any street laid out, or any improvements made to the land; or any building permits issued without complying with:

1. The provisions of this chapter;

2. Section 236.34, Wis. Stats;

3. The rules and procedures of the Town of Dover;

4. The rules and regulations of county, state and federal agencies with jurisdiction over such matters.

B. This chapter shall apply to land splits which create condominiums as defined in and subject to Chapter 703, Wis. Stats.

C. The Town Board shall not approve any land split which is unsuitable for development due to flooding or inadequate drainage, adverse earth or rock formation or topography, inadequate or unsafe water supply, or other feature likely to be harmful to the health, safety or welfare of the residents and occupants of the proposed subdivision or of the community or any portion thereof.

1. The provisions of this chapter shall not apply to:

a. Leases for a term not to exceed ten (10) years, mortgages or easements.

b. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not created and the resulting lots are not reduced below the minimum sizes required by Section 236, Wis. Stats., or other applicable laws or ordinances.

c. Cemetery plats as provided in Section 157.07, Wis. Stats.

d. Assessor's plats as provided in Sections 70.27 and 236.03(2), Wis. Stats. (Ord. dated 12/13/06 (part)

e. Court ordered land divisions.

16.12.042 Compliance

Failure to comply with the requirements of this section, may, at the option of the Town Board or purchaser, invalidate purported transfers of titles of land, in accordance with provisions of Section 236, Wis. Stats. (Ord. dated 12/13/06 (part))

16.12.043 Procedure

A. Preapplication Conference. Prior to the filing of an application for the approval of a certified survey map, the land splitter shall consult with the sanitary sewer and water district, the Town Engineer, the Town Plan Commission and the Racine County Planning and Development Department to obtain information concerning this chapter, the Racine County ordinances, the Racine County Development Plan and the town master plan and official map and to obtain assistance in the planning of the development.

B. Fees.

1. The land splitter shall be liable for reimbursing the town for all administrative, planning, engineering and legal costs incurred in processing, reviewing, revising and approving any proposed certified survey. At the time of submission of the proposed certified survey map, the land splitter shall deposit with the town the sum required in said section. In addition, a land division fee in the amount of one hundred dollars ($100.00) per parcel created shall be paid by the land splitters to the Town upon approval of the certified survey map.

2. The land splitter shall construct public improvements as required by the Town ordinances. If public improvements are required, the following securities or payments must be paid by the land splitter to the Town, prior to execution of the land split control agreement by the Town:

a. Two and one quarter inch (2 1/4) asphalt binder course pavement and shouldering deposit as provided in Subsection 16.25.030 of the Town ordinances.

b. One and three quarter inch (1 3/4) asphalt pavement surface course payment as provided in Subsection 16.25.030 of the Town ordinances.

c. Performance bond security as provided in Subsection 16.60 of the Town ordinances.

3. In the case of land splits involving public improvements, the applicant shall be responsible for all legal, administrative and engineering costs associated with the review of improvement plans and for drafting any necessary agreements and for the construction

inspection and field layout work necessary during the construction of such improvements, as provided in the Town ordinances.

C. Review Procedure for Land Splits Requiring the Installation of Public Improvements.

1. Eight (8) legible copies of a preliminary survey map shall be submitted to the Town Clerk with proof that the appropriate filing fee has been paid to the Town.

2. After reviewing the preliminary survey map, the Town Engineer shall, within thirty (30) days, inform the land splitter of any required changes and the kind and extent of required public improvements.

3. After the preliminary survey map has been submitted, required public improvement plans, computations and specifications, which conform to the provisions of Chapter 16.12 shall be submitted to the Town Engineer for Town Board review. The Town Board shall have a maximum of ninety (90) days after plan submittal to approve, conditionally approve or reject the plans unless a written extension is granted by the land splitter.

4. After approval of plans and specifications by the Town Board, the applicant shall submit eight legible copies of a final survey map in the form of a certified survey map to the Town Clerk for Town Board review. The Town Board shall, within ninety (90) days, approve, approve conditionally or reject the certified survey map. The certified survey map shall be recorded with the Register of Deeds for Racine County within six (6) months of the approving action of the town board on the final survey map. Before the Town Board approves the final survey map, a land split control agreement must be executed and any necessary fees must be made by the land splitter.

D. Review Procedure for Land Splits Not Requiring the Installation of Public Improvements.

1. Eight (8) copies of a legible survey map in the form of a certified survey map shall be submitted to the Town Clerk with the filing fee.

2. After review of the certified survey map, the Town Engineer shall, within ten (10) days, inform the land splitter of any changes deemed necessary.

3. The Town Board shall, within ninety (90) days of its submission, approve, approve conditionally or reject the certified survey map. If approved, the certified survey map shall be recorded with the Register of Deeds for Racine County within six (6) months of the board action.

4. In cases where public lands or right-of-way are reserved or dedicated for future construction of public improvements, the land splitter shall enter into an agreement with the Town

concerning future costs and liability, prior to receiving certified survey map approval.

E. General Requirements for Final Certified Survey Map.

1. The final certified survey map shall comply with the provisions of Section 236.34, Wis. Stats., and shall describe the entire lands involved in the process of division.

2. A sketch plan depicting location of future house lots, roads, where applicable, and open space.

3. Where the division results in a residual parcel of twenty (20) acres or more not intended for immediate sale or other conveyance, the Town may require a sketch plan to depict future road alignments and open space connections to that parcel.

4. If any lots in the certified survey map are not served by municipal sanitary sewer, soil and site evaluations shall be submitted for approval to the County Code Administration Office and/or the Department of Safety and Professional Services (DSPS) according to the procedure and standards established under the applicable rules of Wis. Adm. Code, ILHR 83. (Ord. dated 12/13/06 (part))

16.12.044 Penalties

A. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction, forfeit not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail for not more than six (6) months or until full payment is made. Each day a violation exists or continues to exist shall constitute a separate offense. The Town may institute appropriate action or proceedings to enjoin violations of this chapter.

B. The Town Board, or its agent, shall have the power to institute appropriate action for injunctive relief to prevent a person, firm or corporation from acting in violation of the provisions of this chapter. (Ord. dated 12/13/06 (part))

16.12.050 Certificates

A. The surveyor shall certify on the face of the map that he or she has fully complied with all the provisions of this title. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

B. In addition, 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 Wisconsin Statutes Section 236.21(2)(a). (Ord. dated 12/13/06 (part))

16.12.060 Recordation

The certified survey map shall only be recorded with the Racine County Register of Deeds after the certificates of the Town Board and the surveyor are

placed on the face of the map. The subdivider shall also file a hardcopy with the Town Clerk within thirty (30) days of its approval by the Town Board and recording. (Ord. dated 12/13/06 (part))

Chapter 16.20

TRADITIONAL SUBDIVISION DESIGN

Sections:

16.20.010	**General**
16.20.020	**Preliminary plat review and approval**
16.20.030	**Final plat review and approval**

16.20.010 General

When it is proposed to divide land into five (5) or more parcels or building sites that are each three (3) acres or less (excluding right of ways), the subdivider shall subdivide by use of a plat. The subdivider shall prepare the plat in accordance with this title and shall file eight (8) legible copies of the map and the letter of application with the Town Clerk at least ten (10) days prior to the meeting of the Town Plan Commission at which action is desired.

16.20.020 Preliminary plat review and Approval

A. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this title, and the subdivider shall file an adequate number of copies of the plat and the application with the Racine County Planning and Development Department, together with a receipt from the Town Treasurer for the payment of fees specified in Chapter 16.56. In addition:

1. The Racine County Planning and Development Department, acting as a clearing house for approving and objecting authorities, shall within two (2) normal work days after filing, transmit four (4) copies to the Racine County Land Use Committee; two copies to the Wisconsin Department of Administration (DOA); additional copies to Wisconsin Department of Administration (DOA) for retransmission of two copies each to the Wisconsin Department of Transportation (WDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Safety and Professional Services (DSPS) if the subdivision is not served by a public sewer and provision for such service has not been made and the Wisconsin Department of Natural Resources (WDNR) if shoreland or floodlands are contained within the proposed subdivision. The Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services (DSPS) shall hereafter be referred to as “objecting agencies.”

2. In lieu of the procedure set forth in subsection (A)(1) of this section, the subdivider may, pursuant to Wisconsin Statutes Section 236.12(2), submit the original drawing of the preliminary plat directly to the Director of the Planning Function of the Wisconsin Department of

Administration (DOA) who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit the additional copies required by subsections (A)(3) and (A)(4) of this section and to remit the review fees required by Chapter 16.56. Failure to pay all required fees shall be grounds for denial of the preliminary plat.

3. The Racine County Planning and Development Department, acting as a clearing house for approving and objecting authorities, shall also transmit eight copies of the preliminary plat to the Town Plan Commission and additional copies for redistribution to the water and sewer superintendent, all affected Town committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Town committees, commissions and departments shall be transmitted to the Town Plan Commission within twenty (20) days from the date the plat is filed. The preliminary plat shall then be reviewed by the Town Plan Commission for conformance with this title and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.

4. The Racine County Planning and Development Department, acting as a clearing house for approving and objecting authorities, shall also transmit six copies of the preliminary plat to any city or village exercising extra-territorial plat approval authority in the area in which the plat is located.

5. The Racine County Planning and Development Department, acting as a clearing house for approving and objecting authorities, shall also transmit one copy each of the preliminary plat to the Racine County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, the appropriate natural gas company, the appropriate electric power company, the appropriate telephone company, and the appropriate school district for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within thirty (30) days from the date the plat is filed.

B. Preliminary Plat Approval. The objecting agencies shall, within thirty (30) days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within thirty (30) days, it shall be deemed to have no objection to the plat.

1. The Town Plan Commission shall, within ninety (90) days of the date of filing of the preliminary plat with the Town Clerk, recommend approval, conditional approval

or rejection of the plat and shall transmit the preliminary plat and application along with its recommendations to the Town Board.

2. The Town Board shall, within ninety (90) days of the date of filing of a preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat. The Town Board may act on the plat at the same meeting at which the Town Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Town Board's permanent file.

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

4. 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 six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Wisconsin Statutes Section 236.11(1)(b), the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Town Plan Commission and Town Board at the time of its submission.

16.20.030 Final plat review and approval

A. Final Plat Review. The subdivider shall prepare a final plat and a letter of application in accordance with this title and shall file an adequate number of copies of the plat and the application with the Racine County Planning and Development Department, together with a receipt from the Town Treasurer for the payment of fees specified in Chapter 16.56. In addition:

1. The Racine County Planning and Development Department, acting as a clearing house for approving and objecting authorities, shall within two normal work days after filing, transmit four copies to the Racine County Land Use Committee; two copies to the Wisconsin Department of Administration (DOA); additional copies to Wisconsin Department of Administration (DOA) for retransmission of two copies each to the Wisconsin Department of Transportation (WDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Safety and Professional Services (DSPS) if the subdivision is not served by a public sewer and provision for such service has not been made and the Wisconsin Department of Natural Resources (WDNR) if shoreland or floodlands are contained within the

proposed subdivision. The Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services (DSPS) shall hereafter be referred to as objecting agencies.

2. In lieu of the procedure set forth in subsection (A)(1) of this section, the subdivider may, pursuant to Wisconsin Statutes Section 236.12(2), submit the original drawing of the preliminary plat directly to the Director of the Planning Function of the Wisconsin Department of Administration (DOA) who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit sufficient additional legible copies of the final plat to the Town Clerk for review by the Town Plan Commission and to remit the review fees required by Chapter 16.56. Failure to pay all required fees shall be grounds for denial of the final plat.

3. The Racine County Planning and Development Department, acting as a clearing house for approving and objecting authorities, shall also transmit eight (8) legible copies of the final plat to the Town Plan Commission, and six (6) copies of the final plat to any city or village exercising extraterritorial plat approval authority in the area in which the plat is located.

4. The Town Plan Commission and Town Engineer shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this title and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, or rejection of the plat to the Town Board.

5. Partial Platting. If permitted by the Town Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time; however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

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

1. Submission. If the final plat is not submitted within thirty six (36) months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.

2. The Town Plan Commission shall, within sixty (60) days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Board.

3. Notification. The Town Plan Commission shall, at the time it recommends approval or rejection of a plat to the Town Board, give at least ten (10) days prior written notice of its recommendation to the clerk of any municipality within one thousand (1,000) feet of the plat.

4. The Town Board shall, within sixty (60) days of the date of filing of the final plat with the Town Clerk, approve or reject such plat. The Town Board may act on the plat at the same meeting at which the Town Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if rejected, a letter setting forth the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Town Board's permanent file.

5. Failure of the Town Board to take action on the plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, the plat shall be deemed approved.

6. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the property owner or their representative shall record the plat with the county register of deeds. The register of deeds shall not record the plat unless it is offered within twelve (12) months after the last approval and within thirty six (36) months from the date of the first approval.

7. Copies. The subdivider shall file ten (10) copies of the recorded final plat with the Town Clerk for distribution to the town engineer, building inspector, assessor, and other affected departments for their files

Chapter 16.21

CONSERVATION SUBDIVISION DESIGN

Sections:

16.21.010 Conservation subdivision design
16.21.020 Ownership, management and maintenance

16.21.010 Conservation subdivision design

A. Development Intensity.

1. Tract Size. The minimum tract size of the parent parcel to be subdivided shall not be less than twenty (20) acres.

2. Zoning and Density.

a. PUD Overlay District (Urban Sewered Areas). Areas to be served by public sanitary sewer shall be overlaid as a Planned Unit Development (PUD) per the Racine County Code of Ordinances. As a PUD Overlay, the principal building setbacks, front-footage requirements, accessory building setbacks, rear lot line, and maximum building height shall be granted flexibility. Density shall adhere to the regulations outlined in A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035.

b. C-2 Upland Conservancy District (Rural Non-Sewered Areas). Areas not served by public sanitary sewer shall be zoned for a Conditional Use (C-2) development per the Racine County Code of Ordinances. Density shall adhere to the regulations outlined in A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035.

3. Lot Sizes.

a. PUD Overlay District (Urban Sewered Areas). A lot shall have an area of not less than one-quarter (0.25) acre in medium and medium-low density areas, and one-half (0.50) acre in low and suburban density areas exclusive of areas dedicated for public rights-of-way. The principal building setbacks, front-footage requirements, accessory building setbacks, rear lot line, and maximum building height shall be as established as part of the PUD.

b. C-2 Upland Conservancy District (Rural Unsewered Areas). A lot shall have an area of not less than three-quarters (0.75) acre exclusive of areas dedicated for public rights-of-way. Smaller-sized lots shall be encouraged, provided that criteria governing the siting of onsite sewage disposal systems are met (Chapter SPS 383 and 385 of the Wisconsin Administrative Code).

Land Use Category	Density Dwelling Units per Acre	Lot Size (Minimum)
SEWERED AREA		
Suburban Density Residential	1 dwelling unit per 1.5 to 2.99 acres	0.5 acres

Land Use Category	Density Dwelling Units per Acre	Lot Size (Minimum)
Low-Density Residential	1 dwelling unit per 0.9 to 1.49 acres	0.5 acres
Medium-low-Density Residential	1 dwelling unit per .44 to 0.9 acres	0.25 acres
Medium Density Residential	1 dwelling unit per 0.14 to .43 acres	0.25 acres
UNSEWERED AREA		
Rural Residential Density	1 dwelling unit per 3 acres	0.75 acre

4. Clusters. Lots shall be clustered on the development area in a manner that complies with all of the following requirements:

a. For parcels forty (40) acres or less, each cluster shall include no less than five (5) lots and no more than eight (8) lots. For parcels over forty (40) acres each cluster shall include no less than six (6) lots and no more than twenty-one (21) lots.

b. Each Cluster Shall be Separated by Common Open Space. The minimum linear distance between two (2) clusters shall be proportional to the street frontage dimension of neighboring clusters. The distance shall be calculated by taking the average street frontage dimension of all lots in neighboring clusters, and multiplying this dimension by 2.5. (For example, if the average frontage of lots in two neighboring clusters is one hundred fifty (150) feet, then the minimum distance between these two clusters would be one hundred fifty (150) feet by two and one-half equals three hundred seventy-five (375) feet.)

c. Compact design of clusters is encouraged in order to minimize the fragmentation of open space.

d. Clusters shall be arranged to minimize their visual impact from off-site.

B. Lot Configuration.

1. All lots in a cluster shall abut common open space on at a least one side, shall front or abut a public street, and be accessed from interior local streets.

2. Lots shall be configured to minimize the amount of impervious surface including street length and width.

3. Lots shall be configured to minimize loss of woodlands. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than thirty (30) percent of a single lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and private onsite waste treatment system.

4. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

a. Shape. Lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout.

b. Flag Lots. Flag lots shall not be approved.

5. The ratio of the length of the entire side of a residential lot to the frontage on the public street or at the setback line, whichever is greater, of a lot shall not be greater than two to one (2:1).

6. Side lot lines, where practical, shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

C. Density Bonus. The base development density may, at the discretion of the town board, be increased by the addition of a bonus if the development complies with one or more of the following conservation criteria. Conserved acreage which affords a density bonus may only be counted once towards achieving a density bonus. The maximum bonus (max.) permitted is an additional ten percent above the base development density.

(For example, a subdivision of ten (10) lots that qualifies for a ten (10) percent bonus would be permitted to include one (1) additional lot for a total of eleven (11) lots).

1. Preserving and retaining at least sixty (60) percent of the common open space as prime agricultural land (as defined by SEWRPC) that exceeds ten (10) acres (four (4) percent max.).

2. Preserving significant acreage of farmland that is contiguous to existing farmland in neighboring parcels (two (2) percent max.).

3. Preserving one hundred (100) percent of mature, native woodlands of equal to or greater than two (2) acres in size (four (4) percent max.).

4. Preserving one hundred (100) percent of habitat areas of known occurrences of rare species and natural communities recorded in the Wisconsin Natural Heritage Inventory (NHI) of greater than two (2) acres (two (2) percent max.).

5. Preserving one hundred (100) percent of Class I, II, III wildlife habitat areas identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) (two percent max.).

6. Achieving connectivity to external proposed or existing public trails (two percent max.).

7. Maintaining significant percentage of open space contiguous to neighboring (external) productive farmland (two percent max.).

8. Preserving additional acreage that exceeds the common open space requirement of sixty (60) percent:

a. Sixty-five (65) percent of net acreage preserved as meaningful common open space (two percent max.).

b. Seventy (70) percent of net acreage preserved as meaningful common open space (four percent max.).

c. Seventy-five (75) percent of net acreage preserved as meaningful common open space (six (6) percent max.).

d. Eighty (80) percent of net acreage preserved as meaningful common open space (eight percent max.).

e. Eighty-five (85) percent of net acreage preserved as meaningful common open space (ten percent max.).

D. Conservation Theme. Each conservation subdivision shall establish a conservation theme or set of themes that guide the design and use of open spaces. Themes shall be identified at the time of the concept plan. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation and enhancement, farmland preservation, natural habitat restoration, viewshed preservation, archaeological and historic properties preservation, integration of ecological resources, or passive recreational uses.

E. Conservation Areas. Development areas shall completely avoid the principal conservation areas and shall be sensitive to the visual and physical impacts of development on the secondary conservation areas. The remainder of the potential development area should be spared to maximize open space views onto the site and protect or mitigate adverse impacts to the principal and secondary conservation areas.

1. Principal Conservation Areas. Principal conservation areas shall be protected. No structures, buildings or developed facilities, except best management practices for storm water management are permitted. Principal conservation areas consist of the following:

a. Floodplains mapped by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources or other public or private entity.

b. All areas having slopes greater than twenty (20) percent and slopes between twelve (12) percent and twenty (20) percent in environmentally significant areas as determined by the Town Board upon recommendation of the Town Plan Commission and Town Engineer.

c. All wetlands including vegetative buffers that extend at least seventy-five (75) feet from each wetland edge (NR 103.02(5) of the Wisconsin Administrative Code).

d. Archaeological sites, cemeteries and burial grounds (Wisconsin Statute 157.70).

e. Vegetative buffers that extend at least seventy-five (75) feet from the edge of high water mark of navigable streams and lakes, ponds, wetlands, marshes and ditches (NR 151 of the Wisconsin Administrative Code).

f. Perennial and intermittent streams, springs and drainageways that contain running water during spring runoff, during storm events or when it rains, including a twenty-five (25) foot buffer extending from each edge of the drainageway.

g. Primary and Secondary Environmental Corridors, and Isolated Natural Areas identified and mapped by the Southeast Wisconsin Regional Planning Commission (SEWRPC).

2. Secondary Conservation Areas. Secondary conservation areas should be protected or integrated into the development to enhance open space values such as rural character, historic significance, wildlife habitat, native vegetation, scenic views and agricultural production, and include the following areas:

a. Habitat areas of known occurrences of rare species and natural communities recorded in the Wisconsin Natural Heritage Inventory (NHI).

b. Class I, II, III wildlife habitat areas identified by the Southeast Wisconsin Regional Planning Commission (SEWRPC).

c. Existing healthy, native woodlands dominated by hardwood species of at least one acre contiguous area.

d. Freestanding large, healthy trees or groups of trees of native, noninvasive species.

e. Grasslands, pastures, meadows and identified prairie remnants.

f. Productive farmland (particularly National Prime Farmland and Farmland of Statewide significance).

g. Buildings, structures and cultural landscape features of local historic value.

h. Areas of steep slopes twelve (12) percent to less than twenty (20) percent in areas not considered environmentally significant.

i. Existing, proposed or potential public trail corridors.

F. Open Space Acreage Requirement. The minimum amount of common open space shall be the following:

1. Unsewered Land. Sixty (60) percent of the area of the parent parcel (gross acreage) after subtracting existing street, railway and utility rights-of-way.

2. Sewered Land. Forty (40) percent of the area of the parent parcel (gross acreage) after subtracting existing street, railway and utility rights-of-way.

G. Areas determined to be environmentally sensitive may be included as part of the common open space requirement. Additionally, the following areas or structures located within the common open space area may be counted toward the overall common open space percentage required:

1. Parking areas for access to and use of the common open space developed at a scale limited to the potential users of the common open space.

2. Privately-held buildings or structures provided they are accessory to the use of the common open space.

3. Shared septic systems and shared potable water systems located on common open space.

H. Open Space Configuration. Common open space shall be contained in an outlot or outlots and shall comply with the following:

1. Common open space shall contain all primary conservation areas and to the greatest extent possible, protect secondary conservation areas and other site features as having particular value in preserving rural character, conserving agriculturally productive lands, and retaining important natural resources.

2. To the greatest extent possible, at least seventy-five (75) percent of common open space shall be internally connected.

3. Intrusion or interruption of common open space acreage by streets or roads is not encouraged, and shall be minimal.

4. All common open space shall exceed seventy-five (75) feet at its narrowest dimension.

5. Up to ten (10) percent of the common open space area may be used for active recreational uses, and include structures or facilities that serve such uses.

6. Connectivity with external areas of existing open space, natural resource features, productive agricultural lands, parks and trails shall be maintained to the greatest extent possible.

7. Common open space acreage should be located in such manner as to preserve rural scenery as viewed from the public rights-of-way.

8. Where subdivision tracts include existing farmland operations, common open space should incorporate

productive agricultural lands to the greatest extent possible. Additionally, the following attributes of open space shall be considered:

a. Provide an open space buffer to physically separate farm operations and residential uses, thereby reducing the potential for conflicts;

b. Provide points of access for farming machinery and operations;

c. Maintain physical proximity of the agriculturally productive common open space to adjacent tracts containing farming operations, and thereby reduce potential fragmentation of farmland.

I. Open Space Uses.

1. Permitted Uses. Acreage that accommodates permitted uses shall be counted toward the overall common space percentage.

a. Preservation and management of historic or cultural resources.

b. Preservation, management and/or restoration of woodlands, wetlands, environmental corridors and areas, wildlife habitat and other important natural resources.

c. Agriculture, horticulture, silviculture or pasture uses, provided that management practices minimize environmental impacts, and such activities are not conducted within natural conservation areas.

d. Passive recreation and associated developed facilities, such as walking and wildlife observation.

e. Active recreation and associated developed facilities (including parking), provided it is limited to no more than ten (10) percent of the total open space and is not located within natural conservation areas.

f. Storm water management facilities that contribute to groundwater recharge and runoff filtration.

g. Community (shared) wastewater disposal systems and potable water systems located on common open space.

2. Prohibited Uses. Acreage that accommodates nonpermitted uses shall not be counted toward the overall common space percentage.

a. Golf courses;

b. Motorized recreational vehicle uses;

c. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

J. Common open space shall be protected from future land division or development with a Town Board approved

conservation easement executed under Section 700.40, Wisconsin Statutes. An approved private conservation organization shall be a holder, or have a third-party enforcement right, in all such conservation easements. With the submission of the preliminary plat, the subdivider shall propose a holder of the conservation easements by a bona fide conservation organization, as defined in Section 16.04. (Ord. dated 12/13/06 (part))

16.21.020 Ownership, management and maintenance

A. Possession and Control of Common Open Space and Facilities. Documentation of the proposed ownership arrangement for the common open space and facilities shall accompany the preliminary plat, including any draft contracts, agreements, condominium instruments and easements, articles of incorporation, bylaws, management plans, initial annual budget for common facilities and open space management, restrictive covenants. Documentation shall include association or organization dues or member fee structure and how initial and subsequent operating budgets will be funded. It is encouraged that common open space be owned by a homeowners' or condominium (where applicable) association. However, all alternatives for ownership are described in the following section.

B. Ownership. The designated common open space and/or common facilities may be owned and managed by one or a combination of the following subject to Town Board approval:

1. A homeowners' association;

2. A condominium association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes;

3. A nonprofit conservation organization;

4. An individual who will use the land for common open space purposes as provided by a conservation easement.

a. Homeowners' Association. A homeowners' association shall be established if the common open space and/or common facilities are proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

The homeowners' association bylaws, guaranteeing continuing management of the common open space and/or other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners' association shall be submitted by applicant for approval to the Town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners' association shall contain the following information:

i. The legal description of the proposed common open space;

ii. A description of common facilities;

iii. The restrictions placed upon the use and enjoyment of the common open space and/or common facilities;

iv. Persons or entities entitled to enforce the restrictions;

v. A mechanism to assess and enforce the common expenses for the common open space and/or common facilities including upkeep and management expenses, real estate taxes and insurance premiums;

vi. A mechanism to implement restoration, maintenance and management of the common open space and/or common facilities;

vii. A mechanism for resolving disputes among the owners or association members;

viii. The conditions and timing of the transfer of ownership and control of common open space and/or common facilities to the association;

ix. Any other matter the subdivider deems appropriate.

b. Condominium Association. If the common open space and/or common facilities are to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space and/or common facilities. The condominium instruments shall be submitted for approval to the Town as part of the information required for the preliminary plat. All common open space and common facilities shall be held as a "common element" as defined in Section 703.02(2) of the Wisconsin Statutes.

c. Nonprofit Conservation Organization. If the common open space and/or common facilities are to be held by a nonprofit conservation organization, the organization must be acceptable to the town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion or succession to a subsequent nonprofit conservation organization or other acceptable entity in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

d. Individual Ownership. An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses and obligations for the common open space and/or common facilities.

C. Conservation Easement. Common open space and/or common

facilities shall be subject to a conservation easement conveyed to a qualified holder. Qualified holders must be authorized to acquire and hold conservation easements under Section 170(h) of the Internal Revenue Code of 1986 (as amended), and the applicable regulations promulgated thereunder, and under Section 700.40, Wis. Stats.

D. Land Stewardship Plan. To ensure adequate management, operation and/or maintenance of common open space or facilities, the subdivider shall prepare and the town board shall approve a management plan for land stewardship of the common open space. A draft land stewardship plan shall be submitted at the time of preliminary plat review and a final management plan at final plat approval. Map illustrations that delineate plan text shall be included. The plan shall, at a minimum, include the following:

1. Define ownership;

2. Define uses of the common open space;

3. Establish necessary regular and periodic operation and maintenance activities that may need to include:

a. Mowing schedules,

b. Weed control program,

c. Planting schedules,

d. Clearing and cleanup program,

e. Prescribed burns,

f. Facilities maintenance;

4. Estimate service contract needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis;

5. Include a storm water management plan;

6. Stewardship of lands to remain in agricultural production must include a lease contract for a minimum of three years. Stewardship plans that preserve agricultural land must also include a contingency landscape restoration plan in the event that agricultural productivity is abandoned in the future;

7. Any subsequent cutting of mature, healthy trees, grading or regrading, topsoil removal, altering, diverting or modifying watercourses or waterbodies must be done in compliance with the approved management plan and other applicable laws;

8. At the Town Board's discretion the subdivider may be required to provide a financial assurance, such as a bond, for the maintenance and operation costs of common open space and facilities;

9. The Town Board can require that a letter of credit be secured by the subdivider or the owner of the common open space and facilities to cover the costs of corrective action if development or

maintenance of common open space and facilities does not occur in accordance with the approved land stewardship plan. At the developer's expense, a qualified ecologist shall be contracted to inspect the open space and prepare a written recommendation to the board as to whether or not the performance standards outlined in the stewardship plan have been met;

10. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the town may take corrective action to maintain common open space or facilities according to the approved management plan. The town, following Section 66.0703, Wisconsin Statutes, can levy special charges upon property within the development for work it does or contracts for in corrective action. Costs incurred by the town may be charged to the homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties;

11. Modification of the land stewardship plan after final plat approval may be permitted by the Town Board. (Ord. dated 12/13/06 (part))

Chapter 16.22

PRELIMINARY PLAT

Sections:

16.22.010 General
16.22.020 Plat data
16.22.030 Street plans and profiles
16.22.040 Testing
16.22.050 Soil and water conservation
16.22.060 Covenants
16.22.070 Affidavit

16.22.010 General

A preliminary plat shall be required for all 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 on its face the following information:

A. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;

B. Property location of the proposed subdivision by: government lot, quarter-section, township, range, county and state;

C. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section;

D. Date, graphic scale and north arrow;

E. Names and addresses of the owner, subdivider and land surveyor preparing the plat;

F. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of the area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this title and severe hardship would result from strict application thereof. (Ord. dated 12/13/06 (part))

G. Prior to the filing of an application for the approval of a preliminary plat, the subdivider must submit a conceptual plan to the Town Plan Commission. The conceptual plan is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plan, and duly adopted plan implementation devices of the Town, to provide opinions regarding whether the subdivision complies with the requirements and conditions for approving plats, and to otherwise assist the subdivider in planning his or her development. In so doing, both the subdivider and Town Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible

effects on the neighborhood and community.

Any conceptual review or opinions provided by the Town are advisory only and are not binding on the Town or the subdivider.

H. 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 Wisconsin Statutes Sections 236.36 through 236.445. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 16.16.010 through 16.16.050.

The Town Clerk shall schedule a public hearing before the Town Plan Commission when a preliminary plat of a replat of lands within the town is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat. (Ord. dated 12/13/06 (part))

16.22.020 Plat data

All preliminary plats shall show the following:

A. 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;

B. Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten (10) percent, and of not more than five feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). At least two (2) permanent benchmarks shall be located in the immediate vicinity of the plat. The location of the benchmarks shall be indicated on the plat, together with their elevations referenced to National Geodetic Vertical Datum of 1929 (mean sea level) and the monumentation of the benchmarks shall be clearly and completely described;

C. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929 datum);

D. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one hundred-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record;

E. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;

F. 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);

G. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;

H. Location, size and invert 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 sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;

I. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;

J. Location, width and names of all proposed streets and public rights-of-way such as alleys and easements;

K. Approximate dimensions of all lots together with proposed lot and block numbers;

L. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting;

M. Approximate radii of all curves;

N. Existing zoning on and adjacent to the proposed subdivision;

O. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;

P. Any proposed lake and stream improvement or relocation;

Q. Soil type, slope and boundaries as shown on the detailed

operational soil survey maps prepared by the U.S. Soil Conservation Service;

R. Location of soil boring tests, where required by Wisconsin Administrative Code Section SPS 385, made to a depth of 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;

S. Plans and reports regarding sewer, water, stormwater management, street cross sections, grading, landscaping, utilities, or similar infrastructure submitted in conjunction with a preliminary plat may be preliminary in nature. The Town shall not reject a preliminary plat solely on the basis that such plans or reports are preliminary rather than final. The Town may approve a preliminary plat conditionally and require submission of final plans or reports prior to final plat approval.

16.22.030 Street plans and profiles

The Town Plan Commission, upon the recommendation of the Town Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Town Engineer. (Ord. dated 12/13/06 (part))

Street plans and profiles submitted with a preliminary plat may be preliminary in nature and the Town shall not reject a preliminary plat solely because such plans are not final. Final engineering plans may be required as a condition of preliminary plat approval or prior to final plat approval.

16.22.040 Testing

The Town Plan Commission, upon the recommendation of the Town Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. The Town does not guarantee, warrant or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the town and thereby asserts that there is no liability on the part of the Town Board of supervisors, its agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with this title. Where the subdivision will not be served by public sanitary sewer service, the provisions of Wisconsin Administrative Code Chapter SPS 383 and 385 shall be complied with; and the location and results of such tests shall be shown on

the preliminary plat. The results may be shown in a separate document, if necessary. (Ord. dated 12/13/06 (part))

Subsurface investigations and related engineering reports submitted at the preliminary plat stage may be preliminary in nature, and the Town may require final reports as a condition of approval prior to final plat approval.

16.22.050 Soil and water conservation

The Town Plan Commission, upon the recommendation of the Town Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the U.S. Conservation Service Technical Guide, adopted by the Racine County Land Conservation Committee (or any equivalent replacement thereof), and shall be in accordance with standards set forth in Section 16.36.130. (Ord. dated 12/13/06 (part))

16.22.060 Covenants

The Town Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, in which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Town Attorney as to form. (Ord. dated 12/13/06 (part))

16.22.070 Affidavit

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this title. (Ord. dated 12/13/06 (part))

Chapter 16.23

FINAL PLAT

Sections:

16.23.010 General
16.23.020 Additional information
16.23.030 Deed restrictions
16.23.040 Survey accuracy
16.23.050 Surveying and monumenting
16.23.070 Certificates
16.23.080 Recordation

16.23.010 General

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 Wisconsin Statutes Section 236.20. (Ord. dated 12/13/06 (part))

16.23.020 Additional information

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

A. Exact length and bearing of the centerline of all streets;

B. Exact street width along the line of any obliquely intersecting street;

C. Railroad rights-of-way within and abutting the plat;

D. Setbacks or building lines required by the Town Plan Commission in accordance with the guidelines set forth in Section 16.32.070;

E. Utility and/or drainage easements;

F. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;

G. Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips. (Ord. dated 12/13/06 (part))

16.23.030 Deed restrictions

The Town Plan Commission may require that deed restrictions. In such event, the restrictions shall be filed with the final plat and shall be recorded with the approved plat with the Register of Deeds. (Ord. dated 12/13/06 (part))

16.23.040 Survey accuracy

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

A. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or

position, the ratio of one (1) part in ten thousand (10,000) nor in azimuth, of four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

B. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in five thousand (5,000) or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

C. The Town Board shall receive the results of the Town Engineer's examination prior to approving the final plat. (Ord. dated 12/13/06 (part))

16.23.050 Surveying and monumenting

All final plats shall meet all the surveying and monumenting requirements of Wisconsin Statutes Section 236.15. (Ord. dated 12/13/06 (part))

16.23.070 Certificates

All final plats shall provide all the certificates required by Wisconsin Statutes Section 236.21; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this title. (Ord. dated 12/13/06 (part))

16.23.080 Recordation

The final plat shall only be recorded with the county register of deeds after the certificates of the Wisconsin Department of Administration, of the Town Board, of the surveyor, and those certificates required by Wisconsin Statutes § 236.21 are placed on the face of the plat.

A final plat that has the approvals required under §236.10, or that is deemed approved under §236.11, is entitled to be recorded. The approving authority for the plat shall make a certificate to that effect on the face of the plat no later than 10 days after the subdivider submits the plat with the certificates and affidavits required under §236.25(2)(C) and (D).

The Town shall not withhold certification or delay recordation based on the status of public improvements, execution of a subdivider's agreement, or posting of financial security, provided such

obligations have been required as conditions of approval.

Upon satisfaction of all required approvals under this Chapter and Wisconsin Statutes Chapter 236, the final plat shall be entitled to recordation. The Town shall certify approval on the face of the plat no later than ten (10) days after the subdivider submits the plat with all the required certificates and affidavits in accordance with Wisconsin Statutes §236.25(1).

The subdivider shall file a recorded copy with the Town Clerk within thirty (30) days of its recordation by the county register of deeds.

Chapter 16.24

CONSTRUCTION

Sections:

16.24.010 Commencement
16.24.020 Building permits
16.24.030 Plans
16.24.040 Lots
16.24.050 Building and setback lines
16.24.060 Special Restrictions
16.24.070 Easements
16.24.080 Existing flora
16.24.090 Inspection
16.24.100 Noncompliance

16.24.010 Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by the Town Board and the Town Engineer has given written authorization. Nothing in this section shall be interpreted to require the installation or acceptance of public improvements as a condition of submitting, reviewing, approving, or recording a preliminary plat or final plat, consistent with Wisconsin Statutes §236.13(2)(am). Inspection fees shall be required as specified in Chapter 16.56. In addition, the developer shall have complied with all of the pre-construction provisions of the Town's Developer's Checklist. (Ord. dated 12/13/06 (part))

16.24.020 Building permits

No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this title have been met. (Ord. dated 12/13/06 (part))

16.24.030 Plans

The following plans and accompanying construction specifications shall be required by the Town Plan Commission and reviewed by the Town Engineer before authorization of construction or installation of improvements:

A. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements;

B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities;

C. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities;

D. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities;

E. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed, and plans to protect existing

vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the publication, U.S. Soil Conservation Service Technical Guide, adopted by the Racine County Land Conservation Committee, as amended;

F. Planting plans showing the locations, age, diameter at breast height (dbh), and species of any required grasses, vines, shrubs and trees;

G. Additional special plans or information as required. (Ord. dated 12/13/06 (part));

H. Plans submitted in conjunction with a preliminary plat may be preliminary in nature. Final construction plans may be required prior to authorization of construction or prior to final plat approval.

16.24.040 Lots

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

B. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

C. Access. Every lot shall front or abut for a distance of at least thirty-three (33) feet on a public street.

D. Area and dimensions of all lots shall conform to the requirements of the Racine County zoning ordinance for all subdivisions.

E. Depth of lots shall be a minimum of one hundred twenty (120) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

F. Double frontage and reverse frontage lots, where permitted to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation, shall provide an extra lot depth of twenty (20) feet for landscaped buffering.

G. Width of lots shall conform to the requirements of the Racine County

zoning ordinance, or other applicable ordinance.

H. Corner lots shall have an extra width of fifteen (15) feet or fifteen (15) percent, whichever is greater, to permit adequate building setbacks from side streets.

I. Shape of lots shall generally be rectangular. Lots platted on cul-de-sac will generally be narrower at the street line than at the rear lot line. The creation of "flag" lots shall be avoided.

J. Back lot development or lake lot pyramiding in the town is prohibited. Lots abutting a lake which are zoned for single-family residential development shall be used on a continuing basis for only one family. The purchase of a single lot or outlot abutting a lake shall not be used as access for subdivisions and other developments located away from the lake.

K. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. (Ord. dated 12/13/06 (part))

16.24.050 Building and setback lines

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Town Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements. (Ord. dated 12/13/06 (part))

16.24.060 Special restrictions

Special restrictions which are appropriate to the location or design of the land division may be required by the Town Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision include access control along public ways, required planting and buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands. (Ord. dated 12/13/06 (part))

16.24.070 Easements

The Town Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be

required by the Town Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer. (Ord. dated 12/13/06 (part))

16.24.080 Existing flora

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. (Ord. dated 12/13/06 (part))

16.24.090 Inspection

The subdivider, prior to commencing any work within the subdivision, shall notify the Town Clerk to make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the completed construction work or release of the sureties by act of the Town Board. The release of sureties may be in whole or in part (ie, reduction of a line of credit), based on recommendations of the Town Engineer. (Ord. dated 12/13/06 (part))

16.24.100 Noncompliance

In the event the town or its representatives determines a developer has failed to comply with any of the provisions of this chapter, the remedies of Section 16.08.080 shall apply, but shall also include the Town's right to revoke building permits until the developer is in compliance. (Ord. dated 12/13/06 (part))

Chapter 16.25

REQUIRED IMPROVEMENTS

Sections:

16.25.005	**Timing and Installation of Improvements**
16.25.010	**Survey monuments**
16.25.020	**Grading**
16.25.030	**Surfacing**
16.25.040	**Curb and gutter**
16.25.050	**Rural street sections**
16.25.060	**Sidewalks**
16.25.070	**Public sanitary sewerage**
16.25.080	**Storm water drainage facilities**
16.25.090	**Water supply facilities**
16.25.100	**Other utilities**
16.25.110	**Street lamps**
16.25.120	**Street signs**
16.25.130	**Street trees**
16.25.140	**Sediment control**

16.25.005 Timing and Installation of Improvements

Required improvements identified in this chapter may be required as conditions of approval. The Town shall not require the installation or acceptance of public improvements as a condition of submitting, reviewing, approving, or recording a preliminary plat or final plat.

Installation of required improvements shall occur within a reasonable time following approval as specified in a subdivider's agreement and secured in accordance with Chapter 16.60 and Wisconsin Statutes §236.13(2)(am).

16.25.010 Survey monument

The subdivider shall install survey monuments placed in accordance with the requirements of Wisconsin Statutes Chapter 236.15 and as may be required by the Racine County surveyor or Town Engineer. (Ord. dated 12/13/06 (part))

16.25.020 Grading

A. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. The Town Engineer shall be present at the time the road grading commences, and such construction shall be subject to the approval of the Town Engineer.

B. Cut and filled lands shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation. (Ord. dated 12/13/06 (part))

16.25.030 Surfacing

A. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or

the comprehensive plan components of the town. The Town Engineer shall be present at the time the surfacing commences, and such construction shall be at the approval of the town engineer.

B. All roadways shall be surfaced with a minimum of four-inches (4) of hot mix bituminous concrete pavement, made up of a two and ¼ -inches (2-1/4) of binder course and a one and 3/4-inch (1-3/4) inches of surface course, placed on an ten-inch (10) thick crushed stone base. The bituminous pavement shall be constructed in stages. The particular specifications, notwithstanding the terms of this section, shall be established by the Town Engineer and Town Board, at no less than the foregoing minimums. The developer and/or contractor performing the surfacing shall perform soil borings and a pavement design report according to the Town Engineer's specifications prior to construction so that the specific thickness can be established.

C. The binder course shall be placed initially upon completion of the utilities, and the surface course placed at such time that sixty (60) percent of the lots within the subdivision have been developed, but not sooner than one (1) year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1st of any given year unless written approval from the Town Engineer is obtained. The surfacing shall be done in accordance with plans and standard specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. (Ord. dated 12/13/06 (part))

16.25.040 Curb and gutter

In all subdivisions with lots smaller than one (1) acre, the Town Board shall, and in other subdivisions may, require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. Mountable curbs shall generally be constructed. (Ord. dated 12/13/06 (part))

16.25.050 Rural street sections

When permanent rural street sections have been approved by the town board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Plan Commission, as recommended by the Town Engineer and as set forth in Section 16.25.030. (Ord. dated 12/13/06 (part))

16.25.060 Sidewalks

A. In all subdivisions with lots smaller than one (1) acre, the Town Board shall, and in other subdivisions may, require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the

Town Plan Commission, upon the recommendation of the Town Engineer.

B. In addition, wider than standard sidewalks may be required by the town board in the vicinity of schools, commercial areas and other places of public assemblage, and the Town Board may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary in their opinion for safe and adequate pedestrian circulation. (Ord. dated 12/13/06 (part))

16.25.070 Public sanitary sewerage

When public sanitary sewerage facilities are available to the subdivision plat, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

A. The Town Board shall require the installation of sewer laterals to a point ten feet inside the lot line for residential lots. No sewer lateral shall terminate in a manhole.

B. The size, type and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications." Upon written approval of the Town Engineer, the trenches outside proposed streets may be backfilled with excavated material, meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Town Plan Commission, upon the recommendation of the Town Engineer.

C. Where a sanitary district has been created pursuant to Wisconsin Statutes Section 60.71 for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall further be subject to review and approval by the sanitary district commission: Eagle Lake Sewer Utility District (ELSUD).

D. The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision or minor land division. In addition, the subdivider shall pay to the Town or Town sewer utility district, Eagle Lake Sewer Utility District (ELSUD), a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio in which the total area of the proposed land division is to the total drainage area to be served by such

larger sewers. The Town or Town sewer utility district, Eagle Lake Sewer Utility District (ELSUD), shall reimburse the subdivider for oversized sewers from the sanitary sewer trust fund. (Ord. dated 12/13/06 (part))

16.25.080 Storm water drainage facilities

The subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow as set forth in the policies stated in Section 16.24.040 and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

A. Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy dissipating devices.

B. Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Engineer.

C. Where a sanitary district has been created pursuant to Wisconsin Statutes Section 60.71 for the purpose of providing and constructing surface drainage facilities, storm sewers or other drainage improvements, such plans and standard specifications shall further be subject to review and approval by the sanitary district commission.

D. The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision. In addition, the subdivider shall pay to the town or town sewer utility district a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio in which the total area of the proposed land division is to the total drainage area to be served by such larger sewers. The Town or Town sewer utility district, Eagle Lake Sewer Utility District (ELSUD), shall reimburse the subdivider for oversized sewers from the

storm sewer trust fund. (Ord. dated 12/13/06 (part))

16.25.090 Water supply facilities

When public water supply and distribution facilities are available to the subdivision plat or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:

A. The Town Board shall require the installation of water laterals to the street lot line.

B. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer.

C. Where a sanitary district has been created pursuant to Wisconsin Statutes Section 60.71 for the purpose of providing a system, or systems of water works, such plans and standard specifications shall further be subject to review and approval by the sanitary district commission.

D. The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision or minor land division. In addition, the subdivider shall pay to the town or town sewer utility district a water main trunk line connection fee based on the added cost of installing larger water mains in the total service area which shall be prorated in proportion to the ratio in which the total area of the proposed land division is to the total service area to be served by such larger water mains. The Town or Town sewer utility district shall reimburse the subdivider for oversized sewers or water mains from the water main trust fund. (Ord. dated 12/13/06 (part))

16.25.100 Other utilities

The subdivider shall cause gas, electrical power, telephone and other appropriate facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas lines required to service the plat shall be approved by the Town Engineer. (Ord. dated 12/13/06 (part))

16.25.110 Street lamps

The subdivider shall pay to the Town the cost to install street lamps of a

design approved by the Town Engineer, at the intersection of all streets, at the end of cul-de-sacs, and at three hundred (300) foot intervals between intersections. Street lamps shall be installed on both sides of all streets. (Ord. dated 12/13/06 (part))

16.25.120 Street signs

The subdivider shall pay to the town the cost to install street signs of a design approved by the Town Engineer at the intersection of all streets to be dedicated. (Ord. dated 12/13/06 (part))

16.25.130 Street trees

In all subdivisions with lots smaller than one (1) acre, the Town Board shall, and in other subdivisions may, require the developer to plant at least one (1) tree of an approved species and of at least two and one-half (2 ½) inches in diameter at breast height (dbh) for each fifty (50) feet of frontage on all streets to be dedicated. The trees shall be planted within the curb lawn. In addition, tree plantings shall be completed by the subdivider in accordance with plans and specifications approved by the Town Board.

16.25.140 Sediment control

The subdivider shall plant grasses, trees and vines, a species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. In addition:

A. The Town Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.

B. Tree cutting and shrubbery clearing shall not exceed fifty (50) percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users. (See Chapter 16.44.)

C. Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Town Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.

D. Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography. (See Section 16.40.040 and Chapter 16.44.)

E. Review of the conduct of such cutting, clearing and moving may be requested of the Racine County land

conservation committee, the State District Fish and Game Managers, and the State District Forester (or equivalent agencies) by the Town Engineer or Town Plan Commission as they deem appropriate. (Ord. dated 12/13/06 (part))

Chapter 16.30

DESIGN STANDARDS FOR STREETS, ROADS, BLOCKS AND DRIVEWAYS

Sections:

16.30.010	**Street arrangement**
16.30.020	**Limited access highway and railroad right-of-way treatment**
16.30.030	**Street and pedestrian way design standards**
16.30.040	**Street intersections**
16.30.050	**Blocks.**
16.30.060	**Private Streets and Private Drives**
16.30.070	**Roadways**

16.30.010 Street arrangement

In any new division the street layout shall conform to the arrangement, width and location indicated on the official map, county jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the town. 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, to tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The division shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

A. Arterial streets, as defined in Chapter 16.04, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

B. Collector streets, as defined in Chapter 16.04, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.

C. Minor streets, as defined in Chapter 16.04, shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

D. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the division or for the advantageous development of the adjacent tracts. Examples of where the town would not require a street to extend to the property boundary would be when the subdivision abuts a wetland or other unsuitable lands; or where a sewered division abuts lands not included in a sanitary sewer service area.

E. Arterial Street and Highway Protection. Whenever the proposed division contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

F. Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Wisconsin Statutes Section 236.16(3).

G. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the town under conditions approved by the Town Plan Commission.

H. Access shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Town Plan Commission.

I. Street names shall not duplicate or be similar to existing street names elsewhere in Racine County, and existing street names shall be projected wherever possible. (Ord. dated 12/13/06 (part))

16.30.020 Limited access highway and railroad right-of-way treatment

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

A. When lots within the proposed division back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least twenty (20) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: “This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited.”

B. Commercial and industrial properties shall have provided, on each side

of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

C. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses the railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from the highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

D. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas. (Ord. dated 12/13/06 (part))

16.30.030 Street and pedestrian way design standards

The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study, or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as shown on Table 16.30.030.

Street sections are for standard arterial streets only. Cross-sections for freeways, expressway and parkways should be based upon detailed engineering studies. In addition:

A. Cul-de-sac streets designed to have one end permanently closed shall not exceed twelve hundred (1,200) feet in length. Urban cul-de-sac streets shall typically terminate in a tear-drop turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty-eight (48) feet. If a center island is provided, the island shall be such as to provide a minimum pavement width of twenty-four (24) feet.

Detailed dimensions for a typical cul-de-sac are shown in Table 16.30.030

B. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth in subsection A of this section, or by construction of a temporary “T” intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on either side.

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

1. Arterial streets: six (6) percent;

2. Collector streets: eight (8) percent;

3. Minor streets, alleys and frontage streets: twelve (12) percent;

4. Pedestrian ways: twelve (12) percent unless steps or stairs of acceptable design are provided;

5. The grade of any street shall in no case exceed twelve (12) percent or be less than one-half (1/2) of one (1) percent. Street grades shall be established wherever practicable so as to avoid excessive grading, the indiscrimante removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to twenty (20) times the algebraic difference in the rates of grade for all streets.

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

1. Arterial streets and highways: five hundred (500) feet;

2. Collector streets: three hundred (300) feet;

3. Minor streets: one hundred fifty (150) feet;

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

E. Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

1. Arterial streets shall be designed so that they will not be overtopped by the fifty-year (50) recurrence interval flood.

2. Minor streets shall be designed so that they will not be overtopped by the ten-year (10) recurrence interval flood.

F. New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the one hundred-year (100) recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the one hundred-year (100) recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could

accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris. All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and plans shall be submitted to the Wisconsin Department of Natural Resources (DNR) to assure compliance therewith.

G. Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

Table 16.30.030

REQUIRED STREET CROSS-SECTIONS IN THE TOWN OF DOVER, RACINE COUNTY, WISCONSIN

Type of Street or Public Way	Urban Street Section		Rural Street Sections	
	Minimum Right-of-Way to be Dedicated	Minimum Dimensions	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
Arterial Street (four-lane)	120 feet	+ Dual 36-foot pavement (face of curb to face of curb) + 24-foot median + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	130 feet	+ Dual 24-foot pavements + 18-foot median + 10-foot outside shoulders + 6-foot inside shoulders + 16-foot roadside ditches
Arterial Street (two-lane)	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	100 feet	+ 24-foot pavement + 10-foot shoulders + 28-foot roadside ditches
Collector Street	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks	None	None

Type of Street or Public Way	Urban Street Section		Rural Street Sections	
	Minimum Right-of-Way to be Dedicated	Minimum Dimensions	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
		+ 1-foot outside sidewalks		
Minor Street	60 feet	+ 36-foot pavement (face of curb to face of curb) + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavement + 6-foot shoulders + 16-foot roadside ditches
Cul-de-sac turnaround (w/ center island)	60-foot radius	+ 24-foot radius median + 24-foot circumferential pavement + 7-foot tree bank (curb lawn) + 4-foot sidewalk + 1-foot outside sidewalk	60-foot radius	+ 16-foot radius median + 22-foot circumferential pavement + 6-foot shoulder + 16-foot radius median
Cul-de-sac turnaround (w/o center island)	60-foot radius	+ 48-foot radius pavement + 7-foot tree bank (curb lawn) + 4-foot sidewalk + 1-foot outside sidewalk	60-foot radius	+ 45-foot radius pavement + 6-foot shoulder + 9-foot roadside ditch
Cul-de-sac barrel	60 feet		66 feet	+ 22-foot pavement

Type of Street or Public Way	Urban Street Section		Rural Street Sections	
	Minimum Right-of-Way to be Dedicated	Minimum Dimensions	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
		+ 36-foot pavement (face of curb to face of curb) + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks		+ 6-foot shoulders + 16-foot roadside ditches

Source: SEWRPC.

(Ord. dated 12/13/06 (part))

16.30.040 Street intersections

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

A. The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2);

B. The number of intersections along major streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than one thousand (1,000) feet;

C. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Town Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet;

D. Minor or collector streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerlines of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided;

E. On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Wisconsin Statutes Section 66.0909. (Ord. dated 12/13/06 (part))

16.30.050 Blocks

The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access; control and safety of street traffic; and the limitations and opportunities of topography. In addition:

A. The length of blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

B. Pedestrian ways of not less than twelve (12) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

C. The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

D. Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lots, and shall be suited to the planned use of the land; zoning requirements; need for convenient access; control and safety

of street traffic; and the limitations and opportunities of topography.

16.30.060 Private Streets and Private Drives

A. As used in this chapter, the following terms are defined:

Length - The entire driving surface is counted for the length, starting at public right-of-way to the portion of the private street or driveway farthest from the public right-of-way, regardless of where individual properties are positioned. The Dover Fire Department shall review all combined private street or driveway proposals with regard to width, length, driving surface, trees, hills, and turnarounds and radii of bends.

Private drive – All private routes of ingress and egress from any public right-of-way which provides access to one (1) residential unit or residential property.

Private street – All private routes of ingress and egress from any public right-of-way which provides access to two (2) or more residential units or residential properties. (Ord. dated 1/13/97 § 5.04(A)(1): prior code § 5.04(A)(1))

B. Construction standards for private streets.

1. All private streets which will provide access to more than two (2) single-family residences shall be constructed in accordance with the Town's street design construction standards for local streets and the Town's rural street section "Local Streets" construction and design standards all as set forth in Chapter 16 of this Code.

2. Private streets which will provide access to only two (2) single-family residences may be granted a variance from Chapter 16 construction standards. The Town shall determine if the proposed private street may require future expansions to access neighboring properties, such that it will be serving more than two single-family residences, in which case it shall be designed in accordance with 16.030.030 A, above. If it is determined the roadway is not likely needed for future expansion, at the property owner's request the construction standards for private drives in accordance 16.030.030 C and 16.030.030 E shall apply. In exchange, the property owner shall deed restrict the parcels so as to prevent further land division in perpetuity, and shall submit a driveway agreement for construction, repair and maintenance of the private street acceptable to the Town, both for recording with the register of deeds.

3. If Chapter 16 roadway construction standards are required on a two (2) single-family private street, as in 16.030.030 B, above, for a possible future expansion to neighboring properties, the property owner shall be entitled to a proportionate share of the cost of the private street construction from the neighboring property owner at the time of expansion of the roadway. Such costs may be established by special assessment, at the Town Board's discretion.

4. A minimum of road ditch construction along these private streets shall be required in those areas where storm runoff would otherwise be forced onto the traveled surface due to the topography. All drainage easements necessary to construct these ditches shall be previously obtained by the property owner.

5. All costs necessary for the maintenance of the private street to conform to these requirements for the safe passage of emergency vehicles shall be at the property owner's expense.

C. Construction standards for private drives.

1. All private drives shall be constructed utilizing a compacted subgrade consisting of quality granular material suitable for standard highway loading.

2. Drainage structures or culverts, fifteen (15) inches in diameter with a minimum length of twenty (20) feet and a maximum length of forty (40) feet with end sections, shall be installed and the surface at the low points in grades shall be sloped to drain to the existing storm drainage outlet. These structures or culverts shall be sized to drain their entire storm drainage contributing areas based on the ten-year (10) frequency storm design.

3. A minimum of road ditch construction along these private drives shall be required, if recommended by the engineering site evaluation, in those areas where storm runoff would otherwise be forced onto the traveled surface due to the topography. All drainage easements necessary to construct these ditches shall be previously obtained by the property owner.

4. The minimum depth of the stone base shall be ten (10) inches of crushed stone material, compacted in place, in accordance with the requirements of Section 305 of the latest edition of the Wisconsin DOT Standard Specifications for Highway and Structure Construction.

5. All vegetation, trees and shrubbery must be cut back so that a twelve-foot (12) clearance height is provided. All branches and shrubbery shall also be cut back to a distance on either side of the center line of the traveled surface portion of the private drive as follows: eight (8) feet for drives up to one hundred ninety-nine (199) feet long or nine (9) feet for drives two-hundred (200) feet long or longer.

6. All curves and bends in the surface shall be constructed to safely transport a truck with cab and trailer so that this vehicle is confined to the surface width of the drive (minimum sixty-foot (60) radius).

7. At the end of the private drive, but not closer than twenty (20) feet from the end, a turn-around area shall be provided for emergency vehicle use, as determined necessary by the Town Engineer and Dover Fire Department chief, but at least with minimum dimensions of twenty (20) feet by thirty (30) feet or a drive-in back-out angle of at least ninety (90) degrees.

8. All costs necessary for the maintenance of the private drives to conform to these standards for safe passage shall be at the property owner's expense.

9. The plans for the drive and the appropriate fee of seventy-five dollars ($75.00) for drives less than two hundred (200) feet and one hundred fifty dollars ($150.00) for drives longer than one hundred ninety-nine (199) feet must be given to the building inspector. A building permit will be issued after the plans have been reviewed and approved by the Town Engineer and the building inspector. (Ord. 99-6 (part); amended during 1997 codification; Ord. dated 1/13/97 § 5.04(A)(3): prior code § 5.04(A)(3))

D. Construction standards for driveway widths and emergency pull-outs of driveways one hundred ninety-nine (199) feet or less in length.

The minimum width for the traveled surface shall be fourteen (14) feet for driveways one hundred ninety-nine (199) feet in length or less, which driveways shall have a gravel, asphalt, or concrete surface not less than fourteen (14) feet in width. (Ord. dated 1/13/97 § 5.04(A)(4): prior code § 5.04(A)(4))

E. Construction standards for driveway widths and emergency pull-outs of driveways two hundred (200) feet or more in length.

The following table will be used to determine the minimum gravel surface required for driveways:

Length of driveway (feet)	Required width (feet)
0 – 199	14
200 – 999	16
1,000 and longer	16

If the finished surface of any driveway is more than one (1) foot above the final grade of the lot along the drive, the required width will be twenty-two (22) feet. This requirement may be waived if the slope to grade is less than 5:1. (example 6:1 is less).

Turn-around areas will be provided in 16.30.030 (C)(7) and emergency vehicle pull-off areas will be provided as determined necessary by the Town Engineer and Town Fire Department Chief. (Ord. 99-6 (part): Ord. 98-1)

F. The portion of the driveway or agricultural field road within the right-of-way must be lower than the Town road grade at the point of intersection with the ditch line so that ordinary surface water drainage and debris does not flow onto the Town road and does not adversely affect shoulder grading. The grade shall not be greater than five (5) percent. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.

G. The Town Board with Town Engineer and Town Fire Department Chief recommendation may consider variances to the Chapter 16 construction standards for Private drives.

16.30.070 Roadways

A. Installation. All roadways shall be installed and constructed according to the specifications of the applicable Town ordinances pertaining to the layout, establishment, and construction of roads, and particularly to the specifications of the Town ordinances relating to the roads and to any requirements of the Town Engineer as to the construction and drainage.

B. Completion of Roadway Work. All roadway work shall be completed by the

Developer pursuant to the requirements of a reasonable schedule provided by the Town. The Developer acknowledges that the Town shall require all roadway work to be completed prior to accepting dedication of the roadways and prior to release of the Bond. The Developer and Town agree that building permits may be issued once the Developer has installed the gravel base on the roadway. The final lift of asphalt shall be placed on all public streets after the construction of buildings on 80% of developable lots/units and after at least one winter season, but not later than September 15th of any given year, unless otherwise expressly permitted by the Town Engineer. Neither the binder layer nor final lift of asphalt shall be placed on the roadway without the express consent of the Town Engineer.

C. Repair or Replacement of Roadway Work Deemed Defective. The Developer agrees that for a period of one (1) year, commencing on the date of completion of this roadway work and Town acceptance referred to in the Developer's Agreement, the Developer shall repair and replace any work required to be performed by the Developer pursuant to the Developer's Agreement and the road ordinance of the Town of Dover, and any work which proves to be defective in the reasonable opinion of the Town Engineer.

Chapter 16.40

PRE- AND POST-CONSTRUCTION STORMWATER MANAGEMENT

Sections

16.40.010	**General**
16.40.020	**Drainage System Requirements**
16.40.030	**Connections to Existing Agricultural Drainage Systems**
16.40.040	**Water Quality Considerations**
16.40.050	**Parcel Access Storm Water Impediment**

16.40.010 General

A. Drainage System Required. A drainage system shall be designed and constructed by the developer to provide for the proper drainage of the surface water for the development and related adjacent areas. This requirement applies to traditional and conservation subdivisions and additionally to all non-subdivision development (including agricultural drainage systems draining to Town ditches, Town culverts, or wetlands within the Town) as required by the Town Board.

B. Drainage System Plans

1. The applicant shall submit a drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within and adjacent to the site to handle the additional runoff which would be generated by the development of the land. Additional information shall be submitted to adequately indicate that provisions have been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed development. The report shall also include:

a. Estimates of the runoff rates of storm water entering the site naturally from areas outside;

b. Runoff rates of flow at each inlet or culvert;

c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

2. A grading plan for the development shall be submitted by the applicant for the area within the site.

3. The design criteria and construction specification for storm drainage systems shall be based upon this section and standards approved by the Town Engineer.

4. In all development scenarios listed in Chapter 16.40, the Town Building Inspector, upon determination of potential storm water drainage concerns, will request the Town Engineer to review all sites as necessary and provide an initial Storm Water Drainage assessment. This initial assessment may require an additional in-depth assessment based on the current Town Engineer's Fee structure. The fee for the initial assessment is listed in the current Building Inspector's Fee schedule.

16.40.020 Drainage System Requirements

A. The applicant shall install all the storm drainage facilities indicated on the plans required in subsection A of section 16.40.010.

1. Street Drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage.

2. Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the site and shall be extended to a watercourse, ditch or storm drainage system adequate to receive the storm drainage. When the drainage system is outside of the site property line, the applicant shall make provisions for dedicating an easement to the Town to provide for the future maintenance of the system.

B. Protection of Drainage Systems. The applicant shall adequately protect all drainage systems to the satisfaction of the Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and storm water runoff velocities and soil types. (Generally ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be seeded; those with grades over four percent shall be paved.)

C. Drainage Easements. Where a site is traversed by a watercourse, drainageway, channel or stream:

1. There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or

2. The watercourse, drainageway, channel or stream may be relocated with DNR approval in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section; or

3. Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped basins and adequate width for maximum potential volume flow. In all cases, such easements shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than thirty (30) feet.

D. Dedication of Drainageways. Whenever a parcel is to be developed or consolidated and embraces any part of a drainageway identified on a master plan and/or official map or any portion thereof, such part of the existing or proposed public drainageway shall be surveyed and dedicated by the applicant as an easement or right-of-way in the location and at the size indicated.

E. Preservation of Storm Water Management Facilities. The applicant shall provide sufficient land area for the storage of storm water to meet the needs to be created by the proposed development and in accordance with the standards for on-site detention and as determined by the Town Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the master plan and/or official map is located, in whole or in part, within the proposed site, outlots or areas for providing the required storage capacity in such proposed facility shall be privately owned on a fractionalized basis of the lots within the development to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the site shall be held in reserve for future use as decided by the town. The Town will require a statement on the plat or survey

indicating fractionalized ownership and continued maintenance of the drainage facility. If the lot owners do not maintain the drainage facilities per the Town ordinances, the Town has the right to enter the property to maintain the drainage facilities and special assess the properties on their fractionalized ownership per Wisconsin Statutes Section 66.0703.

F. Storm Drainage Facilities.

1. The applicant, at his or her cost, shall install all drainage facilities determined by the Town Engineer and Town Board as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a comprehensive surface water management study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.

2. The applicant shall submit to the Town Engineer for his or her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the site to handle the additional runoff which would be generated by the development of the land. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed site. The report shall also include:

a. Estimates of the runoff rate of storm water entering the site naturally from areas outside the commercial site;

b. Runoff rate of flow at each inlet or culvert;

c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

3. A grading plan for the development shall be submitted by the applicant.

4. The design criteria for storm drainage systems shall be reviewed by the Town Engineer and approved or modified.

5. Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with standards and specifications provided by town ordinance and/or the Town Engineer.

G. Minor Drainage System. The applicant shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a ten-year (10), twenty-four (24) hour rainfall for a commercial zoning district event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not encroach on any traffic lane or cover damage to other improvements. In drainageways and drainageway easements, accumulations of

water shall not inundate beyond the limits of the drainageway or drainageway easement.

H. Drainage Piping System. Unless otherwise approved by the Town Engineer, all drainage piping of forty-two (42) inches diameter and greater shall be constructed of corrugated metal pipe or class three reinforced concrete pipe of sufficient strength as determined by the Town Engineer. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the town engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the town engineer.

I. Open Channel Systems.

1. Where open channels are utilized in minor drainage systems, they shall be designed so as to minimize maintenance requirements and maximize safety. Side slopes shall not exceed a four to one (4:1) slope. Drainageways with grades of one (1) percent or less, or where subject to high groundwater, continuous flows or other conditions as determined by the Town Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than four feet wide and side slopes to a point one (1) foot above the channel invert.

2. In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment five-year (5), twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the Town's erosion control requirements.

J. Standards for On-Site Detention Storage. The applicant may employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

1. Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.

2. Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.

3. Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a five-year (5) storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.

4. All temporary detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred-year (100) storm event of twenty-four (24) hour duration.

5. All permanent detention facilities shall safely contain the runoff from the one hundred-year (100) storm event of twenty-four (24) hour duration on private properties without inundating any building at the ground elevation or the travel lanes of any parking lot/driveway.

6. Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and as accepted and approved by the Town Engineer.

7. The storage of storm water runoff shall not encroach on any public lands or any private lands outside the site unless an easement providing for such storage has been approved and recorded for the lands.

8. All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top priorities.

9. Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action.

10. The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1 horizontal to vertical), with flatter slopes being required where determined practical by the Town Engineer.

11. The Town Board, upon recommendation by the Town Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

K. In the event the homeowner's association or the homeowners do not adequately maintain and repair a drainage system such that it no longer operates as planned and approved, the Town may, after giving 30 days written notice to repair or maintain, perform the repairs or maintenance and bill property owners in pro rata shares. In the event of non-payment, such charges may be placed on the tax roll as special levy.

16.40.030 Connections to Existing Agricultural Drainage Systems

Connection to existing agricultural drain tiles shall not be permitted. Field tile systems disturbed during the land development process shall be reconnected by those responsible for their disturbance unless the approved drainage plan includes other provisions to accommodate the flows carried by the tile fields.

16.40.040 Water Quality Considerations

Development sites, including new or upgraded agricultural drainage systems, ditches, tiles, etc. draining directly to wetlands located within a

primary environmental corridor, as defined by the Southeastern Wisconsin Regional Planning Commission, or to inland lakes shall be required to install storm water management facilities designed to reduce the nonpoint source pollutant loadings from the developed site by fifty (50) percent compared to developed conditions with no nonpoint source pollutant controls. For purposes of analysis, sediment, phosphorus and a representative metal, either copper, zinc or lead, shall be considered in the calculations. Design criteria shall be those set forth in SEWRPC Technical Report No. 31, Costs of Urban Nonpoint Source Water Pollution Control Measures; the nonpoint source control plan for the Upper Fox River priority watershed; or other sources approved by the Town Engineer. (Ord. dated 12/13/06 (part))

16.40.050 Parcel Access Storm Water Impediment

Parcel access, including private drives, private streets, Town streets, and agricultural farm field driveways etc., shall not inhibit the flow of storm water drainage within the Town rights-of-way (including road ditches).

Chapter 16.42

EROSION CONTROL

Sections:

16.42.010 Authority
16.42.020 Findings and purpose
16.42.030 Applicability
16.42.040 Definitions
16.42.050 Design criteria, standards and specifications for best management practices
16.42.060 Maintenance of best management practices
16.42.070 Erosion control plan content and permit application submittal and approval
16.42.080 Control of erosion and pollutants during land disturbance and development activities
16.42.090 Fee schedule
16.42.100 Inspection
16.42.110 Enforcement
16.42.120 Appeals

16.42.010 Authority

This chapter is adopted under the authority granted by Wisconsin Statutes Sections 60.61, 60.627, 281.16, 283.33 and 101.65. (Ord. dated 12/13/06 (part))

16.42.020 Findings and purpose

It is the purpose of the ordinance codified in this chapter to preserve the natural resources; to protect the quality of the waters of the state and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands. (Ord. dated 12/13/06 (part))

16.42.030 Applicability

This chapter applies to land disturbing and land development activities on lands within the boundaries and jurisdiction of the municipality except for one- and two-family dwellings as indicated in the Uniform Dwelling Code. (Ord. dated 12/13/06 (part))

16.42.040 Definitions

As used in this chapter, the following terms are defined:

Agent – Authorized agent(s) as designated by elected official of the Town to administer this chapter.

Agricultural land use - Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries.

Applicant - The landowner or one of the landowners and/or land user(s), their agent, or contractor responsible for submitting and carrying out the requirements of this chapter.

Best management practice – A practice or combination of practices to control erosion and attendant pollution.

Commercial land use – Use of land for the retail or wholesale sale and manufacturing of goods or services.

County shoreland and floodland jurisdiction protection ordinance – The adopted ordinance by Racine County.

Erosion – The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

Erosion control plan – A written description and detailed site plan of best management practices

designed to meet the requirements of this chapter submitted by the applicant for review and approval.

Land development activity – The construction of buildings, roads, parking lots, paved and unpaved storage areas, patios, seawalls and similar facilities, but not including general maintenance of parking lots and drives.

Land disturbing activity – Any manmade change of the land surface including removing vegetative cover, demolition, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; and harvesting of trees and tree nurseries.

Landowner – Any person holding title to or having an interest in land.

Land user – Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Municipality – The city, village, town or county which has adopted the ordinance and has jurisdiction over the activity of lands within the boundaries.

Runoff – The rainfall, snowmelt, dewatering or irrigation water flowing over the ground surface.

Site – The entire area of land disturbing or land development activity included in but not limited to the legal description of the subject land.

Stabilize – To make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel or other measure.

Surface waters – All lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, wetlands, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private.

Working day – A calendar day, except Saturdays, Sundays and state recognized legal holidays. (Ord. dated 12/13/06 (part))

16.42.050 Design criteria, standards and specifications for best management practices

All best management practices required to comply with this chapter shall meet the design criteria, standards and specifications in the latest edition of the "Storm Water Technical Standards" as published by the State of Wisconsin Department of Natural Resources. Design criteria, standards and specifications for best management practices not contained in the "Storm Water Technical Standards" shall not be permitted unless approved by the agent. Deviations from standards noted above can be approved by the agent. (Ord. dated 12/13/06 (part))

16.42.060 Maintenance of best management practices

All best management practices necessary to meet the requirements of this chapter shall be maintained consistent with the maintenance standards contained in the "Storm Water Technical Standards." The applicant and subsequent landowner shall be responsible for maintaining the best management practices during the period of land disturbing activity and land development activity of the site in a satisfactory manner to ensure adequate performance and to prevent off-site damage, maintenance standards for best management practices not contained in the "Wisconsin Storm

Water Technical Standards" shall not be permitted unless approved by the agent. (Ord. dated 12/13/06 (part))

16.42.070 Erosion control plan content and permit application submittal and approval

No person may commence a land disturbing or land development activity subject to this chapter without receiving prior approval of an erosion control plan for the site and a permit from the agent. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land development activity subject to this chapter shall submit an application for a permit, erosion control plan and pay a fee. By submitting an application, the applicant is authorizing the agent to enter the site to obtain information required for the review of the erosion control plan.

A. Content of Erosion Control Plan For Sites of Land Disturbance or Land Development of One (1) Acre or Less. The erosion control plan for sites of land disturbing activity or land development activity of one (1) acre or less shall contain the following information:

1. The location of existing and proposed buildings and improvements with respect to the property lines;

2. The direction of slopes before and after land disturbance or land development on the site and the size of the upslope drainage areas prior to and after construction. The proposed surface water runoff shall not be diverted so as to concentrate flow directly onto adjacent property or adversely affect adjoining property;

3. All temporary best management practices required by Section 16.42.080(B). Other best management practices shall be implemented during construction as deemed necessary by the agent;

4. The name, address and daytime telephone number of the applicant, contractor and landowner;

5. Any additional information requested by the agent.

B. Content of the Erosion Control Plan For Sites Where Land Disturbing Activity or Land Development Activity is Occurring on More Than One Acre.

1. Existing Site Map. A map on a scale of at least one (1) inch equals one hundred (100) feet showing the following existing conditions and immediately adjacent areas:

a. Site boundaries and adjacent lands which accurately identify site location;

b. Lakes, ponds, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site;

c. One hundred-year (100) floodplains, and floodways;

d. Vegetative cover, types and location;

e. Location of natural drainage patterns on the site and immediately adjacent to the site and the size, slope and land cover of the upslope and downslope drainage areas, including peak discharge, velocities, direction and destination of flows;

f. Locations and dimensions of utilities, structures, roads, highways and paving;

g. Site topography at a minimum contour interval of two feet;

h. Name, address and daytime telephone number of applicant;

i. Any additional information requested by the agent;

j. Soil types.

2. Site Development Plan. A site development plan including:

a. Locations and dimensions of all proposed land disturbing and land development activities;

b. Locations and dimensions of all temporary soil or dirt stockpiles;

c. Locations and dimensions of all best management practices necessary to meet the requirements of this chapter;

d. Schedule of anticipated starting and completion date of each land disturbing or land development activity including the installation of site best management practices needed to meet the requirements of this chapter;

e. Provisions for maintenance of the best management practices during construction;

f. Description of vegetation and other materials to be used to stabilize the site including a schedule for installation and maintenance;

g. Location and dimensions of storm water management measures including but not limited to post-development peak flows, drainage system dimensions and computations. Provide all computations, designs and final construction by a registered professional engineer.

C. Erosion Control Plan Review and Permitting Process.

1. Within thirty (30) days of receipt of the application for a permit and erosion control plan, and fee for sites of more than one (1) acre of land disturbance or land development or within ten (10) days of receipt of the application and erosion control plan and fee for sites of one (1) acre or less of land disturbance or land development, the agent shall review the application and erosion control plan to determine if the requirements of this chapter are met. The agent may request comments from other departments or agencies. If the requirements of this chapter are met, the agent shall approve the plan, and issue a permit to the applicant. If the requirements of the chapter are not met, the agent shall inform the applicant in writing of what additional information is needed to meet the requirements of the chapter.

2. Duration. Permits and erosion control plan approvals shall be valid for a period of one hundred eighty (180) days or the length of the building permit or other construction authorizations, whichever is longer from the date of issuance. The agent may extend the period one (1) or more times for a total of twelve (12) months. The agent may require additional best management practices as a condition of the extension if they are necessary to meet the requirements of this chapter.

3. Financial Guarantee. As a condition of approval, the agent may require

the applicant to submit a letter of credit, bond or cashier's check in the amount not less than the cost of constructing and installing the erosion and sediment control practices, and not more than 120% of said cost.

4. Erosion Control Plan Conditions. All permits and approved erosion control plans shall require the applicant to:

a. Notify the agent within one working day of commencing any land disturbing or land development activity;

b. Notify the agent of completion of any control measures within one (1) working day after their installation;

c. Notify the agent within one working day after completion of backfilled/rough grading;

d. Notify the agent within two (2) working days when site is stabilized;

e. Obtain permission in writing from the agent prior to modifying the erosion control plan;

f. Install all best management practices as identified in the approved erosion control plan;

g. Maintain all road drainage systems and tracking provisions, storm water drainage systems, control measures and other facilities identified in the erosion control plan;

h. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land development or disturbing activities;

i. Inspect the best management practices after each rain of one-half (1/2) inch or more and at least once each week and make needed repairs;

j. Allow the agent to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan;

k. Keep a copy of the erosion control plan on site;

l. Notify the agent when all necessary corrections have been completed regarding any notice of noncompliance issuance;

m. File a notice of intent with the DNR when necessary and copy to the Town Engineer. (Ord. dated 12/13/06 (part))

16.42.080 Control of erosion and pollutants during land disturbance and development activities

A. Applicability. This section applies to any of the following sites of land development or land disturbing activities; any activity that falls within these perimeters will require an erosion control permit before activity commences:

1. Sites requiring a road and/or drainage system to be constructed in conjunction with a land division;

2. Sites involving grading, removal of protective ground cover or vegetation, demolition, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more or involving one hundred (100) cubic yards or more;

3. Those sites involving street, highway, road or bridge construction, except state funded or conducted construction activities meeting requirements contained in the Department of Transportation, Department of Natural Resources Cooperative Agreement Memorandum of Understanding on Erosion Control;

4. Those sites involving the laying, repairing, replacing or enlarging of an underground water, sanitary or storm sewer for a distance of three hundred (300) feet or more.

B. Erosion and Other Pollutant Control Requirements. The following requirements shall be met on all sites described in subsection A of this section:

1. Site Stabilization. The disturbed area shall be stabilized by seeding, sodding or other permanent means.

2. Tracking Prevention and Cleanup. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked on to public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning before the end of each work day. Flushing may not be used unless the sediment will be controlled by a filter, fabric barrier, sediment trap, sediment basin or equivalent best management practices. Prior approval of the agent should first be obtained in writing.

3. Drain Inlet Protection. Downslope storm drain inlets shall be protected.

4. Site Dewatering. Water pumped from the site shall be treated by an appropriately sized filter fabric barrier, sediment trap, sediment basin or equivalent best management practices. Water may not be discharged in a manner that causes erosion or damage of the site, adjacent properties or receiving channels.

5. Sediment Cleanup. All off-site sediment deposits shall be cleaned up by the end of the next work day unless environmental damage will occur, in which case cleanup shall occur at the direction of the agent. All other off-site sediment deposits occurring as a result of construction activities shall be cleaned up at the end of the work day.

6. Waste and Material Management and Disposal. All waste and unused building materials shall be properly managed and disposed of to prevent pollutants and debris from being carried by runoff off the site.

7. Soil or Dirt Storage Piles. Soil or dirt storage piles shall be located at least twenty-five (25) feet from any downslope road, lake, stream, wetland, ditch, channel or other watercourse and protected in accordance with Section 16.42.080(B). Piles located in the street or within twenty-five (25) feet of any downslope road, lake, stream, wetland, ditch, channel, floodplain or other watercourse shall require the use of additional best management practices. (Ord. dated 12/13/06 (part))

16.42.090 Fee schedule

The fees referred to in other sections of this chapter shall be established by the municipality and may from time to time be modified by resolution of the Town Board. The purpose of these fees is to offset the costs of administering the provisions of this chapter. (Ord. dated 12/13/06 (part))

16.42.100 Inspection

At any reasonable time and for any reasonable purpose, the agent is authorized to enter upon any land and make inspections to

determine conformance with the terms of this chapter and any permits or plan approvals pursuant to the provisions of Wisconsin Statutes Sections 60.61, 60.627, 101.65, 281.16 and 283.33. (Ord. dated 12/13/06 (part))

16.42.110 Enforcement

A. The agent may post a stop-work order if:

1. Any land disturbing or land development activity regulated under this chapter is occurring without a permit and an approved erosion control plan;

2. The approved control plan is not being implemented in a good faith manner; or

3. The conditions of the permit and approved erosion control plan are not being complied with.

B. If the applicant does not cease the activity or comply with the control plan or permit conditions within ten (10) days, the agent may revoke the permit.

C. If the landowner or land user where no permit has been issued does not cease the activity within ten days, the agent may request the municipal attorney to obtain a cease and desist order.

D. After posting a stop-work order, the agent may issue a notice of intent to the applicant or landowner or land user of its intent to perform work necessary to comply with this chapter. If conditions are likely to result in sediment from the site damaging adjacent properties or reaching surface waters, the agent may enter the land and take emergency actions necessary to prevent sediment or other pollutants from damaging adjacent properties or reaching surface waters, public rights-of-way and storm sewers. The costs incurred by the agent plus interest and legal costs shall be billed to the record owner of the property. In the event an owner of title of the property fails to pay the amount due, the clerk in conjunction with the treasurer shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Wisconsin Statutes Section 66.0627.

E. Any individual who violates this chapter, the conditions of the permit, or permits erosion, sediment deposits, tracking or deposition of soil on adjacent land, public rights-of-way or surface waters shall be deemed to be in violation of this chapter and subject to the penalties provided in this section.

1. See general penalty clause in Section 1.08.010. (Ord. dated 12/13/06 (part))

16.42.120 Appeals

A. Town Board. The Town Board shall be responsible for the following:

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the agent in administering this chapter.

2. Upon appeal, may authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship.

3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who May Appeal. Any applicant, permittee, landowner, or land user may appeal any order, decision or determination made by the agent in administering this chapter. (Ord. dated 12/13/06 (part))

Chapter 16.44

POND CONTROL

Sections:

16.44.010 Permit required
16.44.020 Exceptions
16.44.030 Site plan required
16.44.040 Standards for construction
16.44.050 Penalty

16.44.010 Permit required

No person shall construct or make improvements to any pond located within the Town of Dover without first obtaining a permit from the Town Board. Except as set forth below, these provisions apply to all ponds including, but not limited to, those ponds utilized for drainage, recreation, aesthetics, sediment control, and fish management. (Ord. dated 12/13/06 (part))

16.44.020 Exceptions

The following ponds are excluded from the provisions of this chapter; ponds with a depth of less than twenty-four (24) inches, ponds with a diameter less than sixteen (16) feet or an area less than two hundred (200) square feet, storm water drainage ponds created by or for a Town drainage utility district, and ponds which have been previously reviewed and approved as part of an erosion control plan. Existing ponds are also excluded from the provisions of this chapter, but any enlargement, dredging or modifications to such ponds shall make them subject to this chapter. (Ord. dated 12/13/06 (part))

16.44.030 Site plan required

Before a permit may be issued, the applicant shall provide the Town with a detailed site plan of the proposed pond excavation showing cross-section, depth, area and location of the pond as well as addressing disposition and storage of spoils from excavation. The plan shall contain measures to protect against overflow and shall address drainage into and surrounding the pond area. The plan shall detail the flow of drainage in the event of overflow and demonstrate that adjacent properties will be adequately protected in the event of overflow. A restoration plan for the excavation is also required. Additional information shall be supplied to the Town, as requested by the Town Engineer. (Ord. dated 12/13/06 (part))

16.44.040 Standards for construction

A. Technical Requirements. Side slopes shall not exceed a four to one (4:1) ratio. The boundaries of the pond, as shown on the approved site plan, shall be set back a minimum of thirty (30) feet from all property lines. In addition, ponds shall be constructed in conformance with the standards of the Soil Conservation Service Technical Guide and, where applicable, the Wisconsin Department of Natural Resources Storm Water Technical Standards.

B. Excavated Material. To the maximum extent possible, all excavated material shall remain on-site and shall be integrated into the restoration of the pond area. No excavated material from the project site shall be sold, given away, or otherwise removed from the site in a manner in which the principal use of the property appears to be soil removal, and pond construction appears to be a secondary result.

C. Conditions to Permit. The Town Board may attach conditions to the issuance of a pond permit to address such things (without limitation) as maintenance, weed control, depth of pond, landscaping and aesthetics, and measures to secure the pond to avoid personal

injury to persons lawfully on the property, invitees or trespassers. Other conditions appropriate to the area under consideration may be added to the permit by the Town Board, after consultation with the Town Engineer.

D. Additional Permits. Before proceeding with excavation, the applicant, in addition to obtaining a permit from the town, must secure all necessary permits from pertinent county, state and federal government agencies.

E. Permit Fee. There shall be fifty dollar ($50.00) permit fee to cover the cost of site plan review, inspection and enforcement by the building inspector. (Ord. dated 12/13/06 (part))

16.44.050 Penalty

A. Forfeiture. Any person who violates any provision of this chapter or who shall construct or make improvements to any pond located within the town of Dover without first obtaining a permit as required herein shall upon conviction thereof, forfeit not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), together with the cost of prosecution and in default of payment of the forfeiture and the cost of prosecution shall be imprisoned in the Racine County Jail until payment of such forfeiture and costs of prosecution said imprisonment not to exceed sixty (60) days for each such violation. Further, each such day of continued violation of the provisions of this chapter shall be considered a separate offense.

B. Injunction. In case any premises are used in violation of this chapter, an action in the name of the town may be instituted to enjoin the violation, and this remedy shall be in addition to other remedies set forth in this section.

C. Abatement.

1. Notice to Owner. In the event that any person shall construct or make improvements to any pond located within the Town of Dover without first obtaining a permit as required herein or who shall construct or make improvements to any pond located within the Town of Dover contrary to this chapter, the town may serve notice on the person causing, permitting or maintaining such a violation and upon the owner or the occupant of the premises on which such a violation is caused, permitted or maintained and may post a copy of said notice on the premises. Such notice shall direct that the person causing, permitting or maintaining such a violation or the owner or the occupant of the premises to abate or remove each such violation or to obtain the necessary permits required hereby within seven days from the date of posting and shall state that unless such action is taken, that the Town will cause the same to be abated, removed or otherwise brought into compliance and will charge the costs thereof to the owner, occupant or person causing, permitting or maintaining the violation, as the case may be.

2. Abatement or Restoration by the Town. If the action required by the notice issued pursuant to this section is not taken within the time provided or if the owner, occupant or person causing, permitting or maintaining the violation cannot be found, the Town shall cause the abatement or removal of such violation, and if necessary to bring the premises into compliance, the Town shall take action to restore the property to a state consistent with the condition of the property prior to construction of the pond or the

improvements made to the pond which were made in violation of this chapter.

3. Cost of Abatement or Restoration. In addition to any other penalty imposed for this title, the cost of abating a violation of this chapter by the Town shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the violation and if notice to abate and/or remedy the violation has been given to the owner, such costs shall be assessed against the real estate as a special charge. (Ord. dated 12/13/06 (part))

Chapter 16.46

OPEN SPACE AND PUBLIC FACILITIES

Sections:

16.46.010	**Public sites and open spaces**
16.46.020	**Dedication and reservation of lands**

16.46.010 Public sites and open spaces

In the design of the subdivision plat or minor land division, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the plat or minor land division as stipulated in Section 16.10.030 of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

Accordingly, each subdivider of land in the town shall, at the discretion and direction of the Town Plan Commission, either dedicate open space lands designated on the town comprehensive plan or plan component, or reserve such open space lands and pay a public site fee or, where no open space lands are directly involved, pay a public site fee. The Town Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval.

A. Dedication of Site Option.

1. Whenever a proposed playground, park or other public open space land designated on the town's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each fifty (50) proposed or potential dwelling units; and any such proposed public lands in excess of the rate established in this section shall be reserved for a period not to exceed three (3) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

2. If the lands in excess of the established rate are not acquired within the three-year (3) period as set forth in this section, the land will be released from reservation to the owner.

3. In calculating the number of dwelling units, the dwelling units in a single-family residential development shall be equal to the number of lots; the dwelling units in a two-family residential development shall be equal to the number of lots multiplied by two; and the number of dwelling units in a multifamily residential development shall be equal to the net area of developable lots divided by the minimum lot area required per multifamily residential unit, or as otherwise limited by plat restrictions, whichever is less.

B. Reservation of Site Option.

1. Whenever a proposed playground, park, or other public open space land designated on the Town's comprehensive plan, neighborhood unit development plan, or

other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction and the subdivider shall pay a public site fee at the time of application for final plat approval, or certified survey map approval, at the rate and according to the procedures set forth in subsection C of this section.

2. If the land is not acquired within the three-year (3) time period as set forth in this section, the land will be released to the owner from reservation.

C. Public Site Fee Option. If the proposed subdivision or minor land division does not encompass a proposed public park, parkway, or other open space lands, or if the Town Plan Commission requires the reservation of land as set forth in subsection B of this section, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision or minor land division shall be paid to the town treasurer at the time of first application for approval of a final plat or certified survey map in an amount established by Town resolution for each proposed dwelling unit within the plat or certified survey map. The dwelling unit count shall be established as set forth in subsection A of this section. Public site fees collected by the Town treasurer under the provisions of this title shall be placed in a nonlapsing special fund for Town parks and shall be separate from the general fund of the Town, and the special fund shall be used exclusively for the acquisition and development of park, recreation and other open space areas within the Town. (Ord. dated 12/13/06 (part))

16.46.020 Dedication and reservation of lands

A. Streets, Highways and Drainageways. Whenever a tract of land to be divided within the jurisdiction of this title encompasses all or any part of an arterial or collector street, drainageway or other public way which has been designated on a duly adopted town, county or regional comprehensive plan or comprehensive plan component, the public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on the plan or component and as set forth in Chapter 16.30.

B. Parks and Playgrounds. Whenever a tract of land to be divided within the town encompasses all or any part of a park or playground which has been designated on a duly adopted town, county or regional comprehensive plan or comprehensive plan component, the park or playground shall be made a part of that plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on the plan and in accordance with the procedures set forth in Section 16.32.100. (Ord. dated 12/13/06 (part))

Chapter 16.52

VARIANCES

Sections:

16.52.010 Variances

16.52.010 Variances

If the Town Plan Commission finds that literal application of this title would result in exceptional or undue hardship, it may recommend to the Town Board a variance from any requirement to the extent deemed just and proper. No variance to the provisions of this title shall be recommended to the Town Board unless the Town Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

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

B. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity;

C. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this title or the public interest;

D. A minimum of five (5) affirmative Town Plan Commission member votes shall be required to recommend any variance of this title to the Town Board;

E. The Town Board may waive the placing of monuments, required under Wisconsin Statutes Section 236.15(1)(h), for a reasonable time, not to exceed one (1) year on condition that the subdivider execute a surety bond equal to the estimated cost of installing the monuments to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

Chapter 16.56

FEES AND COSTS

Sections:

16.56.010	**General**
16.56.020	**Preliminary plat or certified survey map review fee**
16.56.030	**Improvement review fee**
16.56.040	**Inspection fee**
16.56.050	**Final plat review fee**
16.56.060	**Public site fee**
16.56.070	**Engineering fee**
16.56.080	**Administrative fee**

16.56.010 General

The subdivider shall pay all fees to the Town Treasurer as required in this title and at the times specified before being entitled to recording of a plat or certified survey map. The subdivider shall enter into a Town approved reimbursement agreement prior to the incurrence of any such costs. In the event of non-payment of any such costs, the Town may add the cost to the tax roll as a special levy. (Ord. dated 12/13/06 (part))

The fees referred to in other sections of this ordinance shall be established by the Town Board by resolution. The Town Engineer, Building Inspector, or other designee may from time to time make recommendations to set a particular fee. A schedule of the fees shall be available for review in the Dover Town Hall and on the Town website. The cost of a particular professional engaged by the Town, such as the Engineer, shall be established by that professional.

16.56.020 Preliminary plat or certified survey map review fee

The subdivider shall pay a fee, in an amount to be established by resolution, for each lot or parcel within the preliminary plat or certified survey map to the Town Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review. A reapplication fee, in an amount to be established by resolution, shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed. (Ord. dated 12/13/06 (part))

16.56.030 Improvement review fee

The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to two percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the town of checking and reviewing such plans and specifications. Improvements shall include, but not be limited to, earthwork and grading, streets, sidewalks, street lamps, water supply systems, sanitary sewerage systems, storm water drainage systems, and sediment control facilities. The fee may be recomputed, upon demand of the subdivider or town engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Town Engineer. (Ord. dated 12/13/06 (part))

16.56.040 Inspection fee

The subdivider shall pay a fee to the Town Treasurer equal to the actual cost to the town for such inspections as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and

ordinances of the Town or any other governmental authority. (Ord. dated 12/13/06 (part))

16.56.050 Final plat review fee

The subdivider shall pay a fee to be established by resolution for each lot or parcel within the final plat to the town treasurer at the time of first application of final plat approval of the plat to assist in defraying the cost of review. A reapplication fee, in an amount to be established by resolution, shall be paid to the Town Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed. (Ord. dated 12/13/06 (part))

16.56.060 Public site fee

If the subdivision does not contain lands to be dedicated as required in Sections 16.10.030 and 16.32.090, the Town Board shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision. The fee, in an amount to be established by resolution shall be paid to the Town Treasurer at the time of first application for approval for a final plat of the subdivision for each dwelling unit/lot within the plat. Public site fees shall be placed in a separate nonlapsing special fund by the Town Clerk to be used only for the acquisition and development of park sites which will serve the proposed subdivision. The fund shall be established on the basis of the service area of existing or proposed park facilities. (Ord. dated 12/13/06 (part))

16.56.070 Engineering fee

The subdivider shall pay to the Town Treasurer a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat. In addition:

A. Engineering work shall include the preparation of construction plans and standard specifications. The Town Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

B. Inspection, checking and reviewing work has fees provided for in Sections 16.56.030 and 16.56.040. (Ord. dated 12/13/06 (part))

16.56.080 Administrative fee

The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Town and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects and land planners, requested by the Town Board or Town Plan Commission in connection with the land division being considered. The developer shall enter into a cost recovery agreement with the Town prior to the first appearance before the Town Plan Commission. (Ord. dated 12/13/06 (part)

Chapter 16.60

FINANCIAL SECURITY

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 on Default**

16.60.010 Purpose

The Town of Dover has an interest in ensuring that it does not bear the cost of private development. The purpose of this chapter is to ensure the installation of required public improvements within a reasonable time following approval of a subdivision, certified survey map, or other land division, in a manner consistent with Wisconsin Statutes §236.13(2)(am)

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 (120) percent 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 all times it equals or exceeds the total amount of improvement contracts entered into in accordance with this Chapter. 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 Dover 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, and shall require written agreement of the Town prior to making any modification to the surety. 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 (90) percent 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 Chapter, 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 obligation under this Chapter.

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; of

D. Foreclosure of any lien against the Property of 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 Right 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 (90) percent of the estimated cost of all improvements theretofore accepted by the Town. 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.

Chapter 16.99 Appendices to Title 16

16.99.000	Appendix A0
16.99.010	Appendix A1
16.99.020	Appendix A2
16.99.030	Appendix B1
16.99.040	Appendix B2
16.99.050	Appendix C1
16.99.060	Appendix D1
16.99.070	Appendix D2
16.99.080	Appendix D3
16.99.090	Appendix E1
16.99.100	Appendix E2
16.99.110	Appendix E3
16.99.120	Appendix E4

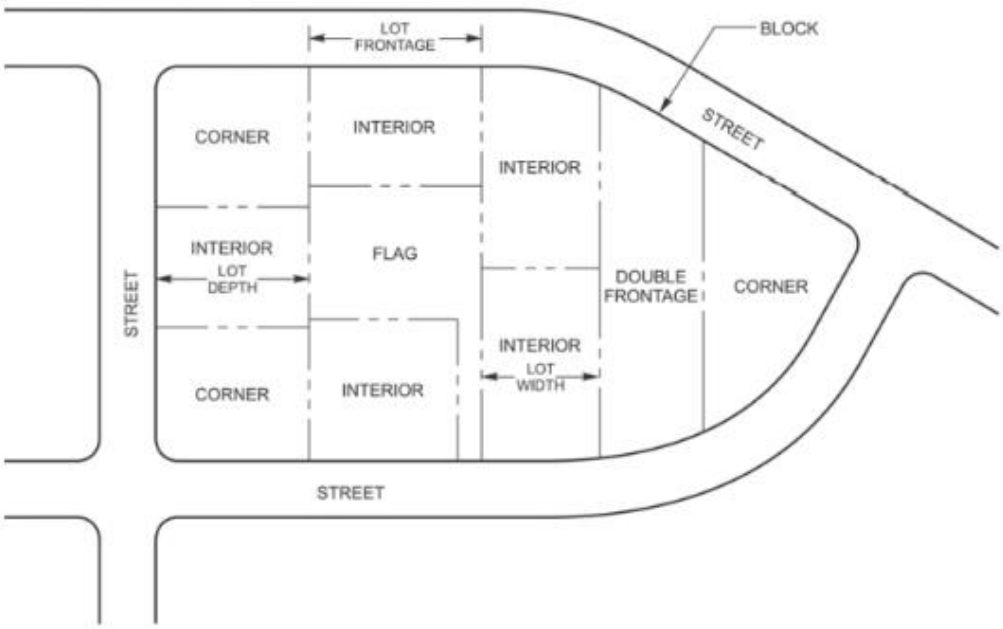
16.99.000 Appendix A0

Referenced from 16.04.020 Definitions, Specific Words and Phrases

Illustration 1 is a diagram showing typical corner, double frontage, flag, and interior lots.

Illustration 1

TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



Source: SEWRPC.

16.99.010 Appendix A1

Land Platting Procedures for Minor Land Divisions in the Town of Dover, Racine County, Wisconsin

Appendix A-1 Land Platting Procedures for Plat Review in the Town of Dover, Racine County Wisconsin

Note: Step 1 is only advisory and Steps 2 and 3 once commences are mandatory

STEP 1 - PRE-APPLICATION PROCESS

SUBDIVIDER	visits →	Town Clerk, Engineer, Building Inspector, Plan Commission	to →	Informally review the proposed land division and obtain advice and be made aware of local plans, plan components and Ordinance Requirements

STEP 2 - PRELIMINARY PLAT REVIEW

SUBDIVIDER	submits Application and required fees and improvement plans →	Town Clerk who forwards	to →	Town Plan Commission, Town Engineer, County Planning Department, Wis. Dept. of Agriculture, Trade and Consumer Protection, Wis. Dept. of Transportation, Wis. Dept. of Industry, Labor and Human Relations, Wis. Dept. of Natural Resources, County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Affected Utilities, School Board/Park Board	who review plat and notify	→	Town Plan Commission of all objections and any recommendations	who recommends approval, conditional approval or rejection	to →	The Town Board	who approves, approves with conditions or rejects

STEP 3 - FINAL PLAT REVIEW

SUBDIVIDER	Installs or contracts to install and furnishes sureties to ensure the installation of all improvement and submits Final Plat and applicable fees and dedications →	Town Clerk who forwards copies	to →	Town Plan Commission, Town Engineer, County Planning Department, Wis. Dept. of Agriculture, Trade and Consumer Protection Wis. Dept. of Transportation, Wis. Dept. of Industry, Labor and Human Relations, Wis. Dept. of Natural Resources	who review Final Plat and notify	→	Town Plan Commission of all objections and any recommendations	who recommends approval or rejection	to →	The Town Board	who approves, approves or rejects with reasons and	If approved, transmits Final Plat	to →	Town Clerk	who certifies and submits Approved Final Plat	to →	County Register of Deeds for recording

16.99.020 Appendix A2

Land Platting Procedures for Minor Land Divisions in the Town of Dover, Racine County, Wisconsin

Appendix A-2 Land Platting Procedures for Minor Land Divisions in the Town of Dover, Rac

Note: Step 1 is only advisory and Step 2 once commences is mandatory

STEP 1 - PRE-APPLICATION PROCESS

SUBDIVIDER	visits →	Town Clerk, Engineer, Building Inspector Plan Commission	to →	Informally review the proposed land division and obtain advice and be made aware of local plans, plan components and Ordinance Requirements

STEP 2 - MINOR LAND DIVISION REVIEW

SUBDIVIDER	submits Certified Survey Map and Applicable Fees and Dedications →	Town Clerk who forwards	to →	Town Plan Commission, Town Engineer, County Planning Department, County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Affected Utilities, School Board/Park Board	who review map and notify	→	Town Plan Commission of all objections and any recommendations	who recommends approval, conditional approval or rejection	to →	The Town Board	who approves or rejects and	If approved, transmits	to →	Town Clerk	who certifies and submits Approved Map	to →	County Register of Deeds for recording
		← 20-day maximum review period →															
		← 90-day maximum review period for Plan Commission recommendation →															
		← 120-day maximum for Town Board action →													← 30-day maximum for Town Clerk to submit Approved Map for recording →		

16.99.030 Appendix B1

Reserved

16.99.040 Appendix B2

Reserved

16.99.050 Appendix C1

SAMPLE SUBDIVIDERS' AGREEMENT

Provided upon Request.

16.99.060 Appendix D1

TOWN OF DOVER
RACINE COUNTY

PLAN COMMISSION CHECK LIST FOR
DISTRIBUTION OF PRELIMINARY PLATS

(Numbered Items of this form to be filled out by the subdivider or his agent.)

1. _____
   (Name of Subdivision)

2. The subdivision is located within the Town of Dover.

3. The subdivision abuts or adjoins a state trunk highway. Yes ( ) No ( )

4. The subdivision is served by private waste disposal systems. Yes ( ) No ( )

5. The subdivision abuts a county park or parkway. Yes( ) No ( )

6. _____
   Submitted by: (Signature) (Address)

Plat copies required by Town of Dover	Number of Copies	To be Sent by Town Clerk to
All Plats	8	Town of Dover Plan Commission
All Plats	---	Town Committees, Commissions and Departments (2 copies for each agency with jurisdiction).

Total number of copies required for Town of Dover review: 8

Plat copies required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to
All Plats	4	Racine County Planning and Development Committee
All Plats	2	DTACP????
Subdivision abuts or adjoins a state trunk highway or connecting street	2	Wisconsin Department of Transportation

Plat copies required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to
Subdivision not served by public sewer and no provision has been made	2	DILHR???
Subdivision lies within the shore land/floodplain jurisdictional area		Wisconsin Department of Natural Resources
Subdivision abuts a lake or stream		Wisconsin Department of Natural Resources

Total number of copies required for objecting agency review: _____

Plat copies required by Advisory Agencies	Number of Copies	To be Sent by Town Clerk to
All Plats	2	Racine County Land Conservation Committee
All Plats	2	Southeast Wisconsin Regional Planning Commissions
All Plats	2	_____ Gas Company
All Plats	2	_____ Electric Power Company
All Plats		_____ Telephone Company
All Plats		_____ School District

Total number of copies required for advisory agency review: _____

Number of copies received _____
Date copies received _____
Date copies transmitted _____

I hereby certify that I received _____ copies of the Preliminary Plat of _____ (Name of Subdivision) and transmitted the required copies as indicated above.

_____ _____
Town Clerk Date

16.99.070 Appendix D2

TOWN OF DOVER
RACINE COUNTY

PLAN COMMISSION CHECK LIST FOR DISTRIBUTION OF FINAL PLATS

(Numbered Items of this form to be filled out by the subdivider or his agent.)

1. _____

(Name of Subdivision)

6. The subdivision is located within the Town of Dover.

7. The subdivision abuts or adjoins a state trunk highway. Yes( ) No ( )

8. The subdivision is served by private waste disposal systems. Yes ( ) No ( )

9. The subdivision abuts a county park or parkway. Yes( ) No ( )

6. _____

Submitted by: (Signature) (Address)

Plat copies required by Town of Dover	Number of Copies	To be Sent by Town Clerk to
All Plats	8	Town of Dover Plan Commission
All Plats	---	Town Committees, Commissions and Departments (2 copies for each agency with jurisdiction).

Total number of copies required for Town of Dover review: 8

Plat copies required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to
All Plats	4	Racine County Planning and Development Committee
All Plats	2	DTACP????
Subdivision abuts or adjoins a state trunk highway or connecting street	2	Wisconsin Department of Transportation

Plat copies required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to
Subdivision not served by public sewer and no provision has been made	2	DILHR???
Subdivision lies within the shore land/floodplain jurisdictional area		Wisconsin Department of Natural Resources
Subdivision abuts a lake or stream		Wisconsin Department of Natural Resources

Total number of copies required for objecting agency review: _____

Number of copies received _____
Date copies received _____
Date copies transmitted _____

I hereby certify that I received __ copies of the Final Plat of _____ (Name of Subdivision) and transmitted the required copies as indicated above.

_____ _____
Town Clerk Date

16.99.080 Appendix D3

PRELIMINARY PLAT AND CERTIFIED MAP CHECKLIST

Owner_____ Address_____

City, State_____
Location: _____ 1/4 of the_____ l/4, Section___, T___N___, R___E, __

Date Fees Paid to Town Treasurer _____

Date Map Received by Racine County Planning and Development Department _____

Date Map Received by Town Clerk _____

Date of Inspection_____

1. Maps sent to Required Parties	☐				
2. Adequate Drainage	☐				
3. No Flooding Potential	☐				
4. Minor Erosion Potential	☐				
5. No Adverse Soil Types(s)	☐				
6. No Bedrock Problem	☐				
7. No Groundwater Problem	☐				
8. No Recently Filled Lands	☐				
9. No Tilled Farmlands	☐				
10. Monuments Installed	☐				
11. Public Water Supply	☐				
12. Public Sanitary Sewer	☐				
13. Percent of Slope:	☐ 0-10%	☐ 11-15%	☐ 16-20%	☐ Over 20%	
14. Lot Size (sq. ft.):	☐ 6,000	☐ 10,000	☐ 20,000	☐ 40,000	☐ 5 acres
15. Zoning District:		Minimum Area Required:		Minimum Lot Width:	
16. Soil Percolation Rate (if applicable)	☐ Under 3	☐ 3 - 45	☐ 45 - 60		

17. Name and address of owner(s), seller, purchaser (if known), subdivider and surveyor, including his/her registration number.	☐
18. Lands reserved for future dedication. (Location and Size)	☐
19. Graphic scale not more than 100 feet to the inch for plats or 500 feet to the inch for Certified Survey Maps.	☐

20. Entire area contiguous to proposed land division owned by subdivider.	☐
21. General location map.	☐
22. Location of all existing buildings, watercourses, drainage ditches, percolation or other soil test sites, boring holes, and other significant site characteristics.	☐
23. Floodplain limits (if applicable).	☐
24. Existing and proposed contours.	☐
25. Water elevations of adjoining lakes and streams (if applicable).	☐
26. Floodplain limits (if applicable).	☐
27. Location, width and names of all existing rights-of-way shown.	☐
28. Type, width and elevation of any existing street pavements within the plat or certified survey map	☐
29. Location and names of any adjacent subdivisions.	☐
30. Location, size and invert elevations of any existing sanitary or storm sewers.	☐
31. Location of all existing property boundary lines.	☐
32. Location, width and names of all proposed streets and public rights-of-way.	☐
33. Approximate dimensions of all lots on a preliminary plat or precise dimensions of lots on a preliminary plat or precise dimensions of lots on a final Certified Survey Map.	☐
34. Approximate radii of all curves.	☐
35. Existing zoning on and adjacent to the proposed land division.	☐
36. Any proposed lake and stream improvement or access.	☐
37. Exact length and bearing of the centerline of all streets.	☐
38. Setbacks or building lines.	☐
39. Utility and/or drainage easements.	☐
40. Certification by the surveyor of his/her compliance with all of the provisions of the Town Land Division Ordinance and Section 236.34 of the Wisconsin Statutes.	☐
41. Owner's and mortgagee's certificate of dedication of streets and other public areas. Form to be the same as required by Section 236.21(2)(a) of the Wisconsin Statutes.	☐
42. Certificate of taxes paid in both Town and County.	☐
43. Lot corners monumented in accordance with Section 236.15(I)(c) and (d).	☐

44. Additional comments:

16.99.090 Appendix E1

SAMPLE LETTER OF TRANSMITTAL OF PRELIMINARY PLAT TO STATE AGENCIES

DATE:_____

Plat Review Program
Department of Administration

Mailing Address
PO Box 1645
Madison, WI 53701

OR
Shipping Address
101 E Wilson St FL 2, Madison WI
53703

OR
Online Plat Submittal
https://wi.accessgov.com/public/Forms/Page/doa-dir/dir-platreview/

Dear Sir or Madam:

Enclosed herewith please find ___ copies of the preliminary plat of _____ located in U.S. Public Land Survey Section _____ in the Town of Dover (T3N, R20E), Wisconsin. The preliminary plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Town of Dover Plan Commission. Please note that the Town Plan Commission is scheduled to meet to review objections and comments, and discuss the preliminary plat on DATE_____, respectively.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the writer or the Town Engineer.

Sincerely,

_____
Town Clerk

Enclosures

16.99.100 Appendix E2

SAMPLE LETTER OF TRANSMITTAL OF PRELIMINARY PLAT TO ADVISORY AGENCIES

DATE: _____

Racine County Planning and Development Committee
Racine County Land Conservation Committee
Southeastern Wisconsin Regional Planning Commission
Gas Company
Electric Power Company
Telephone Company
School District

Dear Sir or Madam:

Enclosed herewith please find ___copies of the preliminary plat of _____ located in U.S. Public Land Survey Section _____ in the Town of Dover (T3N, R20E), Wisconsin. The preliminary plat is being transmitted to you for your review and comments, prior to action by the Town of Dover Plan Commission. Please note that the Town Plan Commission is scheduled to meet to review comments and discuss the preliminary plat on DATE____. It is assumed that if no correspondence regarding the plat is received in this office within 30 days of your receipt of the plat, that you have no comments on said plat.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the writer or the Town Engineer.

Sincerely,

_____

Town Clerk
Enclosures

16.99.110 Appendix E3

SAMPLE LETTER OF TRANSMITTAL OF FINAL PLAT TO STATE AGENCIES

DATE:_____

Plat Review Program
Department of Administration

Mailing Address
PO Box 1645
Madison, WI 53701

OR
Shipping Address
101 E Wilson St FL 2, Madison WI
53703

OR
Online Plat Submittal
https://wi.accessgov.com/public/Forms/Page/doa-dir/dir-platreview/

Dear Sir or Madam:

Enclosed herewith please find ___ copies of the final plat of _____located in U.S. Public Land Survey Section ___ in the Town of Dover (T3N, R20E), Wisconsin. The final plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Town of Dover Plan Commission and the Town Board of Supervisors. Please note that the Town Plan Commission and the Town Board are scheduled to meet to review objections and comments, and discuss the final plat on DATE_____ and DATE_____, respectively.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the writer or the Town Engineer.

Sincerely,

_____
Town Clerk

Enclosures

16.99.120 Appendix E4

SAMPLE IRREVOCABLE LETTER OF CREDIT
(on bank or savings and loan letterhead)

Issued in favor of the Town of Dover Racine County, Wisconsin

NAME OF DEVELOPER: _____

We hereby establish our irrevocable credit in your favor up to the aggregate amount of $(insert cost of improvements) available by your drafts drawn at sight, for the account of (subdivider's account name). This letter of credit is issued to guarantee the payments for improvements by (name of developer) under the provisions of the Town of Dover Land Division Ordinance, and the Subdivider's Agreement between (name of developer) and the Town of Dover, executed on DATE___. Issuer agrees that in the event the facilities subject to this letter of credit and all work to be performed by said (name of developer) pursuant to the Subdivider's Agreement with the Town are not completed according to the terms of that agreement to the satisfaction of said Town, that said Town may, after ten (10) days notice in writing to issuer and (name of developer) cause such improvements to be completed.

Issuer shall cause to be paid thereafter up to the aggregate amount set forth above, upon presentation by the Town of Dover of sight drafts, for the completion of such improvements.

Issuer agrees that all such drafts shall be honored on presentation without notice to or subject to confirmation by (name of developer).

Drafts under this letter must be drawn and negotiated not later than (a date by which improvements must be completed). The Town Clerk, as agent for the Town of Dover, shall be notified sixty (60) days prior to maturity of this letter.

Dated this _____day of _____,20__

(name of lender)
Issuer
BY:_____
Signature and Title

Title 16: Land Division Regulations

Statutory References for Wisconsin Cities, Villages, Towns

Reserved

Ordinance Tables

Reserved

Title 16: Land Division Regulations

Ordinance Index

Reserved

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