

CHAPTER 1
GENERAL PROVISIONS

- 1.01 Title.** This Ordinance shall be known as, referred to, or cited as "Town of Albany Land Division and Subdivision Ordinance" herein referred to as "this Ordinance".
- 1.02 Authority.** The provisions of this Ordinance are adopted by the Town Board of Supervisors, Town of Albany, Green County in accordance with the authority granted by Section. 236.45 and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes.
- 1.03 Purpose and Intent.** The purpose and intent of this Ordinance are to advise and regulate the division of land in Albany Township, to promote public health, safety, aesthetics, and general welfare and to:
- (1) Ensure accurate legal descriptions of subdivided land and adequate records of land titles.
 - (2) Ensure proper monumenting of subdivided land.
 - (3) Protect the Town's natural resources and agricultural base.
 - (4) Ensure that the design of the street system will contribute to neighborhood quality, traffic flow and safety.
 - (5) Facilitate sound, orderly development of land by encouraging well planned and designed plats with workable design standards.
 - (6) Secure safety from fire, flooding and other damages.
 - (7) Facilitate adequate provision for transportation, storm water drainage, water and sewer, parks and open space, and other facilities.
 - (8) Ensure that future development is consistent with adopted county, municipal, and town comprehensive plans or their components, and official maps.
 - (9) Ensure that future development is consistent with the Green County zoning, floodplain, river way, and other ordinances, where applicable.

1.04 Abrogation and Interpretation.

- (1) It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, or permits previously adopted or issued pursuant to laws.

After enactment, where it imposes greater restrictions, the provisions of this Ordinance shall govern.

- (2) In their interpretation and application, the provisions of this Ordinance 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. After enactment of this Ordinance, where it imposes greater restrictions than State Statutes or the Green County Subdivision Ordinance, the provisions of this Ordinance shall govern. Where State Statutes or the Green County Subdivision Ordinance impose greater restrictions, the more stringent provisions apply.

1.05 Effective Date. This Ordinance shall become effective on the day following its enactment by the Albany Town Board of Trustees.

1.06 Severability. If any section, paragraph, clause, provision, or portion of this Ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.07 Applicability. The provisions of this Ordinance shall apply to combining or dividing parcels of land in the Township as follows:

- (1) The combining of two or more parcels of land shall comply with the requirements of s. 1.09, combining parcels.
- (2) The creation of at least one but not more than two (2) parcels or building sites of under 35 acres each by the same or successive owners or their agents shall comply with the requirements of Chapter 2, Certified Survey Map Land Divisions in addition to all other applicable design standards and required improvements of this ordinance.
- (3) The creation of three (3) or more parcels of building sites of under 35 acres each either through a single division or successive divisions by either the same or subsequent owner(s) or their agents shall comply with the requirements of Chapter 3, Subdivision Plat Land Divisions and applicable design standards and required improvements of this ordinance.
- (4) A condominium plat prepared pursuant to s. 703.11 Wis. Stats. and other applicable statutes,

shall be reviewed by the Town in the same manner as a subdivision plat as set forth in this ordinance and comply with the applicable design standards and required improvements of this ordinance.

- (5) Exceptions. The provisions of this ordinance shall not apply to divisions of land of less than five (5) parcels which involve:
- a. Transfers of interest in land by will or pursuant to court order.
 - b. Leases for a term not to exceed 10 years, mortgages, or easement.
 - c. Sales or exchange of land between owners of adjoining property, provided additional lots are not created and provided any new lot configurations meet applicable zoning or other regulations.
 - d. Cemetery plats created under s. 157.07 Wis. Stats.

1.08 Compliance. For any division or combining of land which is applicable under section 1.07, an applicant shall not be entitled to recording and/or improvements to land unless such division is in compliance with all the requirements of this Ordinance. All approved certified survey maps and plats shall be filed for recording with the Register of Deeds of Green County prior to transferring ownership of any parcels created by a land division.

1.09 Combining Parcels. A certified survey map shall be required for the combining of two or more parcels into one to two parcels for the purpose of creating a building lot(s). The certified survey map shall be reviewed according to section 2.02 and comply with the requirements of s. 236.34, Wis. Stats., and shall be filed for recording with the Register of Deeds of Green County. If the combining of parcels results in three or more lots, the platting procedure of Chapter 3 is required.

1.10 Administrative Fees. The land divider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

- (1) Engineering Fees. The land divider shall pay a fee equal to the actual cost to the Town for all engineering and technical assistance work incurred by the Town in connection with the preliminary plat, final plat or certified survey map, including inspections required by the Town. The land divider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town and any other governmental agency.
- (2) Legal Fees. The land divider shall pay a fee equal to the actual cost to the Town for all legal fees and costs incurred by the Town in connection with the preliminary plat, final plat or certified survey map, including conferences, review and preparation of documents, and consultations with the land divider or the Town.
- (3) Administrative Fees. The land divider shall pay a fee equal to the cost of any administrative or fiscal work, publication and special meeting costs which may be incurred or undertaken by the Town in connection with the preliminary plat, final plat or certified survey map.
- (4) Preliminary Plat and Certified Survey Review and Final Plat Review Fees. Fees for Town review of Preliminary Plats, Final Plats, replats, special meetings and certified survey maps shall be established by resolution of the Town Board.
- (5) Escrow Account. At the time of filing with the Town Clerk a preliminary plat or certified survey map, the land divider shall deposit with the Town Clerk an escrow fund amount of Five Thousand Dollars (\$5,000) for plats and Five Hundred Dollars (\$500) for certified surveys. As required at the sole discretion of the Town Board, funds may be drawn against such escrow accounts for the payment of engineering, legal, administrative and other costs incurred by the town in reviewing the proposed land division.

Monies not required for such engineering, legal, administrative and other costs shall be returned to the land divider within 180 days of final acceptance of all improvements required by the Town. If Town costs exceed the initial amount deposited in the escrow account, the Town shall require the land divider to deposit an additional amount in the escrow account. Such additional deposit in the escrow account shall be determined by the Town Board.

1.11 Guidelines for Reviewing Land Divisions. The following guidelines for reviewing land divisions are non-binding advisory guidelines and review criteria that the Town Board and Plan Commission may apply in reviewing land divisions. Nothing in this Chapter shall prevent the Town Board from developing and applying such additional guidelines and review criteria that the Town Board, in its sole discretion, determines appropriate.

- (1) Land divisions should be consistent with the goals, objectives and development standards set forth in the Town Comprehensive Plan.

- (2) Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties.
- (3) Land divisions should be planned and designed to maintain the "rural character" of the Town of Albany.
- (4) Land divisions should be planned and designed to protect environmentally sensitive sites.
- (5) Land divisions should be planned and designed to minimize the disruption of groves of existing mature vegetation, particularly native canopy trees.
- (6) Land divisions should be planned and designed to be sensitive to historic and archeological sites on both the parcel being divided and on adjoining and nearby properties.
- (7) Land divisions should be planned and designed to minimize the disruption of distant vistas.
- (8) The preferred locations for building envelopes are woodland fringes, at the edges of open fields and within new tree plantations where the esthetic and visual impact of new structures will be minimized.
- (9) Building envelopes should be located in such a manner as to make such structures as inconspicuous as possible.
- (10) Building envelopes shall be set back a minimum of seventy-five (75) feet from the right-of-way of all recreational trail easements and dedicated recreational trails.
- (11) Building envelopes shall be set back a minimum of fifty (50) feet from all public road right-of-ways, and seventy-five (75) feet from primary arterial right-of-ways, as identified in the Town's Comprehensive Plan.
- (12) Subdivision design and lot arrangements on properties adjacent to State Wildlife Reserves should provide for building envelopes that are set back a minimum of 300 feet from the Reserve property.
- (13) Where feasible in the judgment of the Town Board and Town Engineer, utility lines serving land divisions shall be placed underground in order to maintain the rural character of the area and preserve views and vistas. Where placement of underground utility lines is not feasible, easements for overhead utilities shall be located within land divisions in such a manner as to minimize their visual impact.

1.12 Definitions.

- (1) Alley. A public or private right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (2) Bike/Pedestrian Pathway. A public way which is intended for the convenience of pedestrians and bicycles only; it may also provide public right-of-way for utilities. Bike/Pedestrian Pathways include both regional pathways that are part of a network that provide access throughout the Town or portions of the Town, or local pathways that provide more limited access within or between subdivisions.
- (3) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or bodies of water.
- (4) Building Envelope. The area within which structures are permitted to be built on a lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and any Plans or Ordinances adopted by the Town.
- (5) Certified Survey Map. A map or plan of record of a one or two lot land division, meeting all the requirements of Section 236.34, Wisconsin Statutes, the Green County Land Division Ordinance and this Ordinance.
- (6) Comprehensive Plan. A plan for guiding and shaping the growth and development of the Town of which has been adopted by the Town Board.
- (7) Commission. The Plan Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes.
- (8) Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (9) Division of Land/Land Division. Any action which creates a subdivision, plat, or certified survey, or which creates a new parcel or makes substandard an original parcel.
- (10) Easement. An area of land set aside or designated, over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular

individual or ownership for specified purposes or activities.

- (11) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of the Village of Albany.
- (12) Final Plat. See Plat, Final.
- (13) Frontage Street. A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (14) Greenway. An open area of land, the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, and park development.
- (15) Improvements, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (16) Land Division. See definition for "Division of Land/Land Division."
- (17) Lot. A parcel of land having frontage on a public or private street or other officially approved means of access, 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 this ordinance and any applicable zoning ordinance.
- (18) Lot Area. The area contained within the exterior boundaries of a lot, excluding streets and land under navigable bodies of water.
- (19) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (20) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (21) Lot Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
- (22) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (23) Lot Width. The width of a parcel of land measured along the required front setback line.
- (24) Official Map. The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds, etc. as adopted by the Town Board pursuant to Section 62.23(6), Wisconsin Statutes.
- (25) Outlot. A parcel of land, other than a lot or block, created by and so designated on a Subdivision Plat or Certified Survey Map. Structures, other than those required or permitted at the sole discretion of the Town Board for public benefit or use, shall not be permitted within any outlot.
- (26) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of these.
- (27) Parcel. Contiguous lands under the control of a land divider(s), not separated by streets, highways or railroad rights-of-way, as described by deed or lot in a recorded Certified Survey Map or Subdivision Plat.
- (28) Pedestrian Pathway. See Bike/Pedestrian Pathway.
- (29) Plan Commission. The Town of Albany Plan Commission.
- (30) Plat. The map, drawing or chart on which the land divider's plat of subdivision is presented to the Town for approval.
- (31) Plat, Final. The final map, drawing or chart on which the land divider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recordation, and that meets all of the requirements of Chapter 236, Wisconsin Statutes, the Green County Subdivision Regulations, and this Ordinance.
- (32) Plat, Preliminary. The map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Town Board for their consideration as to compliance with the regulations contained in this Ordinance along with required supporting data.
- (33) Preservation Easement. An easement to the Town of Albany for the purpose of maintaining a portion of a plat, lot and/or parcel as open space for agriculture, natural landscape preservation and/or the preservation of the rural character of the community.

- (34) Protective/Restrictive Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293 Wisconsin Statutes, which constitutes a restriction on the use of all private or platted property within a certified survey or subdivision for the benefit of the public or property owners and to provide mutual protection against the undesirable aspects of development which would tend to impair the stability of property values.
- (35) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded plat or a part thereof.
- (36) Road Classification Map. A map adopted as a component of the Comprehensive Plan entitled "Road Classifications and Traffic Counts", as may be amended from time to time, which is to be consulted in determining the classification of roads and streets within the Town of Albany as necessary and applicable to the enforcement of this Ordinance.
- (37) Sanitary District Commission. A board established under Section 60.74 Wisconsin Statutes.
- (38) Shorelands. Those lands 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.
- (39) Structure. Any human-made structure having a roof supported by posts, columns or walls, and its appendages, including but not limited to balconies, porches, decks, stoops, fireplaces and chimneys. Also included in this definition are swimming pools and towers. With respect to preservation easements, structure also includes play equipment, private sanitary sewerage facilities of any type, including mounds and drain fields, or other improvements that impede the use of the property for agriculture or detract from the natural landscape. Not included in this definition are poles, towers, posts, or transformers related to the provision of utilities.
- (40) Subdivider/Land Divider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor subdivision or replat.
- (41) Subdivision. The division of land by the owner or land divider resulting in the creation of three (3) or more parcels or building sites of less than 35 acres.
- (42) Town. The Town of Albany, Green County.
- (43) Wetlands. 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. (See Section 23.32 (1) Wisconsin Statutes).
- (44) Wisconsin Administrative Code. The rules of the administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

CHAPTER 2

CERTIFIED SURVEY MAP LAND DIVISIONS

2.01 Certified Survey Map Required. Land divisions, which create at least one (1) but not more than two (2) parcels or building sites of less than 35 acres each by one or successive divisions by the same or subsequent owner(s) or their agent, and that are not otherwise regulated under Chapter 3, Subdivision Plats, are considered certified survey map land divisions, prepared in accordance with s. 236.34 Wis. Stats. and this ordinance and requiring approval under this Ordinance.

2.02 Preliminary Consultation. The land divider shall consult with the Plan Commission and staff for advice regarding the requirements for certified surveys. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. This consultation is intended to inform the land divider of the purpose and objectives of these regulations, the Town Comprehensive Plan, and duly adopted plan implementation devices of the Town and to otherwise assist the land divider in planning their development. In so doing, both the land divider and the Town may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the land divider may gain a better understanding of the subsequent required procedures.

2.03 Submission and Review.

(1) Following consultation, ten (10) copies of the final map in the form of a certified survey map shall be submitted to the Town Clerk.

(a) The Town Clerk shall schedule a Public Hearing on the certified survey before the

Plan Commission. The Town Clerk shall give notice of the Commission's review and Public Hearing on the certified survey by listing it as an agenda item in the Commission's posted meeting notice. The applicant shall also be notified. The notice shall include the name of the applicant, the address of the property in question and the requested action

- (b) Abutting property owners and property owners within six hundred (600) feet of the applicant's total parcel shall receive written notice of the public hearing.
- (2) The certified survey shall be reviewed for conformance with this ordinance, Chapter 236 Wis. Stats., Trans 233 Wis. Admin. Code, if applicable, and any other applicable, Town, County or State plan, code or ordinance.
- (3) The certified survey may shall be reviewed, approved, or rejected by the Town Board, upon recommendation from the Plan Commission and Town Engineer, pursuant to the procedures in this Chapter. Town review and action shall be completed within sixty (60) days of proper filing with the Town Clerk, unless such time period is extended by agreement with the applicant.
 - (a) Approval. If approved, a written statement certifying approval shall be affixed to the original certified survey map that will be filed at the Register of Deeds.
 - (b) Failure of the Board to act within sixty (60) calendar days of submittal of the Certified Survey Map shall constitute an approval of the Certified Survey Map, unless such time period is extended by agreement with the applicant.
 - (c) Rejection. If rejected, the applicant shall be notified, in writing, of the reasons for rejection.

2.04 Additional Map Information. The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (1) All existing buildings, water courses, drainage ditches and other features pertinent to proper division.
- (2) Setbacks or building lines if different than that required by the Town ordinances and the Green County Zoning Code.
- (3) All lands reserved for future public acquisition.
- (4) Graphic Scale.
- (5) Name and address of the owner, land divider, and Surveyor.
- (6) Signed Owner's Certificate as per s. 236.21 (2) (a), Wis. Stats.
- (7) Identification of all land permanently preserved for open space.
- (8) Identification of land that has a slope of twenty (20%) percent or more.
- (9) Public utility easements needed to adequately serve the land division. Utilities having the right to serve the area should be consulted.
- (10) Any existing or proposed easements affecting the property.

2.05 Supplemental Data. In addition to information on the face of the Certified Survey Map, land dividers shall provide the Town with the following:

- (1) Three (3) copies of a draft of the legal instruments and rules for proposed property owners associates and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the certified survey with the Town Clerk. (*Note: Deed restrictions and restrictive covenants may be private contractual agreements not enforceable by the Town.*)
- (2) Documentation proving that the proposed land division is in conformance with Sections 1.07 and 2.01 of this Ordinance.
- (3) If access to any parcel if by private road, lane or drive, or ingress/egress easement, said accesses shall have a minimum cleared -right-of-way of sixty-six (66') feet and shall be contiguous to a public street or acceptable private street. Private streets shall be constructed in accordance with the Town of Albany Ordinance for Minimum Design Standards, adopted July 25, 1995, as amended from time to time. Further, upon approval thereof, the land divider shall place an affidavit on the face of the certified survey map stating:

"The land divider and future assignees who acquire ownership of this (these) parcel (s) are responsible for the upkeep and maintenance of private ways and easements, and hold the Town of Albany harmless for problems of access to and from the public road."

- 2.06 Land Remnants.** All remnants of lots below minimum lot and/or dimension size left over after land division of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- 2.07 Certificates.** All certified survey maps shall provide all the certificates required by s. 236.34 and s. 236.21 (2) (a) Wis. Stats.; and in addition, the surveyor shall certify on the face of the survey map that he has fully complied with all of the provisions of this Ordinance. The Board shall certify its approval on the face of the map.
- 2.08 Fee.** Submittal of a certified survey map for review shall be accompanied by review fees and other fees as established by the Town Board.
- 2.09 Recordation.** The land divider shall record the certified survey map, in accordance with s. 236.34 Wis. Stats., with the Green county Register of Deeds within six (6) months of the last approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and re-approval of the map by the Town. A copy of the recorded instrument shall be provided to the Town Clerk.
- 2.10 Open Space Preservation.** The Town shall require that suitable sites, as determined by the Town, totaling at least fifty percent (50%) of the total area of the certified survey map, be permanently preserved for open space by "preservation easement" and the use of the open space restricted. Land so preserved shall be shown on the map along with the following restriction:

"The construction of buildings, structures or private septic systems of any type are prohibited within preservation easements."

- (1) To the extent practicable, the Town may require that the open space connect with open space on adjoining subdivision or certified survey maps.
- (2) The applicant shall provide the Town with a copy of the deed restrictions or protective/restrictive covenants at the time the certified survey map is submitted.
- (3) Such preservation easements, deed restrictions or protective/restrictive covenants which permanently preserve the open space shall be considered restrictions of public benefit and shall name the Town Board as having the right of enforcement.

CHAPTER 3 SUBDIVISION PLATS

- 3.01 General.** The creation of three (3) or more parcels or building sites of less than 35 acres each, either through a single division or successive division by either the same or subsequent owner(s) or their agents, shall comply with the requirements of this Chapter.
- 3.02 Preliminary Consultation.** Prior to filing a preliminary plat for approval, the applicant shall consult with the Plan Commission for advice regarding the requirements of subdivision plat. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk.

This consultation is intended to inform the land divider of the purpose and objective of these regulations, the Town Comprehensive Plan, and duly adopted plan implementation devices of the Town and to otherwise assist the land divider in planning their development.

In so doing, both the land divider and the Town may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the land divider may gain a better understanding of the subsequent required procedures.

- (1) Submittal. The applicant shall provide ten (10) copies of a concept plan drawn to a reasonable scale depicting the proposed general lot layout, exterior boundary, roadways, known easements, wetlands, floodplain, existing land use of the tract and adjacent lands, and any additional information required by the Town Board or Plan Commission which is deemed relevant to the proposed plat.

The concept plat shall be submitted to the Town Clerk at least twenty (20) days prior to the next regularly scheduled meeting of the Plan Commission. The Town Clerk shall be authorized to reject any application deemed incomplete.

- (2) Review. The Plan Commission shall review the concept plan for general conformance with plans, ordinances, and the suitability of the land for subdivision and provide comments on such to the land divider. No formal approval shall be granted to the concept plan at the Preliminary

Consultation stage of the subdivision.

3.03 Procedure for Review of Preliminary Plat.

(1) Submittal. The applicant shall submit to the Town Clerk, at least twenty (20) days prior to the Plan Commission meeting at which it is to be considered, the following:

- (a) A signed application form requesting review and approval of a preliminary plat. The Town Clerk shall be authorized to reject any application deemed incomplete.
- (b) Ten (10) copies of the Preliminary Plat and accompanying information, plus any additional copies as may be required for other reviewing agencies. The preliminary plat shall be prepared by a registered land surveyor on media that can be legibly reproduced and shall show the following information unless waived in whole or in part by the Town Board:
 - 1. Title under which the proposed subdivision is to be recorded.
 - 2. The names and address of the owners and registered land surveyor preparing the plat and the date of preparation.
 - 3. The location and names of adjacent platted lands and the owners of adjoining parcels of unplatted land, including the use and zoning of adjacent land.
 - 4. Contours at vertical intervals of not more than two feet, with slopes of 12 percent or greater and 20 percent or greater delineated.
 - 4. Exact length and bearing of the centerline of all streets.
 - 5. Exact street width along the line of any obliquely intersecting street.
 - 6. Exact location and description of street lighting and lighting utility easements.
 - 7. Railroad rights-of-way within and abutting the plat.
 - 8. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
 - 9. Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
 - 10. Location of building envelopes within each lot.
 - 11. Identification of all land outside a building envelope as deed restricted to prohibit construction of any structures.
 - 12. Identification of land that is to be deed restricted, dedicated, or otherwise protected from future development in order to meet open space requirements of this ordinance.
 - 13. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - 14. Locations of all existing property boundary lines, structures, drives, streams, ponds, water courses, wetlands, rock outcroppings, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - 15. Location, right-of-way width, and names of existing streets, alleys or other public ways, easements, railroad and utility rights-of-way.
 - 16. Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - 17. Existing water and high-water elevation of all ponds, streams, lakes, flows and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
 - 18. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval of the maximum flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
 - 19. Approximate radii of all curves.
 - 20. Any proposed lake or stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

21. Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable.

(c) Accompanying information shall include:

1. Preliminary storm water calculations.
2. Preliminary street profiles.
3. Sufficient soil tests to establish the suitability of soil absorption wastewater system.
4. Any deed restrictions for restrictive covenants related to the proposed land division.
5. A statement and location of any improvement proposed to be provided by the applicant.
6. A statement from Town, County or State Agency approving access connections onto existing public road system.

(d) Any additional information required by the Town Board, Plan Commission or Town Engineer.

(e) The applicant also shall submit the preliminary plat to the appropriate state agencies for review in accordance with s.236.11 and s.236.12 Wis. Stats., and Trans. 233 Wis. Admin. Code, if applicable.

(f) Upon receipt of a complete application, the Town Clerk shall schedule a Public Hearing on the preliminary plat before the Plan Commission. The Town Clerk shall give notice of the Commission's review and Public Hearing on the preliminary plat by listing it as an agenda item in the Commission's posted meeting notice. The applicant shall also be notified. The notice shall include the name of the applicant, the address of the property in question and the requested action.

(g) Abutting property owners and property owners within six hundred (600) feet of the applicant's total parcel shall receive written notice of the public hearing.

(2) Requirements.

(a) The preliminary plat shall comply with the Green County zoning, floodplain, the Town of Albany Comprehensive Plan, and other adopted Town and County plans and ordinances.

(b) The preliminary plat shall comply with the requirements of Chapter 4, Design Standards, and Chapter 5, Improvements.

(c) New streets within a subdivision shall be public streets constructed to Town standards. Private lanes or drives providing access to multiple lots within a subdivision shall not be permitted.

(d) All remnants of lots below minimum lot and/or dimension size left over after land division of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

(e) In order to prevent any development that is likely to be harmful to the health safety, welfare, prosperity, aesthetics and general welfare of the future residents of the proposed subdivision or of the community, the Town can order the following measures such as, but not limited to: storm water drainage, limited access, avoidance of steep slopes, greater building envelopes, phasing of development, increased standards for water and sewer supply, and landscaping requirements, as conditions for approval.

(3) Review and Decision.

(a) After reviewing the preliminary plat and data for compliance with this Ordinance, a report from the Town Engineer, and a recommendation from the Plan Commission, the Town Board shall either approve, conditionally approve or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection. Conditions of approval may include state certification and the kind and extent of improvements to be made by the applicant.

(b) Failure of the Board to act within 90 calendar days of submittal of the preliminary

plat shall constitute an approval of the preliminary plat, unless such time is extended by agreement with the applicant.

- (c) Approval of the preliminary plat shall entitle the applicant to final approval of the layout shown by such plat if the final plat is submitted within twenty four (24) months of the date of approval of the preliminary plat and if the final plat substantially conforms to such layout and conditions attached to the approved preliminary plat.

3.04 Procedure for Approval of Final Plat.

(1) Submittal. The applicant shall submit the following:

- (a) The applicant shall submit ten (10) copies of the final plat to the Town Clerk. The final plat may constitute only that portion of the approved preliminary plat, which the applicant proposes to record at that time. The Town Clerk shall be authorized to reject any application deemed incomplete.
- (b) The applicant shall submit the final plat to the appropriate state agency(s) in accordance with Ch. 236.12 Wis. Stats.
- (c) The applicant shall submit copies of the final plat and any required information, to the County.

(2) Requirements.

- (a) The final plat shall be prepared by a registered land surveyor and shall conform to the approved preliminary plat; and shall comply with the requirements of this Ordinance; Ch. 236 Wis. Stats. and if applicable, Trans 233 Wis. Admin. Code.
- (b) The final plat shall show on its face all lands reserved for future dedication or reserved for the common use of property owners within the plat. If common property is located within the plat, -then provisions for its use, maintenance, and ownership must also be provided with the plat.
- (c) The final plat shall provide all the certificates required by s. 236.21, Wis. Stats.

(3) Final Plat Review and Approval

- (a) Upon receipt of reports from the Town Engineer and the Town Attorney and a recommendation from the Plan Commission, the Town Board shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat and for compliance with the requirements of this Ordinance.
- (b) The Town Board shall not grant final approval until the state review agency(s) has submitted a letter certifying no objections to the plat. The Town Board, at its sole discretion, may 'conditionally approve' the plat with state certification being the condition of approval.
- (c) The Town Board shall approve or reject the final plat and shall state in writing any reasons for rejection.
- (d) Failure of the Town Board to act within 60 calendar days of submittal of the final plat shall constitute an approval of the final plat, unless such time is extended by agreement with the applicant.

3.05 Recording. Within 30 calendar days of the date of the last approval and within 24 months from the first approval, the plat shall be filed by the applicant for recording with the Green County Register of Deeds in accordance with s. 236.25 Wis. Stats. Failure to record the plat within 30 days shall nullify the approval of the final plat.

3.06 Replat and Redivision. Any replat or redivision of a recorded plat or part thereof shall be done in accordance with Ch. 236 Wis. Stats.

3.07 Open Space Preservation.

The Town Board shall require that suitable sites, as determined by the Town, totaling at least fifty percent (50%) of the total area of the subdivision, be permanently preserved for open space by "preservation easement" and the use of the open space restricted. Land so preserved shall be shown on the final plat along with the following restriction:

"The construction of buildings, structures and septic systems of any type are prohibited within preservation easements."

- (1) To the extent possible, the Town may require that open space connect with open space on adjoining subdivision or certified survey maps.
- (2) The applicant shall provide the Town with a copy of the deed restrictions or restrictive covenants at the time the final plat is submitted.
- (3) Such preservation easements, deed restrictions or restrictive covenants which permanently preserve the open space shall be considered restrictions for public benefit and shall name the Town as having the right of enforcement.

3.08 Reservation of Land. Reservation of land for public acquisitions for a public purpose including, but not limited to streets, schools, municipal facilities, utilities, and recreation facilities shall be shown on the final plat.

CHAPTER 4 DESIGN STANDARDS

4.01 Streets. The construction of streets within the Town of Albany, public or private, shall conform to the standards contained in the Town of Albany Ordinance for Minimum Design Standards, adopted on July 25, 1995, as amended from time to time, or with standards adopted by Green County, whichever are more stringent. The arrangement, character, extent, width grade and location of all streets shall conform to all applicable street plans and standards officially adopted by the County or Town and shall meet the following standards:

- (1) All streets shall be related to existing and planned streets, existing natural features, public convenience and safety and the existing and proposed uses for the land that is to be served by such streets.
- (2) The arrangement of streets shall provide, where possible, for the continuation or appropriate projection of existing collector and arterial streets in the area.
- (3) Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. The street arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (4) New streets within a subdivision shall be public streets constructed to Town standards. Private lanes or drives providing access to multiple lots within a subdivision shall not be permitted.

4.02 Bicycle/Pedestrian Pathways. Easements and preliminary grading for bicycle/pedestrian pathways, within an area not less than twelve (12) feet wide, may be required by the Town, as follows:

- (1) Through the center of a block more than nine hundred (900) feet long;
- (2) Where deemed essential to provide circulation or access to schools, playgrounds, public recreation areas, shopping centers, transportation, and other community facilities; and

4.03 Lot Design Standards.

(1) Size.

a. Lot sizes shall be appropriate for the location, zoning, type of sewerage or septic system to be utilized, and for the type of land division contemplated. The following lot size requirements shall be met:

1. In areas to be served by public sewers, the minimum lot sizes shall be twenty thousand (20,000) square feet, with an additional two thousand (2,000) square feet required for each additional dwelling unit.
2. In unsewered conventional subdivisions, minimum lot sizes shall be sixty-five thousand (65,000) square feet.
3. In minor subdivisions created by certified survey maps, minimum lot sizes shall be sixty-five (65,000) square feet.
4. Lot size requirements may vary within the extraterritorial review area of an adjacent municipality if provided for in a boundary agreement adopted by both the Town and the adjacent municipality. In absence of such an Agreement, where this Ordinance applies, the above lot size requirements apply.

b. Residential lots within each block shall have a minimum average depth of one

hundred (110) 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.

- c. Every lot shall front or abut for a distance of at least sixty-six (66) feet on a public or private street, or at least thirty (30) feet for a cul-de-sac.
 - d. Width of lots shall conform to the requirements of the Green County Zoning Code, but in no case shall a lot be less than eighty (80) feet in width at the required building setback line. Each lot shall be located within only one (1) zoning district.
- (2) Commercial Lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Green County Zoning Code.
- (3) Lots Where Abutting Primary Arterials/Railroad Rights-of-Way.
- a. Primary Arterial. Residential lots fronting on a Primary Arterial, as identified in the Comprehensive Plan, shall be platted with extra depth or design to alleviate the effect of major street traffic on residential occupancy.
 - b. Treatment of Railroad Rights-of-Way and Primary Arterials. Whenever the proposed land division contains or is adjacent to a railroad right-of-way or primary arterial, the land divider shall proceed as follows:
 1. In residential districts, a buffer strip at least thirty (30) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right-of-way of a primary arterial. This strip shall be a part of the lots, but the following restriction shall be written on the plat: "This buffer strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
 2. The Town may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.
 3. Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.
- (4) Corner Lots. Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, or as required by the Green County Zoning Code.
- (5) Side Lots. Side lot lines shall be approximately at right angles to or radial to abutting right-of-way lines. Lot lines shall follow Town boundary lines.
- (6) Through Lots and Reversed Frontage Lots. Through lots and reversed frontage lots shall be avoided for residential lots, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (7) Natural Features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic or known archeological sites or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (8) Land Remnants. All remnants of lots below minimum lot and/or dimension size left over after land division of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (9) Building Envelope Placement. The land divider shall meet the following standards with respect to location of the building envelopes:
- a. All building envelopes shall be located within a lot such that all minimum setback, side yard, or rear yard requirements of the Green County Zoning Code and any applicable restrictions or requirements of the Comprehensive Plan or Ordinances adopted by the Town are met.
 - b. No building envelope may be located on hillside with a slope of twenty (20%) percent or more.

4.04 Drainage System.

- (1) Drainage System Required. As required by this Ordinance, and/or where recommended by the

Town Engineer, a drainage system shall be designed and constructed by the land divider to provide for the proper drainage of the surface water of a major subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the land divider has submitted plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Town upon the recommendations of the Plan Commission and the Town Engineer. Where the Town determines, upon recommendation of the Town Engineer, that it is necessary, due to site conditions or known drainage problems in the vicinity, a drainage system may be required for Certified Survey Map land divisions as well.

(2) Drainage System Plans.

- a. The land divider shall submit to the Town at the time of filing a Preliminary Plat a preliminary 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 the land division to handle the additional, runoff which would be generated by the development of the land within the land division. 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 land division. The report shall also include:
 1. Estimates of the quantity of storm water entering the land division naturally from areas outside the subdivision.
 2. Quantities of flow at each inlet or culvert.
 3. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- b. A grading plan for the streets, blocks and lots shall be submitted by the land divider for the area within the land division.
- c. The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.
- d. Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.

(3) Grading. The land divider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography. The land divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(4) Drainage System Requirements. The land divider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

- a. 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. No storm water shall be permitted to be run into a sanitary sewer system within the proposed subdivision.
- b. Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the land divider shall make provisions for dedicating an easement to the Town to provide for the future maintenance of said system. Easements shall be a minimum of thirty (30) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse to accommodate a 100-year event, etc.

(5) Protection of Drainage Systems. The land divider shall adequately protect all ditches to the satisfaction of the Town and Town Engineer. Ditches and open channels shall be seeded, sodded, or paved depending upon grades and soil types.

4.05 Nonresidential Land Divisions

(1) General.

- a. If a proposed land division includes land that is zoned for commercial or

industrial purposes, the layout of the land division with respect to such land shall make such provisions as the Town may require.

b. A nonresidential land division shall also be subject to all the requirements of site plan approval set forth in the applicable Building Code. A nonresidential land division shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by the Town Comprehensive Plan or the Green County Zoning Code.

(2) Standards. In addition to the principles and standards in this Chapter, which are appropriate to the planning of all land divisions, the applicant shall demonstrate to the satisfaction of the Town that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- c. Special requirements may be imposed by the Town with respect to street, curb, gutter and sidewalk design and construction.
- d. Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- e. Adjacent or nearby residential properties shall be protected from potential nuisance from a proposed commercial or industrial land division by including permanently landscaped buffer strips or additional lot depth and setbacks, as determined to be necessary by the Town.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

4.06 Reserved for future use.

CHAPTER 5 IMPROVEMENTS

5.01 Improvements Required.

- (1) Payment For Improvements. The improvements prescribed in this Ordinance are required as a condition of approval of a land division. The required improvements described in this Ordinance shall be installed, furnished and financed at the sole expense of the land divider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.
- (2) General Standards. The following required improvements in this Ordinance shall be designed and installed in accordance with the engineering standards and specifications which have been adopted or approved by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good and accepted engineering practices. All engineering designs, standards and specifications must be approved by the Town Engineer prior to the start of any construction.

5.02 Required Agreement Providing For Proper Installation Of Improvements.

- (1) Contract. Prior to installation of any required improvements and prior to the meeting at which the Final Plat or Certified Survey Map is approved, the land divider shall enter into a written contract, termed a "Developer's Agreement," with the Town requiring the land divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection and approval of construction details by the Town Engineer.
- (2) Financial Guarantees.
 - a. The Developer's Agreement shall require the land divider to make an escrow deposit or, in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one hundred and twenty-five percent (125%) of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract,

- including the cost of inspections and approvals by the Town Engineer.
- b. On request of the land divider, the Developer's Agreement may provide for completion of all or part of the improvements covered thereby prior to the approval of the land division, and in such event the amount of the deposit, letter of credit or bond shall be reduced in a sum equal to the estimated costs of the improvements so completed prior to approval of the Final Plat or Certified Survey Map.
 - c. If the required improvements are not completed within the specified period, all amounts held under performance bond, deposit or letters of credit shall be turned over to the Town of Albany and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or land divider.
 - d. The Town Board, at its option, may require extension of the bond, deposit or letter of credit period for additional periods not to exceed two (2) years for each additional period.
 - e. The time for completion of the required improvements, and the several parts thereof, shall be determined by the Town Board upon recommendation of the Town Engineer. The Town Engineer shall consult with the land divider regarding the establishment of the time for completion of the required improvements. The completion date shall be a component of the Developer's Agreement. The Town Board may, in its sole discretion, provide such penalties as it deems appropriate to ensure the timely completion of the required improvements.
 - f. The land divider shall pay the Town of for all costs incurred by the Town for review, approval and inspection of the subdivision. Such costs shall include, but not be limited to, the review, and preparation at the Town Board's sole discretion, of plans and specifications by the Town Engineer, special studies or projects undertaken by the Town Engineer or other persons at the direction of the Town Board or Plan Commission; the review, and preparation at the Town Board's sole discretion, of plans and specifications by the Town Planner, special studies or projects undertaken by the Town Planner or other persons at the direction of the Town Board or Plan Commission; the review, and preparation at the Town Board's sole discretion, of legal documents, plans and specifications by the Town Attorney; as well as all other costs of a similar nature which are related to the review, approval and inspection of the subdivision.

5.03 Required Construction Plans; Town Review; Inspections

- (1) Engineering Reports, Construction Plans, and Specifications. Along with the filing of the Final Plat or upon the filing of a certified survey map, construction plans for the required improvements conforming in all respects with the standards established by the Town Engineer and the ordinances of the Town shall be prepared at the land divider's expense by a professional engineer who is registered in the State of Wisconsin, and such plans shall contain the professional engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for his approval and for his estimate of the total costs of the required improvements; upon approval the construction plans shall become part of the contract required.

Simultaneously with the filing of the Final Plat with the Town Clerk, or when necessary, upon the filing of a Certified Survey Map, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:

- 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 and open channel 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.
 - f. Planting plans showing the location, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - g. Additional special plans or information required by the Town Board, Plan Commission, Town Engineer or other parties designated by the Town Board.
- (2) Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the land divider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board (or Plan Commission). The Town Board (or Plan Commission) shall approve the plans and specifications before the improvements are installed and construction commenced.
- (3) Construction and Inspection.
- a. Prior to starting any work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Ordinance. Building permits shall not be issued until all improvements required by this Ordinance are satisfactorily completed and the Final Plat is approved and recorded.
 - b. Construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of the approval of the Final Plat or Certified Survey Map by the Town Board, unless good cause can be shown for the Town Board to grant an extension. Any request for an extension of the construction completion date shall be made in writing to the Town Clerk and shall state the reasons for the requested extension. The Town Board may, in its sole discretion, grant such an extension.
 - c. During the course of construction, the Town Engineer shall make such inspections as the Town Board or the Town Engineer deem necessary to insure compliance with the plans and specifications as approved. The land divider shall pay the actual costs incurred by the Town for such inspections. This fee shall be the actual costs to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
- (4) Record Plans. After completion of all public improvements and prior to final acceptance of such improvements, the land divider shall make or cause to be made, two (2) copies and one (1) reproducible mylar of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains, and such other facilities as the Town Engineer may require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in the State of Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and the release of the surety bond assuring their completion. Two (2) copies shall be retained by the Town and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

5.04 Street Improvements. The land divider shall construct streets, roads, and alleys, including private streets, as outlined on the approved plans based on the requirements of this Ordinance.

- (1) Street Construction Standards. The design and construction of all roads, streets and alleys, public or private, in the Town shall fully comply with the requirements and specifications of Town and County standards. After applicable sanitary sewer, storm sewer, water, and other necessary utilities have been installed, where required by the Town, the land divider shall construct and dedicate, as part of the subdivision, streets.
- (2) Completion of Street Construction. Prior to any building permits being issued on lands adjacent to streets, required street construction in conformance with the Developer's Agreement shall be completed by the land divider, inspected and approved by the Town Engineer, and accepted by the Town Board.

5.05 Curb And Gutter. After the installation of all required utility and storm water drainage improvements,

the land divider, when required by the Town Board where determined to be necessary by the Town Engineer, shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town Engineer and the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

5.06 Sidewalks; Walkways; Bikeways. Sidewalks may be required by the Town Board in high traffic areas and areas in the vicinity of schools, commercial areas and other areas of public assemblage. The Town Board may require the construction of sidewalks if such walks are necessary, in their sole discretion and opinion, for safe and adequate pedestrian circulation.

In the design of a major subdivision, the land divider shall make provisions for walkways and bikeways for transport and recreation, as required by the Town Board. Where it is deemed necessary by the Town Board, walks and paths away from streets in common areas should be lighted for safety and to permit visual surveillance.

5.07 Sanitary Sewerage System.

- (1) The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district. Service laterals shall be provided to all lots served by public sewer systems.
- (2) The land divider shall pay all the costs of all public sanitary sewer work including the bringing of sanitary sewer from where it exists to the proposed subdivision as well as providing all sanitary sewer work within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the appropriate sanitary district serving the area.
- (3) Private sewerage disposal systems shall comply with the appropriate provisions of the Wisconsin Statutes, the Wisconsin Administrative Code and Green County Ordinances.

5.08 Storm Water Drainage Facilities. Pursuant to Section 4.04, the land divider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm; culverts shall be designed to accommodate the twenty-five (25) year storm and shall be sized so that the one-hundred (100) year frequency storms do not cause flooding of adjacent arterial or collector streets.

Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle run off from offsite properties will be installed by the land divider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

5.09 Other Utilities

- (1) The land divider of a major subdivision shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (2) Utilities shall be planned and installed such that service lines to individual lots do not cross adjacent lots.
- (3) All new electrical distribution lines, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:
 - a. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - b. The lots to be served by said facilities can be served directly from existing overhead facilities.
- (4) Plans indicating the proposed location of all gas, electrical power, television cables, and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

5.10 Street Signs And Lighting. The land divider shall furnish and install street signs in the subdivision in such locations as the Town Board may determine. Such signs include traffic control signs. The Town Board or its designee shall determine the design and construction standards for all such street signs.

The Town Board, in its sole discretion, may require the land divider to furnish and install street lights in such locations as the Town Board may determine. The Town Board or its designee shall determine the design and construction standards for all such street lights.

5.11 Erosion Control. Pursuant to Wisconsin Statutes, the land divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented. The land divider shall submit an erosion control plan that specifies measures that will be taken to assure compliance and the minimization of erosion problems within the land division.

5.12 Partition Fences. When the land included in a Subdivision Plat or Certified Survey Map abuts upon or is adjacent to land used for agriculture, farming or grazing purposes, the land divider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for agriculture, farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

5.13 Easements.

(1) Utility Easements. The Town board, on the recommendation of the appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains, or other utility lines. It is the intent of this Ordinance to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees and shrubbery in the easement area.

(2) Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream:

- a. 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
- b. The watercourse, drainageway, or channel may be relocated 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.
- c. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course 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. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

(3) Easement Locations. Telephone, electric and cable television easements shall be at least twelve (12) feet wide and sewer and water easements shall be at least twenty (20) feet wide. Combined use easements shall be at least thirty (30) feet wide. Easements may be wider where recommended by the Town Engineer, and may run across lots or along rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

5.14 Buffer Strips. Where a plat or land division contains a buffer strip required by this Ordinance or other applicable regulation, the land divider shall, prior to recording of a Final Plat or Certified Survey Map or prior to the issuance of a certificate of occupancy for a development project, install plantings in conformance with the Town standards or shall file with the Town Clerk a contract, guaranteed by a bond in an amount determined by the Town Board or its designee, in which the land divider agrees to provide such plantings.

5.15 Greenways. Greenways included within the land division shall be evaluated according to the following standards:

- (1) The land divider shall be responsible for an acceptable continuous drainageway through the proposed land division as determined by the Town Board. The land divider shall furnish the Town with a plan outlining the greenway boundaries and the location of existing drainageways. In addition, the land divider shall furnish to the Town Board or its designee a set of cross-sections, based on fifty (50) foot stations, of the greenway, based on Town datum oriented upon a base line as prescribed by the town Board or its designee.

Where a natural drainageway exists which has acceptable hydraulic capacities, including alignment and grade, as determined by the Town Board or its designee, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is destroyed or damaged by action of the land divider or his agents, the land divider shall be responsible for repairing the disturbed area to its pre-existing state.

Where the Town Board or its designee determines that the hydraulic capacities, including alignment and grade, are not acceptable, then such alignment, grade and slopes shall be improved by the land divider to the cross section specified by the Town Board or its designee.

- (2) The land divider shall install permanent pipes or culverts at a grade designated by the Town Board or its designee under all street crossing a greenway or drainageway. Such installation shall be in accordance with the State of Wisconsin Specifications for Road and Bridge Construction. Culverts required across intersections for temporary street drainage shall be furnished and installed by the land divider. All temporary culverts installed by the land divider shall be completely removed when the streets are constructed to Town standards, and the area restored to as nearly original condition as possible, as determined by the Town Board or its designee.
- (3) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall be to an elevation established by the Town Board or its designee. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limits is prohibited except as authorized by the Town Board or its designee.
- (4) Greenways shall be limited to public uses.

5.16 Reserved For Future Use

CHAPTER 6

VARIANCES, PENALTIES AND VIOLATIONS

6.01 Variations And Exceptions.

- (1) Where, in the sole judgement of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper by the Town Board.
- (2) Application for any such variance shall be made in writing by the land divider on a form prescribed by the Town. Such application for variance shall be made at the time when the Preliminary Plat is filed with the Town Clerk for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Town Board and the Plan Commission in the analysis and evaluation of the requested variance.
- (3) The Town Board shall not grant variations or exceptions to the regulations and provisions of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property; and
 - c. Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the regulations contained in this Ordinance were strictly enforced.
- (4) The Plan Commission shall forward its recommendation regarding a requested variation or

exception to the Town Board. The Town Board, if it approves the request for variance, shall do so by resolution. The Town Clerk shall notify the land divider of the Town Board's action.

- (5) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Town in accordance with any Town Comprehensive Plan or component thereof, this Ordinance, or the Green County Zoning or Subdivision Ordinances.
- (6) A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance. Such vote shall be by roll call of all members and the reasons for granting or denying the variation shall be entered in the minutes of the Board.
- (7) The Town Board may waive the placing of monuments, required under Section 236.1 l(b),(c) and (d), Wisconsin Statutes, for a reasonable time on condition that the land divider execute a surety bond to ensure the placing of such monuments within the time required.

6.02 Enforcement, Remedies and Penalties

- (1) Violations. It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes, and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.
- (2) Penalties.
 - a. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense.
 - b. Recordation improperly made has penalties provided in Section 236.30, Wisconsin Statutes.
 - c. Conveyance of lots in unrecorded plats has penalties provided in Section 236.31, Wisconsin Statutes.
 - d. Monuments disturbed or not placed have penalties provided in Section 236.32, Wisconsin Statutes.
 - e. Assessor's plat made under Section 70.27 Wisconsin Statutes may be ordered by the Town at the expense of the land divider when a subdivision is created by successive divisions.
- (3) Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e) 1, 14 and 11 of the Wisconsin Statutes, within thirty (30) days of notification of 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 the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

6.03 Reserved For Future Use.