

## Chapter 190

### SUBDIVISION OF LAND

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PLEASANT SPRINGS CODE

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[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs 1-15-1991 by Ord. No. 91-1 (Ch. 11 of the 1989 Code). Amendments noted where applicable.]

## GENERAL REFERENCES

Plan Commission —See Ch. 39.  
 Building construction —See Ch. 70.

Mobile homes—See Ch. 141.  
 Roads and accesses—See Ch. 175.

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ARTICLE I  
 Introduction

§ 190-1. Statutory authority.

This chapter is adopted under the authority granted by § 236.45, Wis. Stats.

§ 190-2. Purpose.

The purpose of this chapter is to regulate and control the division of land within the corporate limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this chapter: and to provide penalties for its violation.

§ 190-3. 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 law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 190-4. 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.

§ 190-5. Authority delegated to Plan Commission.

The authority to approve or object to preliminary plats, final plats, and certified surveys is, to the extent necessary to implement the provisions of this chapter, delegated to the Plan Commission.

## § 190-6. Severability.

The provisions of this chapter are severable. If any provision of this chapter is invalid, or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

## § 190-7. Title.

This chapter shall be known as, referred to, or cited as the "Land Division and Subdivision Ordinance."

## § 190-8. Definitions.

In this chapter, the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

**ASSESSOR**- The Assessor for the Town of Pleasant Springs.

**BOARD** — The Pleasant Springs Town Board.

**CERTIFIED SURVEY MAP**- A drawing meeting all of the requirements of § 236.34, Wis. Stats., which is the map or plan of record for a land division.

**CLERK** — The Pleasant Springs Town Clerk.

**CLUSTER DEVELOPMENT** — A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development.<sup>1</sup>

**GOVERNMENTAL UNIT** — Any municipality or the State of Wisconsin.

**GREENWAY** — An open area of land, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use, including but not limited to vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater retention basins, park development and other related uses.

**LAND DIVIDER** — Any person, firm, corporation, partnership, or entity of any sort who or which divides or proposes to divide land in any manner which results in a land division or subdivision.<sup>1</sup> [Amended 11-4-2003]

1. Editor's Note: The definition or "Comprehensive Development Plan ICDPI" which immediately followed this definition was deleted 11-4-2003.

2. Editor's Note: Throughout this chapter, all references to "subdivider" and "developer" were

amended to read "land divider" 11-4-2003.

**LAND DIVISION-** A division of a parcel of land where the act of division creates fewer than five lots, parcels or building sites of 35 gross acres each or less in area. [Amended 11-4-2003]

**MASTER PLAN** — Any master, development, or regional plan adopted pursuant to § 62.23, 59.69, 236.46 or 66.0309, Wis. Stats., which is applicable to the Town of Pleasant Springs, including the adopted Land Use Plan. [Amended 11-4-2003]

**OFFICIAL MAP** — A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Town Board pursuant to § 62.23(6), Wis. Stats.

**OUTLOT** — A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.

**PARCEL-** Contiguous lands under the control of a land divider, whether or not separated by streets, highways, or railroad rights-of-way.

**PLAN COMMISSION** — The Pleasant Springs Plan Commission.

**PLANNED COMMERCIAL SITE** — A specified area of land comprising one or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement. reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Town of Pleasant Springs recorded in the office of the Dane County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Town of Pleasant Springs. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in any applicable master plan or official map at the time of initial recording unless the designated facility is in public ownership or easement.<sup>3</sup>

**PRELIMINARY PLAT-** A map showing the salient features of a proposed subdivision or land division, as described in Article IV, submitted to the Town for the purpose of preliminary consideration prior to all final plats and, when required, prior to all land divisions.

**PUBLIC WAY-** Any public road, street, highway, walkway, drainageway, or part thereof.

**REPLAT** — The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but is a land division.

**RESIDENTIAL DWELLING UNIT** — A single-family dwelling or that part of a duplex, apartment, or other multiple-family dwelling occupied by one family or one distinct set of inhabitants.

3. Editor's Note: The definition of "Planned Development District (PDD)" which immediately followed this definition was deleted 11-4-2003.

**STREET** — A public way for pedestrian and vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, or place or however otherwise designated.

- A. **ARTERIAL STREETS AND HIGHWAYS** — Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.
- (1) **PRINCIPAL ARTERIALS** - Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.
  - (2) **PRIMARY ARTERIALS** — Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.
  - (3) **STANDARD ARTERIALS**- Those streets which more commonly provide for intermediate-length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower-order activity areas not served by such routes.
- B. **COLLECTOR STREETS** — Those streets which provide moderate-speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual-purpose streets of the collector family are also subclassified into two subclasses, namely connectors and distributors.
- (1) **CONNECTOR STREETS** — Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.
  - (2) **DISTRIBUTOR STREETS** - Those streets which perform the function of gathering and distributing traffic from and to the local streets adjacent lands.
- C. **LOCAL STREETS** — Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.
- D. **MARGINAL ACCESS STREETS** — Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- E. **ALLEYS** — Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.

**STRUCTURE** — Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to

something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

**SUBDIVISION** — The division of a lot, parcel or tract of land where the act of division creates five or more lots, parcels or building sites of 35 gross acres each or less in area or creates five or more lots, parcels or building sites of 35 gross acres each or less in area by successive divisions within a period of 10 years. [Amended 11-4-2003]

**TOWN** — The Town of Pleasant Springs in Dane County, Wisconsin.

**TOWN ATTORNEY** — Any attorney engaged by the Town to perform legal work relating to this chapter.

**TOWN ENGINEER** Any registered professional engineer engaged by the Town to perform engineering work relating to this chapter: •

§ 190-9. Statutory references.

Where reference is made to a particular section number of the Wisconsin Statutes, the reference is intended to refer to the existing language of the identified statute as of the date of publication of this chapter. In all cases, the reference includes a continuing reference to the identified section, or as the same may be subsequently renumbered or amended.



**ARTICLE II**  
General Provisions

§ 190-10. Jurisdiction.

The jurisdiction of this chapter shall include all lands within the Town. The provisions of this chapter as they apply to divisions of tracts of land into fewer than five parcels shall not apply to:

- 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 easements.
- C. The 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 Ch. 236, Wis. Stats., or any other applicable laws or ordinances.

§ 190-11. Compliance required.

No person, firm, corporation, partnership, or legal entity of any sort shall divide any land located within the Town which results in a land division, subdivision, or a replat as defined herein, no such land division, subdivision, or replat shall be entitled to record, and no street

4. Editor's Note: The definition of "Town Park Commission" and original § 11.015(29), General grant and delegation of authority, which immediately followed this definition. were deleted 11-4-2003.



shall be laid out or improvements made to land without compliance with all requirements of this chapter and with:

- A. The provisions of Ch. 236. Wis. Stats.
- B. The provisions of Chapter 28 of the Dane County Ordinances.
- C. The provisions of Chapters 10, 11, 12 and 75 of the Dane County Ordinances.  
[Amended 11-4-2003]
- D. The rules of the Wisconsin Department of Health and Family 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.
- E. The 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 land divider abuts on a state trunk highway or connecting street.
- F. All applicable master plans, zoning ordinances, official maps adopted under § 62.23, Wis. Stats., and other ordinances and regulations.

§ 190-12. Improvements.

- A. Contract. Before any final plat or certified survey map is inscribed by the Clerk, the land divider shall enter a contract with the Town wherein the land divider agrees to install all required improvements within 18 months of the date that the plat or certified survey map is recorded. The plat or certified survey map must be recorded within six months of Town Board approval or the approval shall lapse.
- B. Security required.
  - (1) At the time said contract is entered, the land divider shall file a bond, certificate of deposit, irrevocable letter of credit, or certified check with the Town or provide another form of security acceptable to the Town in an amount equal to the estimated cost of the required improvements as determined by the land divider's engineer and approved by the Town Board or Plan Commission.
  - (2) The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security the Town must be the beneficiary.
  - (3) The security deposit shall guarantee that all required improvements will be completed according to Town specifications by the land divider or its contractors not later than 18 months from the date that the plat is recorded and shall be used, applied, or released pursuant to § 190-72.
- C. Governmental units to which these security provisions apply may file, in lieu of said security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

## § 190-13. Reservation and dedication of land.

- A. Public ways. Whenever a tract of land to be divided or subdivided embraces all or any part of an aerial street, drainageway or other public way which has been designated in any applicable master plan or official map, said public way shall be made a part of the plat and dedicated by the land divider in the locations and dimensions indicated on said plan or map.
- B. Public sites and open spaces. [Amended 12-20-1994 by Ord. No.94-3; 11-4-2003]
- (1) The land divider shall dedicate sufficient suitable land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division or subdivision. The suitability of the lands for dedication shall be within the sole discretion of the Town Board. At least 2,900 square feet of land shall be dedicated for each proposed residential dwelling unit within the land division or subdivision. Where a definite commitment is made to the Town by the land divider with respect to the number of dwelling units to be constructed on any parcel of land which has a zoning classification that permits multifamily use, the dedication shall be based upon that number. Where no such commitment exists, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit.
  - (2) Where, in the sole discretion of the Town Board, there is no land suitable for parks within the proposed land division or subdivision, the dedication of land required by Subsection B (1) is not feasible, the dedication of land would not be compatible with the Town Master Plan, or the Town Board determines that a cash contribution will better serve the public interest, the Town Board shall require the land divider to pay a fee in lieu of making the required land dedication.
  - (3) The amount of any fee imposed pursuant to Subsection B (2) shall be applied for each proposed residential dwelling unit within the proposed land division or subdivision and may be revised from time to time by the Town Board.
  - (4) The Town Board may, in its sole discretion, permit the land divider to satisfy the requirements of Subsection B (1) by combining a land dedication with a fee payment. The fee in such cases shall be determined by subtracting the most recent equalized value of the dedicated land, as determined by the Town Assessor, from the total fee which would have been imposed had no land been dedicated by the land divider.
  - (5) The Town shall place any fee collected pursuant to the provisions of this section in an account to be used by the Town Board for land acquisition and development of adequate park, playground, recreation and open space to meet the needs created by the land division or subdivision.
  - (6) Where land is dedicated pursuant to this section, conveyance to the Town shall be by warranty deed. The land shall be free and clear of all liens and encumbrances except as may be allowed by the Town Board in its sole discretion. Where land is to be dedicated pursuant to this section, before any final plat or certified survey map is inscribed by the Clerk, the land divider shall enter an agreement with the

Town to dedicate specified land according to terms approved by the Plan Commission. The agreement shall establish a date for closing and shall provide that the land divider shall furnish and deliver to the Town for examination, at least 15 days prior to the date set for closing, the land divider's choice of either:

- (a) A complete abstract of title made by an abstract company, extended to within 30 days of the closing, said abstract to show the land divider's title to be marketable and in the condition called for by the agreement. The Town shall notify the land divider in writing of any valid objection to the title within 10 days after the receipt of said abstract, and the land divider shall then have a reasonable time, but not exceeding 60 days, within which to rectify the title (or furnish a title policy as hereinafter provided). and in such cases the time of closing shall be accordingly extended; or
  - (b) An owner's policy of title insurance, in the amount of the full purchase price, naming the Town as the insured, as its interest may appear, written by a responsible title insurance company licensed by the State of Wisconsin, which policy shall guarantee the land divider's title to be in condition called for by the agreement. A commitment by such title company agreeing to issue such a title policy upon the recording of the proper documents as agreed herein shall be deemed sufficient performance.
- (7) In addition to the foregoing required dedication fees, or combination thereof, each land divider shall pay a reasonable fee to cover a portion of the anticipated cost of grading, seeding, park improvements, and equipment. The minimum fee imposed shall be a fee as set by the Town Board per newly created residential lot. In cases where the Plan Commission or Town Board deems it appropriate and necessary to impose a higher fee due to special needs or use concerns, a higher fee may be imposed.

#### § 190-14. Survey monuments.

Before final approval of any plat or certified survey map within the corporate limits of the Town, the land divider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Town Engineer. The Town Board may waive the placing of monuments required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the land divider execute a surety bond to insure the placing of such monuments within the time required.

#### § 190-15. Land suitability.

No land shall be subdivided which the Plan Commission determines to be unsuitable for use by 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 community. The Plan Commission, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and shall afford the land divider an opportunity to be heard and to present evidence regarding such unsuitability.

Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

§ 190-16. Outlots.

No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Ch. 236, Wis. Stats., and the provisions of this chapter. No outlot in a land division may be used as a building site unless it is in compliance with all the provisions of this chapter. An outlot may be conveyed whether or not it may be used as a building site.

§ 190-17. Enforcement.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or of the Wisconsin Statutes, and no person, partnership, firm, corporation, or entity of any sort shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division, subdivision, or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

§ 190-18. Violations and penalties. [Amended 11-4-2003]

Any person, firm, or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, General Provisions, § 1-1.<sup>5</sup>

ARTICLE III  
Procedure

§ 190-19. Preliminary consultation.

Prior to the filing of an application for the approval of a certified survey map or preliminary plat, the land divider shall consult with the Plan Commission to obtain its advice and assistance, to be informed of the presence and objectives of this chapter, of any applicable master plans and of any plan implementation devices, and to be otherwise assisted in planning the subdivision or land division. The Plan Commission may require the land divider to furnish such maps or other information as will assist it during the pre-application phase.

§ 190-20. Preliminary plat review.

- A. Before submitting a final plat for approval, the land divider shall prepare a preliminary plat and a written application for approval and shall file sufficient copies of the plat and the application for the Town Board, Plan Commission and file copy with the Town Clerk at least 21 days prior to the meeting of the Plan Commission at which action is desired.

5. Editor's Note: Original § 11.021(0), Appeals, which immediately followed this section, was deleted 11-4-2003.

The land divider shall also forward a copy to the local electric and telephone utilities. The land divider will act as the transmitting authority in accordance with § 236.12, Wis. Stats., and the application shall state that the transmittal responsibility lies with the land divider, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities. [Amended 11-4-2003]

- B. The preliminary plat shall cover the entire area owned or controlled by the land divider even though only a small portion thereof is proposed for development at the time and shall be prepared in accordance with this chapter. The Plan Commission may waive the requirement that the preliminary plat cover the entire area where it is unnecessary to fulfill the purpose of this chapter and undue hardship would result from strict application thereof. [Amended 11-4-2003]
- C. The Clerk shall forward sufficient copies of the preliminary plat to the Plan Commission, which shall examine it for conformity with the requirements of this chapter and with the requirements of any other ordinances, statutes or administrative rules and regulations and for compliance with any applicable master plan. [Amended 11-4-2003]
- D. The Plan Commission shall recommend approval, conditional approval or rejection of the plat to the Board. The Board shall then approve, conditionally approve, or reject the preliminary plat. The Plan Commission shall recommend and the Board shall establish as a condition of approval that within a reasonable time limit, not to exceed six months, the land divider shall meet or enter an agreement to meet all other conditions of approval. One copy of the plat shall be returned to the land divider, his surveyor, or engineer with the date and action attached thereto, and if approved conditionally or rejected the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the land divider and the Board, failure to complete the action herein required within 90 days of filing of the preliminary plat shall constitute an approval of the preliminary plat. [Amended 11-4-2003]
- E. Approval or conditional approval of a preliminary plat entitles the final plat to approval, provided that the final plat conforms substantially to the preliminary plat, including any conditions of that approval, and conforms to any applicable local plans and ordinances. If the final plat is not submitted within six months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.
- F. Whenever a proposal to replat or subdivide one or more recorded subdivisions or any part of a recorded subdivision is filed with the Plan Commission, it shall schedule and hold a public hearing on the proposed preliminary plat of the replat or resubdivision before taking action. The Plan Commission shall mail notices of the proposed replat or resubdivision and of the scheduled hearing thereon at least 10 days prior to the time of such hearing to the owners of all properties within 1/4 miles of the proposed replat or resubdivision.

## § 190-21. Final plat review.

- A. The land divider shall prepare and file 13 copies of the final plat together with a written application for approval with the Clerk within six months of the approval of the preliminary plat and at least 14 days prior to the meeting of the Plan Commission at which action is desired. [Amended 11-4-2003]
- B. The Clerk shall forward sufficient copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the preliminary plat and any conditions of approval, with the requirements of this chapter, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it. [Amended 11-4-2003]
- C. The Plan Commission shall recommend approval or rejection of the final plat to the Board. The Board shall then approve or reject the final plat. The Plan Commission shall recommend and the Board shall establish as a condition of final approval that within a reasonable time limit, not to exceed six months, the land divider shall meet or enter an agreement to meet all requirements and conditions of approval. One copy of the plat shall then be returned to the land divider, his surveyor, or engineer with the date and action attached thereto, and the conditions or requirements of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the land divider and the Board, failure to complete the action required herein within 60 days of filing the final plat shall constitute an approval of the final plat. [Amended 11-4-2003]
- D. The final plat may, if permitted by the Plan Commission, include only that portion of the approved preliminary plat which the land divider proposes to record at that time.<sup>6</sup>
- E. After the final plat has been approved by the Board and the contract is entered and security filed in accordance with § 190-12 hereof and all other conditions of approval have been met, the land divider shall submit the final plat to the Clerk. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the land divider for recording.
- F. The land divider shall file two certified copies of the final plat with the Clerk within 10 days after it has been recorded.<sup>7</sup>

## § 190-22. Replats. [Amended 11-4-2003]

- A. When it is proposed to replat a recorded subdivision, or pan thereof, so as to change its boundaries, or any pan thereof, the applicant wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats., and shall then proceed as specified in Articles III through VI.

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6. Editor's Note: Original § 11.03(31)(E), which immediately followed this subsection and dealt with approval of the final plat, was deleted 11-4-2003. See § 190-10E for similar provisions.

7. Editor's Note: Original § 11.03(4), Comprehensive development plans, which immediately followed this section, was deleted 11-4-2003.

- B. The Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat is filed and shall cause notices of the proposed replat and public hearing to be mailed, at the applicant's expense, 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 1/4 mile of the exterior boundaries of the proposed replat.

§ 190-23. Land divisions by certified survey. [Amended 11-4-2003]

- A. A certified survey map which has been approved by the Plan Commission and the Board and meets all the requirements of § 236.34, Wis. Stats., and of this chapter and the requirements of Chapter 75 of the Dane County Code of Ordinances may be utilized to create not more than four parcels or building sites 35 gross acres each or less in size. The Plan Commission may require a preliminary plat to be filed by a land divider who is seeking approval of a certified survey map. When required, the preliminary plat must include all lands under the control of the applicant within a parcel up to a maximum area of 40 acres. The land comprising the 40 acres will be determined by quarter-quarter section lines unless indicated otherwise. When a preliminary plat is not required, the certified survey map shall include the entire parcel owned by the land divider. The Board resolution approving the certified survey map shall be reproduced legibly on the face of the map. All outstanding special assessments shall be paid prior to approval unless determined otherwise by the Town Board.
- B. The applicant for a land division shall file sufficient blue-line prints or other acceptable reproductions of a certified survey map and a written application for approval with the Clerk.
- C. The Clerk shall transmit the copies of the map and application to the Plan Commission for its review and recommendations concerning matters within its jurisdiction. The map shall be reviewed by the Plan Commission for conformance with this chapter and any applicable master plan, ordinances, statutes, rules or regulations. If the Plan Commission determines that the proposed division by certified survey map may have significant impact on adjacent or neighboring properties, it may schedule a public hearing and cause notice of the hearing to be mailed to the owners of all properties within 1/4 mile of the exterior boundaries of the lands proposed to be divided by certified survey map. The expenses of the notice and mailing will be the responsibility of the applicant.
- D. The Plan Commission shall recommend approval or rejection of the map to the Board. The Board shall then recommend and the Board shall establish as a condition of approval that within a reasonable time limit, not to exceed six months, the land divider shall meet or enter an agreement to meet all requirements or conditions of approval. One copy of the map shall be returned to the land divider with the date and action attached thereto, and the conditions or requirements of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the land divider and the Board, failure to complete the action required herein within 60 days of the filing of the map shall constitute an approval of the map.
- E. After the map has been approved by the Board, the contract is entered, the security is filed in accordance with § 190-12 and any fee imposed pursuant to § 190-138 has been

paid and all other conditions of approval have been met, the land divider shall submit the map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed and the map returned to the land divider for recording.

- F. The land divider shall record the certified survey map with the Register of Deeds for Dane County after it has been approved by the Town and Dane County and shall file a certified copy of the recorded map with the Clerk within 10 days after the map is recorded.

#### ARTICLE IV Preliminary Plat

##### § 190-24. General requirements.

A preliminary plat shall be required for all subdivisions and may be required for land divisions and shall be based upon a survey by a land surveyor registered in this state.

- A. A preliminary plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
- (1) Title under which the proposed subdivision is to be recorded.
  - (2) Location of proposed subdivision by government lot, quarter-quarter section, township, range, county, and state and a location map showing the relationship between the plat and its surrounding area and to existing streets.
  - (3) Date, scale and North point.
  - (4) A description of the material of which the corner marker is composed.
  - (5) Names and addresses of the owner, land divider, the surveyor, the engineer, and the professional land planner involved in the plat preparation.
  - (6) The present zoning and any proposed zoning change for the plat and all lands adjacent thereto.
- B. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

##### § 190-25. 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 the United States Public Land Survey and the total acreage encompassed thereby.
- B. Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 20% and of not more than five feet where the slope of the ground surface is 20% or more. Elevations shall be marked on such contours based on USGS data.
- C. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
- D. 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.
- E. Location and names of any adjacent subdivisions, parks, and cemeteries and owners of record of abutting unplatted lands.
- 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 center-line elevations, based upon or established by the best available data.
- G. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes; the location of manholes, catch basins, hydrants, and power and telephone poles; and the location and size of any existing water and gas mains or water wells within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- H. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- I. Location, width, length, bearing and names of all proposed streets and public rights-of-way, such as alleys and easements.
- J. Any proposed lake and stream improvement or relocation.
- K. Location and approximate dimensions 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 nonpublic uses not requiring lotting.
- L. When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of thirty-foot radius or less is used to round off the intersection between

two straight lines, it shall be tangent to both straight lines, and in such event it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

- M. Existing zoning on and adjacent to the proposed subdivision.
- N. Corporate limits lines.
- 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. Dimensions of all lots and outlots together with proposed lot, outlot and block numbers.
- Q. Depth to groundwater throughout the proposed subdivision.

#### § 190-26. Street plans and profiles.

The land divider shall provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data. and plans and profiles shall meet the approval of the Town Engineer.

#### § 190-27. Testing

- A. The Town Engineer may require, and where sanitary sewers are unavailable shall 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.
- B. Where sanitary sewers are unavailable, the soil and percolation tests required by § H 65.06, Wis. Adm. Code, shall be performed and the results shall be submitted with the preliminary plat. After approval of the preliminary plat but prior to submitting an application for approval of the final plat, each individual lot shall be tested for percolation as specified in § H 62.20, Wis. Adm. Code, and the results of such tests shall be submitted to the Plan Commission.

#### § 190-28. Covenants.

The Plan Commission may require submission of a draft of protective covenants whereby the land divider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

#### § 190-29. 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 has fully complied with the provisions of this chapter.

ARTICLE V  
Final Plat

§ 190-30. General requirements.

A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

§ 190-31. Additional information.

The plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats., and Article IV hereof, the following:

- A. Exact length and bearing of the center line 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.
- E. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- F. Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips.
- G. The rural fire number assigned to each lot.

§ 190-32. Deed restrictions.

The Plan Commission may require that deed restrictions be filed with the final plat.

§ 190-33. Survey accuracy.

The accuracy of the final plat must be certified by the Wisconsin Department of Development.

§ 190-34. Surveying and monumenting.

All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

§ 190-35. Certificates.

All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

## § 190-36. Application for approval.

The plat shall be accompanied by a written application for approval on forms furnished by the Plan Commission and, if they have not been previously submitted, by the plans, profiles and specifications required by §§ 190-26 and 190-60 and by the results of the soil and percolation tests required by § 190-27.

ARTICLE VI  
Certified Survey Map

## § 190-37. General requirements.

A certified survey map prepared by a land surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of § 236.34, Wis. Stats.

## § 190-38. Additional information.

The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats. • the following:

- A. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division, including the locations of water wells, dry wells and drain field vent pipes.
- B. Setbacks or building lines required by the Town Plan Commission.
- C. All lands reserved for future acquisition.
- D. Date of the map.
- E. Graphic scale.
- F. Name and address of the owner, land divider and surveyor.

## § 190-39. Certificates.

- A. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter.
- B. Certificate of Town Board approval. Wording acceptable to Dane County for the certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map. [Amended 11-4-2003]
- C. Dedication. Dedication of streets and other public areas shall require the owner's and the mortgagee's, if any, certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

§ 190-40. Critical building locations.

Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 for where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

§ 190-41. Dedication, testing and improvements.

Any land division effectuated by a certified survey shall be subject to the provisions of § 190-13 concerning the reservation and dedication of land and, unless a waiver is granted, to the provisions of Article VIII concerning required improvements and to the provisions of § 190-27 concerning borings, soundings, and percolation tests.

§ 190-42. Application for approval.

The certified survey map shall be accompanied by a written application for approval. Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present zoning of the land and all lands adjacent thereto and the proposed zoning shall be submitted with the application for approval.<sup>8</sup>

ARTICLE VII  
Design Standards

§ 190-43. Street arrangement.

Street layouts shall conform to the arrangement, width and location indicated on any official map, master plan or component neighborhood 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 and 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. Each lot of the subdivision or land division must have satisfactory access to a public street.

- A. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and 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 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

8. Editor's Note: Original § 11.07, Comprehensive development plans. which immediately followed this section, was deleted 11-4-2003.

generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

- C. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- 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 Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision. Where it appears to the Town that a temporary turnaround may remain unpaved for more than two years, the Town may require the land divider to pave the turnaround or may use the security deposit for that purpose.
- E. Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to a major 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 no access reservation along the rear property line, or by the use of frontage streets.
- F. Stream or lake shores shall have 60 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by § 236.16(3), Wis. Stats. The Town is not required to improve lands provided for public access under this subsection.
- G. Reserve strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Town under conditions approved by the Plan Commission.
- H. Alleys shall be provided in commercial and industrial districts for off-street loading and service access when required by the Plan Commission but shall not be used in residential areas. When required, alleys shall not be less than 24 feet wide and shall be continuous through blocks. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

§ 190-44. Street names and building numbers.

- A. Street names and building numbers shall be assigned in accordance with the provisions of Chapter 19 of the Dane County Code of Ordinances.
- B. Duplication of existing street names by similar word, spelling, or sound shall not be permitted.
- C. Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.

- D. A street name shall be changed when required to conform to the proposed or existing house numbering base.
- E. A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- F. The following designations shall be used only in the situations indicated:
- (1) Boulevard: a street with a divided pavement either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
  - (2) Lane: a street, one block long, not ending in a cul-de-sac.
  - (3) Circle: a cul-de-sac of nine lots or more.
  - (4) Court: a cul-de-sac of eight lots or fewer.
  - (5) Parkway: a street abutting a park or greenway or creek.
- G. The maximum number of street names at one intersection shall be three.
- H. Street names shall be assigned so that no two intersections shall have the same exact street names.
1. The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
- J. The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section.
- K. Service roads and highways served by them shall have the same street name and designation.
- L. Approval of street names on a preliminary plat will not reserve the names, nor shall the Town be required to accept such names at the time of final platting.
- M. A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed 12.

§ 190-45. Limited access highways and railroad rights-of-way.

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

- A. In residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or

shrubs by the owner; the building of structures hereon is prohibited. and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."

- B. Commercial and industrial districts shall have, 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 150 feet.
- C. Streets parallel to a limited access highway or railroad right-of-way shall, when intersecting a major street and highway or collector street which crosses said railroad or highway, be located at a minimum distance of 250 feet from said 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. The location of local streets immediately adjacent and parallel to railroad rights-of-way, and in residential areas immediately adjacent to arterial streets and highways and to railroad rights-of-way, shall be avoided.

§ 190-46. Street design standards.

- A. Minimum right-of-way. The minimum right-of-way of all proposed streets and alleys shall be of the width specified by any applicable master plan, official map or neighborhood development study, or, if no width is specified therein, the minimum widths shall be as follows:

Type of Street	Right-of-Way Width (feet)
Principal and primary arterials	120
Standard arterial and collector streets	80
Local streets	66
Marginal access streets	66
Alleys	24

- B. Cul-de-sac streets.
  - (1) Streets designed to have one end permanently closed shall not exceed 1,000 feet in length. [Amended 11-4-2003]
  - (2) Except as provided in Subsection B (3), streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet and a minimum outside curb diameter of 86 feet. The reverse curve on a cul-de-sac shall have a fifty-foot minimum radius when the bulb is centered on the street and a one-hundred-foot minimum radius when the bulb is offset.



- (3) All streets which are designed to have one end permanently closed in business, commercial, industrial and manufacturing areas shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a fifty-foot minimum radius when the bulb is centered on the street and a one-hundred-foot minimum radius when the bulb is offset.

C. Street grades.

- (1) Unless necessitated by exceptional topography and subject to the approval of the Town Engineer, the maximum street grades shall not exceed the following:
  - (a) Arterial streets and highways: 6%.
  - (b) Collector and local streets and alleys: 8%.
  - (c) Pedestrianways: 8.33% and shall be constructed in accordance with applicable federal or state law for handicap requirements.  
[Amended  
11-4-2003]
- (2) The grade of any street shall in no case exceed 10% or be less than 112 of 1%.  
[Amended 11-4-2003]
- (3) All changes in street grades shall provide sight distances as conditions require as determined by the Town Engineer.
- (4) Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

D. Radii of curvature.

- (1) When a continuous street center line deflects at any one point by more than 100, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following: [Amended 11-4-2003]
  - (a) Arterial streets and highways: 450 feet.
  - (b) Collector streets: 250 feet.
  - (c) Local streets: 150 feet.
- (2) A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

- E. 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 land divider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

**§ 190-47. Street intersections.**

- A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. The number of streets converging at one intersection shall not be more than two.
- C. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- D. Property lines at street intersections shall be rounded with a minimum radius of 15 feet, except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Plan Commission may require a larger radius where desirable.
- E. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides within 150 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjointment across the major or collector street is continuous and a jog is avoided.

**§ 190-48. Blocks.**

- A. 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.
- B. Blocks in residential areas shall not be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting design factors.
- C. Pedestrianways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- D. Width. Blocks shall have sufficient width to provide for two 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.
- E. Utility easements. All utility lines for electric power and telephone service shall be placed on midblock easements along rear lot lines whenever carried on overhead poles.

**§ 190-49. Lots.**

- A. The size, shape, and orientation of lots shall be appropriate for the location and for the type of development and use contemplated. The lots should be designed to provide an

aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. [Amended 11-4-2003]

- 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. Where proposed lots can presently be served by sanitary sewers, they shall have a minimum area of 20,000 square feet. Where sanitary sewers are not presently available, the minimum size of a lot shall be one acre. The Plan Commission may, in its sole discretion, permit smaller size lots when it determines that the size of the newly created lots will:
  - (1) Be compatible with the sizes of already existing lots in the immediate area;
  - (2) Comply with the Land Use Plan; and [Added 11-4-2003]
  - (3) Not be detrimental to public health or welfare or public policies as expressed in the provisions of this chapter or any applicable master plan.
- D. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the Wisconsin Department of Health and Family Services and the State Board of Health.
- E. Access to public street. Every lot shall front or abut on a public street for a distance of at least 66 feet. [Amended 11-4-2003]
- F. Side lot lines shall be substantially at right angles or radial to street lines.
- G. Lots shall follow municipal boundary lines rather than cross them whenever practicable. H. Comer lots shall have sufficient width to permit adequate building setbacks from side streets.
- I. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered as a desirable ratio under normal conditions.
- J. Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
- K. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- L. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.
- M. Lands lying between the meander line and the water's edge and any otherwise unplannable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedication in any plat abutting a lake or stream.

## § 190-50. Building setback lines.

Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as required by the Plan Commission.

## § 190-51. Easements.

## A. Lines to be underground in newly platted areas.

- (1) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, and community antenna television cables and services installed within a newly platted area, mobile home park, cluster development or planned development shall be underground unless the Plan Commission shall specifically find after study that:
  - (a) The placing of such facilities underground would not be compatible with the planned development;
  - (b) Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
  - (c) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (2) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located above ground.
- (3) The land divider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan, certified survey map or planned commercial site plan.
- (4) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed unless an exception is granted by the Plan Commission pursuant to Subsection A(I).
- (5) Easement conditions.
  - (a) Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, and communication lines. Such

easements as required by the Town or other private utility lines shall be noted as "utility easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and pedestrian walks, and other public purposes shall be noted thereon as "public easement for" followed by reference to the use or uses for which they are intended.

- (b) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the land divider prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements, whether overhead or underground, shall not disturb any monumentation in the plat.
  - (c) Where the electric or communications facilities or both are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the land divider on the utility easements shall not be altered by more than six inches by the land divider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or of the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.
- B. Drainage easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, as required by the Plan Commission, the location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkways may be required in connection therewith. Wherever possible, the stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These sizes and design details shall be prepared by the land divider's engineer and submitted for review and approval by the Town Engineer and Plan Commission. Where feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

#### ARTICLE VIII Required Improvements

##### § 190-52. Streets and streetlights.

Standard street improvements and, where required by the Plan Commission, streetlights shall be installed in all subdivisions and, unless waived pursuant to § 190-59, in all land divisions.

The Town may require installation or paving by a land divider of all or a portion of a street outside the subdivision or land division if that street provides access to the land division or subdivision.

§ 190-53. Sanitary sewers and water mains.

Where public utilities are available, sanitary sewers and water mains shall be installed in all subdivisions.

§ 190-54. Water supply system.

A. General requirements.

- (1) No water supply system serving or intended to serve more than four but fewer than 15 parcels of land within the subdivision shall be constructed unless such system is designed and constructed in accordance with all federal, state and local statutes, ordinances and regulations which are applicable to public waterworks and water supply systems, including but not limited to the administrative regulations with respect thereto adopted by the Wisconsin Department of Natural Resources, the Wisconsin Department of Health and Family Services, and the Wisconsin Public Service Commission, which regulations are incorporated herein and adopted by reference.
- (2) Prior to commencing construction of a water supply system, the land divider shall submit the proposed plans, specifications, construction schedule, and contract to the Town Engineer for review and approval.
- (3) As used in this section, the term "water supply system" means any facilities installed or constructed to obtain, store, treat, or convey water for human consumption or domestic use.

B. Where no public water supply system is available, a well shall be installed for each residential or commercial parcel created by a land division. This requirement may be waived by the Plan Commission in appropriate cases.

§ 190-55. Storm sewer and stormwater drainage.

A. Storm sewers shall be constructed where required by the Plan Commission.

B. Ditches shall be constructed where required by the Plan Commission.

- (1) Roadside ditches shall not exceed 10% of grade nor have less than a one-percent grade. The maximum single ditch capacity for a five-year intensity storm shall be not more than the values tabulated as follows:

Ditch Grade (%)	Q (ds)
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

- (2) Ditches shall be restored with four inches' topsoil, fertilizing, seeding and mulching in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. All sod shall be bluegrass, free of sedges, quack grass and bent grass.
  - (3) Where ditches are required, streets shall be constructed as indicated in Figure 3.<sup>9</sup> The thickness of the pavement shall be determined and prescribed by the Town Engineer in accordance with the functional classification of the proposed street and soil subgrade data available. Any soil subgrade data required by the Town Engineer shall be obtained by the land divider's soils engineer and furnished to the Town Engineer without cost.
- C. At the time the preliminary plat or plans for any planned development are submitted to the Plan Commission for review, the Town Board may require the Town Engineer to prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing of storm sewer and stormwater drainage facilities throughout the basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable those to serve the entire basin or subbasin, the Engineer shall then determine what portion of the estimated cost of constructing the required facilities is attributable to such increase in capacity.
- D. The cost of constructing storm sewer and stormwater drainage facilities which serve the plat or project but which are not necessary to serve the entire drainage basin or subbasin in which they are located shall be borne solely by the land divider. Those costs which are attributable solely to increasing the capacity of the required storm sewer and stormwater drainage facilities to enable them to serve the entire drainage basin or subbasin shall be paid by the Town and recovered through area charges or special assessments levied against all benefited properties. Any area charge or special assessment levied pursuant to this subsection shall be paid before the final plat is inscribed by the Town Clerk or before any building permit is issued.

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9. Editor's Note: Figure 3 is included at the end of this chapter.

- E. Area charges levied pursuant to Subsection D shall be subject to adjustment based upon the Engineering News Record Construction Price Index. In making such adjustments, the year that the area charges for the drainage basin or subbasin were established shall be used as the base year. A copy of said Construction Price Index shall be kept on file at the office of the Town Engineer and shall be made available to the public for inspection and copying upon request.

§ 190-56. Improvements to be installed to boundary lines.

All required street, sidewalk, sanitary sewer, water main, and storm sewer improvements shall be installed to the boundary line of the subdivision or land division unless the topography or other physical conditions make it impossible to do so or unless this requirement is waived, in writing, by the Plan Commission.

§ 190-57. Partition fences.

The Town may require a boundary or partition fence of a particular design, construction or character to separate lands included in a plat or certified survey map from surrounding land when the use of the surrounding land is deemed incompatible or substantially dissimilar or in any other appropriate case to protect the public health, safety and welfare. When the land included in the plat or certified survey map abuts upon or is adjacent to land used for 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. The Town may require a fence which exceeds minimum statutory requirements for a legal fence where appropriate to protect the public health, safety and welfare. A covenant binding the land divider, 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 farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

§ 190-58. Private driveway, road or other access. <sup>10</sup>[Amended 11-4-2003]

- A. Approval required. No person shall establish or construct a private driveway, road or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining an access permit from the Town Clerk.
- B. Specifications. No access shall be less than 24 feet in width at the outer edge unless special permission is obtained from the Town. Prior to the issuance of the permit, the location of said access shall be approved by the Town Board. Each access shall have a culvert with end sections at the ditch line unless special permission is obtained from the Town. The land divider shall be responsible for furnishing all required culverts whose diameter has been determined by the Town. Installation of the culvert shall be by the landowner within a reasonable time after issuance of the permit.

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10. Editor's Note: See also Ch. 175, Art. I, Access Permit.



## § 190-59. Waivers and modifications.

- A. Where, in the judgment of the Plan Commission, it would be inappropriate to apply the provisions of this article to a land division because extraordinary or undue hardship would result, the Plan Commission may recommend that the Town Board waive or modify any requirement, other than the recording of the certified survey map, to the extent deemed just and proper.
- B. The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this chapter, or impair the desirable general development of the community in accordance with the Town's written plan(s). [Amended 11-4-2003]
- C. Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the land division.
- D. This section shall not apply to subdivisions.

## ARTICLE IX

## Procedure for Required Improvements

## § 190-60. Plans and construction specifications.

Prior to commencing construction of any required improvement, the land divider shall retain an engineer who shall prepare construction plans and specifications and submit them to the Town Engineer for review and approval. The land divider shall notify the Town in writing of the name and address of the land divider's engineer and shall notify the Town in writing of any change in engineer. The Town Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the 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. Planting plans showing the locations, age and species of any required street trees.
- F. Drainage plans in conformance with the Town of Pleasant Springs Stormwater Pollution Prevention Plan administered through Ch. NR 216, Wis. Adm. Code. [Added 11-4-2003]
- G. Such additional special plans or information as may be required by the Town Engineer.

## § 190-61. Private contracts

The land divider shall engage one general contractor for each major phase of construction (grading, utilities, and streets) or one general contractor for a contract which includes more than one phase of construction. The "land divider shall provide the Town Engineer with copies of such construction documents, including change orders, as the Town Engineer may require to keep apprised of the progress of construction. No private contract shall be awarded until all bids have been reviewed by the Town Engineer.

## § 190-62. Scheduling.

All scheduling of the contemplated improvements shall be approved by the Town Engineer. Construction cannot be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Board. Construction shall not proceed until all State of Wisconsin approvals are granted.

## § 190-63. Street grading.

- A. The land divider shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat and, after review of design engineering work on the streets and approval of street grades by the Town Engineer, the land divider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases, where existing street right-of-way is made a part of the land divider's plat or abuts the plat, he shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Town Engineer shall approve all grading within rights-of-way, and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Town Engineer prior to the sale of affected properties.
- B. The land divider shall engage a registered engineer to set subbase grade in accordance with approved centerline grade and cross section and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, center-line and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:
- (1) The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.
  - (2) Grading of full street rights-of-way to a tolerance of zero to 0.2 foot below proposed center-line grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.
  - (3) Grading beyond right-of-way to ensure that the established grade will be preserved.

- (4) Grading of vision clearance triangle on corner lots (maximum embankment of three feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).
- (5) Where a public greenway is included in the plat, the land divider is responsible for an acceptable continuous drainageway in the greenway as determined by the Town Engineer.
- (6) All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval.

#### § 190-64. Utilities.

- A. Upon approval of the subgrading and installation of barricades, the land divider shall proceed with the utility contract. All outstanding charges due against the lands for local sewer, interceptors, force mains, and lift stations previously installed by the Town sanitary district shall be paid in full prior to the Town granting final approval of a utility contract.
- B. Provisions must be made for mechanical compaction of all ditches for underground utilities that fall within the street right-of-way.
- C. Prior to commencing construction of any required utilities, the land divider's engineer shall submit his proposed construction schedule, plans, specifications, and contract to the Town Engineer.

#### § 190-65. Greenways.

Greenways included within platted or replatted areas shall receive the following prescribed treatment by the owner of the subdivision:

- A. The land divider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Engineer. The land divider shall furnish the Town Engineer with a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the land divider shall furnish to the Town Engineer a set of cross sections (on fifty-foot stations) of the greenway oriented upon a base line as prescribed by the Town Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities, including alignment and grade as determined by the Town Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the land divider or his agent, he shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Town Engineer, where 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 interim minimum requirements of a ten-foot-wide ditch bottom with four-to-one side slopes. All to be seeded.

- B. The land divider shall install permanent pipes or culverts and end sections at a grade designated by the Town Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the land divider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a street crossing a greenway unless done pursuant to written agreement between the Town Engineer and the land divider. Culverts required across intersections for temporary street drainage shall be furnished and installed by the land divider at his expense. All temporary culverts installed by the land divider shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Engineer.
- C. All ditching and culvert installation shall be done in strict accordance with grades approved by the Town Engineer. The land divider's engineer shall be responsible for setting those required grades in the field for construction purposes.
- D. In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four feet above the flowline of the greenway or, where designated to an elevation established by the Town Engineer, prior to the sale of affected properties. The flowline grade shall be proposed by the land divider's engineer and approved by the Town Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Town Engineer.

§ 190-'6. Street construction.

- A. General. The streets shall be constructed only after completion of the underground utilities and after the evidence of approval by utility personnel has been submitted to the Town Engineer.
- B. Standard street improvements.
  - (1) Standard street improvements may include, in the sole discretion of the Plan Commission, concrete curb and gutter, pedestrian walkways in unserved areas, and ornamental streetlights and shall include bituminous base course, bituminous surface course, culverts and end sections and, in any areas served by sanitary sewers, pedestrian walkways. Where pedestrian walkways are required and the street connects with any city or village street, curb ramping shall also be provided as required by § 66.0909, Wis. Stats.
  - (2) The construction of standard street improvements can begin only when the construction of underground utilities, including mechanical compaction, has been completed according to standards approved by the Town Engineer.
  - (3) Upon satisfying the requirements of the preceding section, the land divider's engineer shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Town Engineer. The Town Engineer shall review the plans

and specifications and shall determine and prescribe the thickness of the pavement in accordance with the functional classification of the proposed street and the soil subgrade data.

- (4) Upon written approval by the Town Engineer, the land divider can proceed with the construction of the standard street improvements. Standard street improvements shall be according to current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation, unless this chapter provides otherwise. Street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so or unless this requirement is waived, in writing, by the Plan Commission.
- (a) Local streets shall be constructed as indicated in Figure 1;<sup>11</sup> provided, however, that a greater or lesser roadway width may be required by the Town Engineer where necessary to assure uniformity along the entire length of any street. The roadway width as indicated in Column 2 of the table in § 190-46A shall be required where the entire length of any street, including any future extension thereof, exceeds 1,600 feet and may be required by the Town Engineer based on anticipated traffic or land use. The thickness of the pavement shall be as prescribed by the Town Engineer.
- (b) Collector streets shall be constructed as indicated in Figure 2.<sup>12</sup> The width of the roadway shall be as prescribed by the Town Engineer based upon the Area Transportation Studies when available, unless a greater or lesser roadway width is necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be as prescribed by the Town Engineer.
- (c) The thickness and width of an arterial street shall be as prescribed by the Town Engineer based upon anticipated traffic volume and any applicable federal, state, or county requirements.

#### § 190-67. Change orders.

When extra work not specified in the contract is required to complete the project, the Town will notify the land divider or his engineering representative. No extra work shall proceed until the land divider or his representative has entered into a written agreement for the additional work.

#### § 190-68. Erosion control. [Amended 11-4-2003]

Prior to commencement of construction, the land divider's engineer shall submit an erosion control plan following the requirements of Dane County Code of Ordinances Chapter 14 to the Town Engineer and obtain his approval. Within 14 days of completion of any activity

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11. Editor's Note: Figure 1 Is Included at the end of this chapter.

12. Editor's Note: Figure 2 Is Included at the end of this chapter.

which, in the sole discretion of the Town Engineer, may give rise to an erosion control problem, the land divider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing, and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and other activities by the land divider or his contractors. Methods of control shall include, but not be limited to, seeding and mulching, sodding, berm construction, ponding construction, and watering. In such cases where the method of control has failed, the land divider shall clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Town Engineer's decision may be appealed to the Board.

§ 190-69. Floodplain zoning.

All provisions of Dane County ordinances relating to floodplain zoning are incorporated herein and adopted by reference.

§ 190-70. Inspections.

Prior to commencing any work within the subdivision, the land divider shall 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 final plat or any release of the securities deposited pursuant to § 190-12.

## ARTICLE X

### Acceptance of Improvements

§ 190-71. Approval by Town Engineer; final billing and affidavits; resolution of acceptance.

After the land divider has installed all required improvements, he shall notify the Town Engineer in writing that the work is complete and ready for final inspection. Prior to acceptance of improvements by the Town, the land divider shall furnish to the Town Engineer such as-built drawings as the Town Engineer requires to show the specifications of completed construction. The Town Engineer shall inspect the improvements and forward a letter to the land divider indicating his approval or disapproval. When the improvements have been approved by the Town Engineer, the Clerk will prepare a final billing for engineering, inspection, and legal fees and submit it to the land divider for payment. In addition, the land divider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions, or demands for damages based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, subcontractor, material man, or laborer. When the engineering, inspection and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be adopted by the Town Board.

## § 190-72. Release of security.

- A. The security furnished pursuant to § 190-12 shall remain in full force for a period of one year after the completion of the project and acceptance by the Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the land divider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the land divider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town will release the security to the land divider upon expiration of the one-year guarantee period.
- B. The Town may from time to time, but not more often than monthly, during the course of construction, partially release the security furnished pursuant to § 190-12 when:
- (1) The reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least 25% of the total cost of improvements, whichever is greater;
  - (2) Affidavits or lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the subdivision improvements which have been completed, are submitted with the request for a partial security release; and
  - (3) An application for a partial security release has been filed with the Town Engineer on or before the 10<sup>th</sup> day of the month.

ARTICLE XI  
Administration

## § 190-73. Signing of plat.

After entering the contract to provide all required improvements, after posting the security required by § 190-12, after payment of any fee imposed pursuant to § 190-13B and of any area assessments, and after the land divider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the land divider for recording.

## § 190-74. Building permits. [Amended 11-4-2003]

No building permits shall be issued for the construction or erection of any structure on any parcel created by any land division or subdivision of land until all required improvements have been made and installed and have been inspected and accepted in accordance with Article X of this chapter.

## § 190-75. Fees•

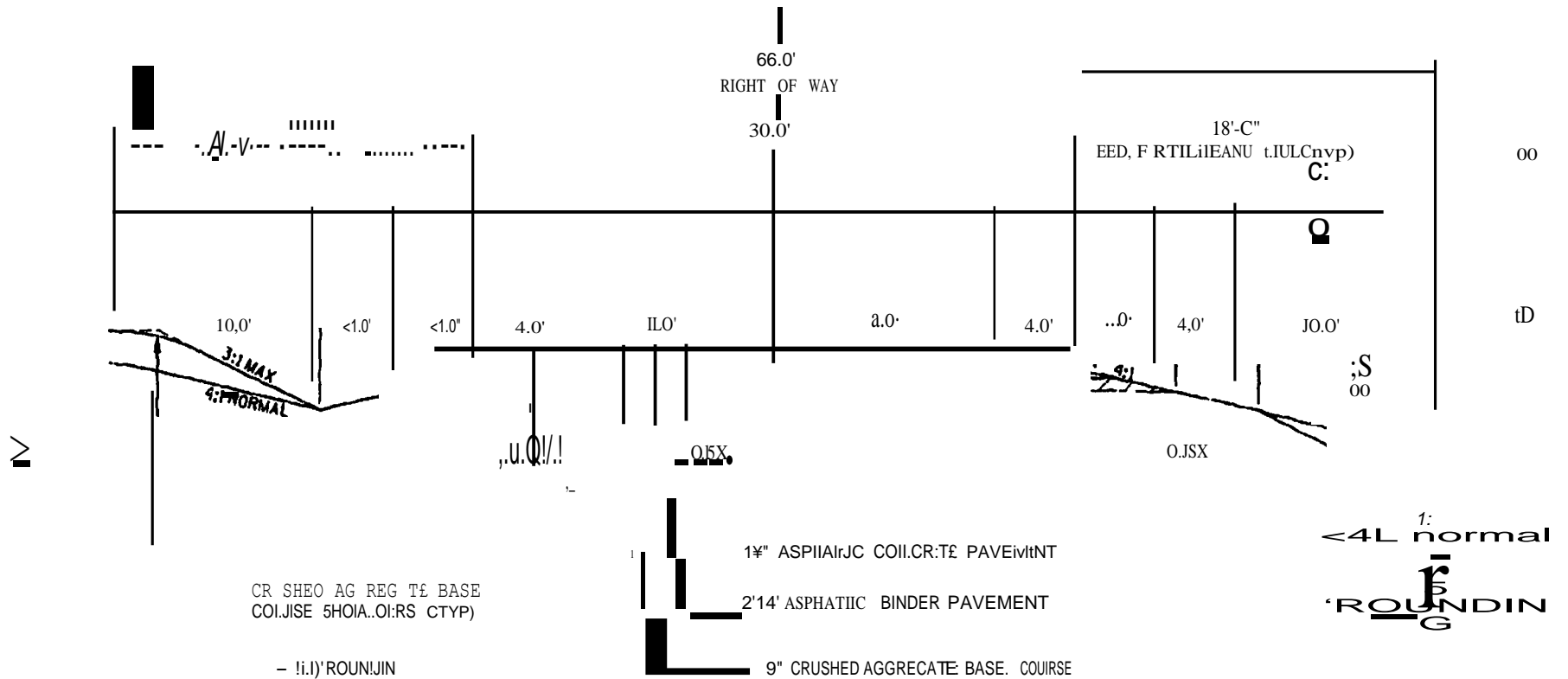
- A. General. The land divider shall pay the Town all fees as hereinafter required and at the times specified.
- B. Preliminary plat review fee. The land divider shall pay a fee as set by the Town Board at the time the application for approval of any preliminary plat is filed. [Amended 7-18-2000; 11-4-2003]
- C. Engineering, inspection and attorneys' fees.
- (1) The land divider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, or contract, with the drafting of legal documents, and with 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. Consulting, engineering, inspection and legal fees shall be the actual costs to the Town on the basis of submitted invoices plus twice the actual payroll costs for time spent by any employees of the Town. Such fees may be billed monthly or upon completion of the project, as determined by the Board. [Amended 11-4-2003]
  - (2) To guarantee payment of the engineering, inspection and attorneys' fees, the land divider shall deposit the sum of \$500 plus \$100 for each lot or parcel within the preliminary plat or certified survey with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is inscribed by the Town Clerk or 30 days after the preliminary plat, certified survey, or final plat is rejected. In the event that the land divider fails to pay such fees within 14 days of the time when the Town submits its bill therefor, the Town may deduct the amount of such fees from the deposit for fees or the security deposit

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13. Editor's Note: Original § 11.14(4), Special fees for parcels served by unpaved town roads, which immediately followed this subsection and was added 4-6-1994 by Ord No.94-2, was deleted 11-4-2003.



# FIGURE



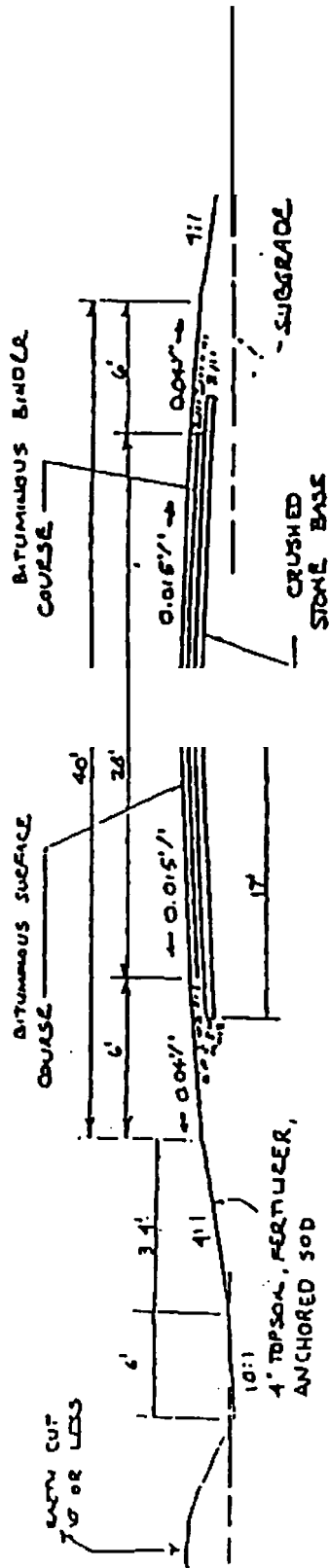
LOCAL STREET  
TYPICAL RURAL SECTION - NTS

CP: 5



SUBDIVISION OF LAND

--- "ba" ---



FIGURE

PAVEMENT SLOPE:  
0.015' - FLEXIBLE STRUCTURES