
CHAPTER 16 - LAND DIVISION ORDINANCE

1 Title, Purpose and Intent

The Title of this Ordinance is the Town of Union Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Union, Rock County, Wisconsin, in order to accomplish all of the following purposes:

- (1) Guide the future growth and development of the Township in accordance with the Town's adopted Comprehensive Plan;
- (2) Preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources;
- (3) Promote the rural and agricultural character, scenic vistas, and natural beauty of the Town of Union;
- (4) Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and manage environmental corridors;
- (5) Use ecological planning principles in the design, construction and long-term management of conservation developments;
- (6) Provide for the conservation of the agriculturally important lands in the Town of Union by minimizing conflicting land uses;
- (7) Ensure that appropriate conservation lands will be identified, protected and restored during the development design process to meet future community needs for stormwater management, floodwater, storage, and ground water recharge;
- (8) Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (9) Promote the public health, safety, and general welfare of the Town of Union;
- (10) Supplement county, state, and federal land division controls to implement any Town Comprehensive Plan, master plan, or other land use plans;
- (11) Minimize the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Union;
- (12) Promote the planned and orderly layout and use of the land in the Town of Union;
- (13) Encourage the most appropriate use of the land throughout the Town of Union;
- (14) Facilitate the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Union;
- (15) Provide the best possible environment for human habitation in the Town of Union;
- (16) Enforce the goals and policies set forth in the Town Comprehensive Plan, master plan, or other land use plans;
- (17) Ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Union;
- (18) Realize goals, objectives, policies, and development standards set forth in plans, codes, and Ordinances adopted by the Town of Union;
- (19) Secure safety from fire, flooding, and other dangers in the Town of Union;
- (20) Avoid the inefficient and uneconomical extension of governmental services in the Town of Union;
- (21) Conserve the value of prime agricultural soils in the Town of Union;
- (22) Regulate the development of condominium projects;
- (23) Insure accurate legal descriptions;
- (24) Provide for administration and enforcement of this Ordinance by the Town Board.

The intent is to regulate the division of land so as to promote safe and orderly traffic flow; to further the orderly layout and appropriate use of land; to facilitate adequate provision of transportation, water and sewer (including private systems), schools, parks and other public requirements; to ensure adequate legal description and proper survey monumentation of land divisions; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation; and in general to facilitate

enforcement of community development standards as set forth in the Town's Comprehensive Plan enacted pursuant to §66.1001, Wis. Stats.

2 Interpretation

- (1) **Abrogation and Greater Restrictions.** Nothing in this Ordinance is intended 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 Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (2) **Minimum Requirements.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, 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.

3 Authority

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Union, to §60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation of this Ordinance dated October 5, 2006 from the Town Planning Agency under §61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Union is the Town of Union Plan Commission, and has been subsequently amended.

4 Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Union. Pursuant to §236.45 (4), Wis. Stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 2 notice, under Ch. 985, Wis. Stats.

5 Definitions

In this Ordinance, the following definitions shall apply:

- (1) **Agricultural Use** as provided in §91.01 (1), Wis. Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming, placing land in federal programs in return for payments in kind, owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- (2) **Alley** means a public right-of-way that normally affords a secondary means of vehicular access to abutting property.
- (3) **Applicant** shall mean any person or entity which submits an application to the Town for a development approval.
- (4) **Arterial street** A principal arterial serves longer intra-urban type trips and traffic traveling through urban areas and includes interstate highways, other freeways and other principal arterials. A minor arterial provides intra-community continuity and service to trips of moderate length, with more emphasis on land access than principal arterials. The minor arterial interconnects the arterial system and provides system connections to rural collectors.
- (5) **Block** means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision, and streams or water bodies.
- (6) **Development** means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.
- (7) **Building Permit** means the permit required for new construction and additions pursuant to the Town of Union Building Code.
- (8) **Certified Survey or Certified Survey Map (CSM)** means a certified survey prepared by a registered land surveyor in accordance with §236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat.

- (9) Cluster Development means development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:
- A. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation; and
 - B. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Union.
- (10) Collector Street means a street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (11) Comprehensive Plan means a Comprehensive Plan prepared by the Town, pursuant to §66.1001 Wis. Stats. and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (12) Condominium means vacant lots or a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (13) Conservation Easement as provided in §700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in §157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- (14) Conservation Subdivision means a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.
- (15) Cul-de-sac means a minor street having only one end open to traffic and the other end being terminated in a vehicular turnaround.
- (16) Deed Restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- (17) Developer's Agreement means an agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.
- (18) Development Approval shall mean the review and approval by the Town of a Certified Survey Map, preliminary plat, final plat, development or subdivider's agreement and the acceptance of public improvements in connection with any of the foregoing.
- (19) Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- (20) Frontage Street means a local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (21) Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.
- (22) Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel,-by a division or by successive divisions of any part of the original property within a period of five (5) years, including any land division by or for a Conservation Subdivision, a Cluster Development, a Subdivision, a

- Minor Land division, a Condominium, Condominium Plat, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than the minimum size allowed by the parcel's zoning classification in the Zoning Ordinance.
- (23) Land Division Application includes the written application form information, aerial photo and sketch map and other items as specified by this Ordinance.
 - (24) Land Use Plan means the Town of Union Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town of Union, including any subsequent amendment, but does not include any Town Comprehensive Plan adopted under §66.1001, Wis. Stats.
 - (25) Local street means a street designed to provide access to abutting property and leading into collector streets, but which is not designed to carry through traffic from outside the neighborhood in which it is located.
 - (26) Lot means a parcel of not less than 40,000 square feet or greater, but less than three (3) acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
 - (27) Major thoroughfare or major street means a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways, and other highways and parkways, as well as arterial streets.
 - (28) Master plan means the plan, concerning issues of land in the Town, adopted pursuant to §62.23, Wis. Stats.
 - (29) Minor Land Division means any division of land other than a Subdivision. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in and the Certified Survey requirements in .
 - (30) Minor Streets are streets used or intended to be used primarily for slow, non-through traffic.
 - (31) Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the Town.
 - (32) Navigable Waters means any body of water, which is navigable under the laws of the State.
 - (33) Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
 - (34) Parcel means contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.
 - (35) Pedestrian Ways are defined as public pedestrian access other than sidewalks along public streets.
 - (36) Protective Covenants mean contracts entered into between private parties or between private parties and public bodies pursuant to §236.293, Wis. Stats., that constitute a restriction on the use of all private or platted property within a land division created by a certified survey map or subdivision for the benefit of the public or property owners and to provide protection against undesirable aspects of development that would tend to impair stability of values or otherwise.
 - (37) Public Improvement means any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, bicycle path, trail, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
 - (38) Replat means the process of changing the map or plat which changes the boundaries of a recorded Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.
 - (39) Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.
 - (40) Residential Development means any development approved for residential use.
 - (41) Site means the land on which development takes place.
 - (42) Subdivider means any person or entity or any agent thereof dividing or proposing to divide land resulting in a subdivision plat, certified survey map, or replat.
 - (43) Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review and as further defined by this Ordinance.

- (44) Subdivision means the division of a lot, as defined by §236.02(12) Wis. Stats. therein, by the owner, subdivider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) lots less than one and one half (1.5) acres in five (5) years or where the land division creates more than five (5) parcels or building sites of any size within five (5) years.
- (45) Town means the Town of Union, Rock County, Wisconsin.
- (46) Town Board means the Board of Supervisors for the Town of Union, Rock County, Wisconsin and includes designees of the Board authorized to act for the Board.
- (47) Town Clerk or Clerk means the Clerk of the Town of Union, Rock County, Wisconsin.
- (48) Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Union under §66.1001 Wis. Stats.
- (49) Town Plan Commission or Plan Commission means the Town of Union Plan Commission appointed by the Town Board of the Town of Union, Rock County, Wisconsin.
- (50) Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- (51) Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

6 Exemptions

- (1) The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Union into less than five (5) parcels, shall not apply to any of the following:
 - A. Transfers in interest in land by will or pursuant to court order.
 - B. Leases for a term of not more than ten (10) years, mortgages, or easements.
 - C. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the applicable Zoning Code or other applicable laws or Ordinances.
- (2) All of the following specific uses and activities are exempt from this Ordinance:
 - A. Cemetery plats made under §157.07, Wis. Stats.
 - B. Assessor's plats made under §70.27, Wis. Stats.

7 Coverage/Compliance

- (1) This Ordinance applies to all lands in the Town of Union. The Town Board shall be responsible for administering this Ordinance unless it designates other authority.
- (2) **No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the boundaries of the Town of Union (regardless of the size of the land division) without the approval of the Town of Union Board and subject to the requirements of this Ordinance.** No land division, including any Cluster Development, Conservation Subdivision, a Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Rock County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
 - A. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs B. through H. below, it is intended that the provisions of this Ordinance shall apply.
 - B. Chapter 236, Wis. Stats.
 - C. The Town of Union Comprehensive Plan adopted under §66.1001, Wis. Stats., or other Town Land Use Plan or any component thereof.
 - D. The applicable Town of Union Ordinances and zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations, and any other applicable Rock County Ordinances and regulations.
 - E. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
 - F. All applicable State and local sanitary codes.
 - G. All State Department of Transportation and County of Rock Highway Department. Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a State or county trunk highway or Town road.

- H. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review Ordinances, or official maps adopted pursuant to §62.23, Wis. Stats., and any other applicable Town of Union, Rock County, or extraterritorial authority Ordinances and regulations.
- (3) Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division plat approvals and Certified Survey map approvals and prior to any person commencing any form of construction or installation of any building in the Town of Union.
 - (4) No land shall be divided or any land division occur if any parcel or lot created to be by the land division is smaller than 40,000 square feet.
 - (5) **No land shall be divided or any land division occur in the Town of Union without specific written approval by the Town Board and review by the Plan Commission.**
 - (6) Any parcel in the Town of Union, which shall be divided by a land division regardless of the lot size or number of lots created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Rock County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
 - (7) Any parcel in the Town of Union, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692, §281.31, §236.45 Wis. Stats., Chapter 703 Wis. Stats., and any appropriate State Administrative Code provisions.
 - (8) All visible structures, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded.
 - (9) Any outlots created on a Certified Survey Map shall be accompanied by a specific statement of purpose or use of the outlot.
 - (10) No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Union in violation of this Ordinance or the Wisconsin Statutes.
 - (11) No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Union, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
 - (12) All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
 - (13) All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded within one hundred twenty (120) days in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis. Stats.
 - (14) No persons shall make, record, or replat any land division, except as provided under §70.27(1) Wis. Stats. if it alters acres dedicated to the public without proper court action to vacate such plat, map, or part thereof.
 - (15) A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of §703.11, Wis. Stats. and the following:
 - A. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Union and/or County zoning district in which it is located.
 - B. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

- C. Review and Approval: The Town of Union shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of Union Comprehensive Plan.
- (16) Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the statutory or Ordinance authority to approve or object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

8 Specific Compliance Provisions

- (1) All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
- (2) No land shall be issued a land division approval if the Town Board determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
- (3) No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Union.
- (4) No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, inadequate roadways, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Union governmental and public services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Union, or likely to cause a public nuisance in the Town of Union. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- (5) No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Treasurer.
- (6) No person shall be issued any land division approval by the Town of Union if they have failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Union.
- (7) No person shall sell any parcel of land, lot, or outlot of 40,000 square feet or less in size in the Town of Union if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Union or the County of Rock. Notice must be provided by certified mail.
- (8) No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements including signage deemed necessary by the Town Board, or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.
- (9) No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities which may include but is not limited to Rock County Planning & Development, Village of Brooklyn, and/or the City of Evansville.
- (10) No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary

alteration of any existing utilities that, by virtue of the land division, lie within the public right-of-way.

- (11) The land divider of all subdivisions requiring new roads is responsible for the maintenance (including snow plowing) of subdivision gravel roads and roadbeds prior to pavement until the road is officially accepted by the Town Board.
- (12) No person shall be issued a final land division plat approval by the Town Board unless all public improvements required by the Town Board within the land division plat area or Certified Survey Map area, meet the requirements established in writing by the Town Board.
- (13) The Town of Union shall not be responsible, with respect to any final land division, for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.
- (14) No person shall be issued a final land division approval by the Town Board unless any proposed Town of Union roads have been specifically accepted for dedication and approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any; install all necessary culverts and signage at intersections; and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Union Plan Commission, as recommended by the Town of Union Engineer. No person shall be issued a final land division approval by the Town Board unless any natural gas, water, sewer, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or outlot in the proposed land division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board.
- (15) No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless required curb and gutter with concrete sidewalk, as required by the Town Board, are installed with the plans and standard specifications for such structures approved by the Town Board upon recommendation of the Town Plan Commission. The cost of all curb, gutter, and sidewalk shall be borne by the land divider.
- (16) No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless proper community or cluster group sewage and water systems, that are required by the Town Board, are timely installed by the land divider at the cost of the land divider, and are then by Developer's Agreement to be owned, operated, and to be maintained by the Town of Union or a Town of Union Special Purpose District such as a Sanitary District or Utility District. Community sewer and water systems shall be designed to Town of Union Engineering standards with respect to pipe materials, sizes, and grades, manhole designs and space-up, and adequate pumping and storage stations and configurations and designed to facilitate connection to any public sanitary sewage system and public water surplus when connection to such systems for approval becomes available and advisable for the land divider. Water systems shall include installation of hydrants for fire protection.
- (17) No person shall, unless specifically waived in writing by the Town Board, be issued a final land division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses have been made, as required by the Town Board at no cost to the Town of Union.
- (18) No residual parcel resulting from any division of land shall be less than the minimum size allowed by the zoning classification in the Town of Union Zoning Ordinance.
- (19) When dividing land zoned as agricultural use the base farm tract must be at least forty (40) acres for the first land division, eighty (80) acres for the second land division, and one hundred sixty (160) acres for the third land division. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.

9 Fees and Escrow

- (1) All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Union fee schedule.
- (2) All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Application shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Union for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Union in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.
- (3) Fees for Review and Administration.
 - A. Fees Required. Every applicant shall pay, in addition to any applicable application fee, all of the following fees. Any such fees not paid to the Town as provided in sub. (8) shall be paid by the applicant within thirty (30) days of the date of an invoice from the Town. In the event fees are not paid in a timely manner, the Town shall not be required to take any further action with respect to the development approval. Non-payment of fees shall be deemed sufficient cause for rejection of the application.
 - B. Engineering Fee. The applicant shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the development approval, including any required inspections. The applicant shall pay a fee equal to the actual cost to the Town for engineering services deemed necessary by the Town to ensure that the design and construction of the required improvements is in compliance with the plans, specifications and Ordinances of the Town or any other governmental authority with jurisdiction over the improvement.
 - C. Administrative Review Fees. The applicant shall pay a fee equal to the cost of any Town administrative, legal or financial work that may be undertaken by the Town in connection with the development approval. Administrative costs shall include the cost of Town employees' time while engaged in activities related to the development approval request based on the hourly or set rate as established by the fee schedule.
 - D. Traffic Impact Analysis. In any case where the Town Engineer or Plan Commission determines that the proposed development within a land division is likely to cause a significant impact on traffic on streets or highways beyond the proposed land division, the applicant shall pay the fees of a traffic engineer to be retained by the Town to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation guidelines. An estimate of the fees as determined by the Town Engineer shall be paid into the escrow account established under sub. (4) within ten (10) days after notice of the determination by the Town Engineer. If the required escrow deposit is not made, the application may be denied. Where the report of the analysis concludes that the proposed development will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Town may deny the application, require a size or density reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
- (4) Fee Escrows. At such time as the applicant submits an application for a development approval, the applicant shall deposit with the Town, in escrow, the escrow amount established from time to time by the Town Board by Ordinance or resolution. No application shall be deemed complete until the required escrow deposit is made.
- (5) Escrow Replacement. In the event that escrow deposit falls below twenty-five percent (25%) of the original amount required to be deposited, the Town Board shall have the option to require the applicant to restore the escrow balance to the original amount required hereunder.
- (6) Escrow Refunds. In the event that funds remain in escrow over and above the Town's fees after withdrawal, approval or final denial of the application, the remaining balance shall be refunded to the applicant. Notwithstanding the foregoing, the applicant may elect to apply any remaining balance to any escrow deposit required as part of a subsequent application for a development approval for the same project.
- (7) Escrow Interest. The escrow account shall not bear interest for the benefit of the applicant.

- (8) Withdrawals from Escrow. The Town Clerk/Treasurer shall draw upon the escrowed funds to reimburse the Town for the fees it has incurred in reviewing the development approval on a monthly basis.
- (9) Accounting. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the applicant within thirty (30) days after each withdrawal. Any dispute with respect to the propriety or amount of any withdrawal shall be subject to appeal to the Town Board within thirty (30) days after the date of the accounting showing the withdrawal.
- (10) Default. In the event that the subdivider defaults in restoring the escrow account, the Town shall not be required to act further upon the request. Failure to replenish the escrow account shall be sufficient cause to reject the application for development approval.
- (11) Exception. No escrow deposit shall be required if the fees required are guaranteed by the applicant, with adequate security, pursuant to a subdivider's or development agreement with the Town. At the time of execution of such an agreement, the Clerk/Treasurer shall refund any remaining escrow balance to the applicant.

10 Cluster Development

- (1) In order to further the goals and policies of the Town Comprehensive Plan, master plan, or land use plan, assuming all other provisions of this Ordinance are met, the Town Board will consider plans for land divisions that provide for a cluster development or conservation subdivision. At the discretion of the Town Board, deed restrictions, including restrictive covenants, conservation easements, or both, may be required for such plans that include the cluster development or conservation subdivision.

11 Land Division Application Submittal

- (1) Any land divider who divides or proposes to divide for land division purposes, land located in the Town of Union that will create a land division, including a Cluster Development, Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall, prior to any submittal of any Preliminary Plat or map information, must submit a Land Division Application Form to the Town Building Inspector. The Land Division Application Form is available from the Building Inspector.

A. Land Division Application Form and Attachments

The Land Division Application requires the following form information and attachments as specified below and application fee.

- i. The name, address and phone number of the owner of the property and that of the land divider.
- ii. The location and size of the property and the type of land division that is to be requested.
- iii. The names and addresses of all landowners within a 1000' radius of the outer edges of the parcel being divided including those parcels within this radius of neighboring counties and other municipalities
- iv. A statement of intended use.
- v. The name, address and phone number of the surveyor who will be doing the survey work.
- vi. The name, address and phone number of the engineer who will perform the public improvements design.
- vii. The present use of the land.
- viii. The number and size of projected parcels, lots, or outlots upon a final land division.
- ix. Existing zoning and other land use controls on parcels within a 1000' radius of the outer edges of the proposed land division.
- x. Description of parcel location including fire number and roads bordering property.
- xi. The estimated timetable for final development.
- xii. Existing and proposed zoning of parcel/parcels to be created.
- xiii. Parcel number.
- xiv. Aerial photo of parcel and land within 1000' of its border or Global Information System Satellite Photo.
- xv. Sketch map as specified in sub. B. (This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas

dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.)

B. Sketch Map Specifications

As part of all Land Division Applications, the land divider shall submit to the Building Inspector a sketch map no smaller in scale than 1 inch = 200 feet or other appropriate larger scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2" x 14" inches. Sketch maps for subdivisions may be larger as long as fourteen (14) copies are provided in addition to a map no larger than 8 1/2" x 14" for reproduction purposes. Each submission shall include all contiguously owned land except the sketch map need not show more than twenty (20) times the area of the intended certified survey. The sketch map shall include all of the following:

- i. A north arrow, the date, the scale, and a reference to a section corner.
- ii. Lengths and angles of existing and proposed property lines.
- iii. Location of adjacent properties within 1,000' of the parent parcel.
- iv. The approximate dimensions and areas of the proposed parcels, lots, outlots, and easements.
- v. The location and type of existing and proposed buildings, fences, and structures and their uses, including any Cluster Development or Conservation Subdivision areas.
- vi. The location and name (if applicable) of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, parks and other features pertinent to the land division.
- vii. The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- viii. Zoning classification and other land use controls of adjacent properties within 1,000' of the parent parcel.
- ix. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- x. The location of any slopes of 12% or greater.
- xi. The setback of building lines required by any approving agency.
- xii. The uses of the land immediately adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.
- xiii. Any floodplain limits.
- xiv. The entire area contiguous to the plat owned or controlled by the owner or land divider.
- xv. Owners names of adjacent properties within 1,000'.

C. Site Assessment Checklist

The applicant shall submit a completed Site Assessment Checklist as developed and approved by the Plan Commission with the application unless this requirement is waived by the Plan Commission. This checklist identifies development factors associated with the Town of Union Comprehensive Plan.

D. Land Use Scoring Sheets

The applicant shall submit a completed Land Use Scoring Sheet as developed and approved by the Plan Commission with the application unless this requirement is waived by the Plan Commission. This scoring sheet is used by the Plan Commission and Town Board to aid in the study of the project's feasibility.

E. Property Owners Association Legal Documents

The applicant shall submit a draft copy of the legal documents establishing a property owner's association and its rules with the application unless this requirement is waived by the Plan Commission.

F. **Traffic Impact Analysis**

The applicant shall submit a written document identifying the potential impact of the land division and development on adjacent and connector roads with the application unless this requirement is waived by the Plan Commission. The Plan Commission or Town Board may require a formal traffic impact study based upon Institute of Traffic Engineers standards. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the preliminary plat or map.

G. **Covenants**

In any case where the subdivider proposes to provide for the private maintenance or protection of any common open space, storm water management facility, drainageway, private road or other required public or private improvement, the Plan Commission may require submission of a draft of protective covenants or other agreements by which the subdivider intends to assure the perpetual and proper maintenance of, and otherwise protect, the proposed improvements. In all cases where the requirements of this Ordinance are proposed to be satisfied or guaranteed by private covenants or restrictions, such covenants or restrictions shall contain provisions prohibiting the repeal or amendment of such covenants or restrictions without approval of the Town Board, and shall be expressly made enforceable by the Town Board. Unless the form of such covenants or restrictions is specified by the Town Board, the adequacy thereof shall be determined by the Town Engineer. All required deed restrictions and protective covenants shall be recorded prior to, or concurrently with, the final plat or certified survey map. The violation of any covenant or restriction required as a condition of approval of a land division shall be deemed a violation of this Ordinance.

H. **Property Owners' Association**

Whenever a subdivider proposes that any common open space, storm water management facilities, drainageway, private road or other required development component is to be privately managed by a property owners' association, the Town Plan Commission may require submission of a draft of the legal instruments and rules for proposed property owners' associations at the time of submission of a proposed plat or Certified Survey Map. If the Town Board approves the private maintenance of required development components by such an association, the organizational documents creating such organization shall be filed prior to, or concurrent with, the recording of the final plat or Certified Survey Map and appropriate protective covenants or a binding agreement between the Town and the association assuring such management shall be recorded with the plat or map. The covenants shall be subject to the review and approval of the Town of Union attorney.

(2) **Submittal Process**

The applicant shall submit the completed **Land Division Application Form** and attachments to the Building Inspector for review for completeness. When the Building Inspector determines the application is complete, the applicant shall submit the application fee to the Town Treasurer. The applicant may then submit fourteen (14) copies of the Land Division Application Form and attachments, and the fee payment receipt to the Town Clerk. The Town Clerk shall establish the Plan Commission meeting date upon which the Plan Commission will conduct a public hearing on the application according to the Plan Commission meeting calendar. The Town Clerk will notify by mail all landowners of parcels within 1000' of the property in question and post a Class 2 notice of the public hearing.

The Town Clerk shall notify all Plan Commission members of the meeting and provide copies of the Land Division Application Form and attachments to them. See §236, Wis. Stats. for a timeline for the Plan Commission to review the application.

(3) **Approval Process**

The Plan Commission shall hold a public hearing on the land division application after publication of a Class 2 notice thereof. If required for the type of land division request being made, the Plan Commission will provide a recommendation to the Town Board who will make the final decision.

The Commission's recommendation shall be to approve, approve with conditions, or reject the land division and shall include the reasons for rejection or the imposition of conditions.

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

See 16.12, 16.13 and 16.14 for the approval process for each type of Land Division: Minor Land Divisions and Subdivision Land Divisions.

12 Minor Land Divisions

Any division of land, no matter the size, other than a Subdivision as defined herein, shall be surveyed and a Certified Survey Map (CSM) shall be prepared and recorded as provided in §236.34 Wis. Stats. and Section 16.13.

- (1) Any Minor Land Division shall meet the design standards noted in 16.7 and 16.8.
- (2) Prior to the filing of an application, the land divider may ask the Town Plan Commission at a Town Plan Commission Meeting for assistance in understanding the Town Ordinances, Comprehensive Plan and application process. No opinion regarding a project will be provided by Plan Commission members prior to having received a completed Land Division Application.
- (3) Application. The land divider shall submit a Land Division Application along with the information as noted in 16.11 and following the submittal process described in 16.11. The application shall be reviewed by the Plan Commission to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats, the Town of Union Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the land division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules.
- (4) The Plan Commission will conduct a public hearing and make a recommendation to the Town Board for approval, conditional approval, or denial, or request additional information necessary to make a decision. If additional information is requested, the applicant will return to another monthly Plan Commission meeting to have the Commission review the new/additional documentation and make a recommendation to the Board.
- (5) The Town Board will proceed to review the application and make a decision to deny, approve or conditionally approve the request. See Chapter 2, Section 2.2 for final approval regarding land divisions under conditional use permits for A1, A2, and A3 property.
- (6) If preliminary approval of a Certified Survey Map is granted by the Town Board or its designee, the land divider may proceed to have drawn a Final Certified Survey Map in accordance with §236.34 Wis Stats. The land divider shall be required to dedicate any road right-of-way the Town of Union or the County deems necessary and shall be required to build the highway to the appropriate Highway Standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- (7) Prior to the request for approval of the Final Certified Survey Map and as a condition of the final approval of the Certified Survey Map, by the Town Board or its designee, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions have been placed on the Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis. Stats. and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission to and approval by the Town Board of construction plans and a time schedule regarding any and all public and private highways

and other improvements and a formal guarantee regarding any and all private and public improvements.

- (8) Final CSM Approval. The Town Board or its designee shall review the Final CSM for conformance with the preliminary CSM, satisfaction of all conditions of approval, and the conformity of the CSM with the requirements of this Ordinance and all other applicable Ordinances, rules, regulations and Comprehensive Plan or land use plan provisions. The Town Board shall approve, approve conditionally or reject such map within sixty (60) days from the date of filing of the application for approval unless the time is extended by agreement with the subdivider. The failure of the Town Board to act within such sixty (60) day period or any extension thereof shall constitute approval of the map, provided, however, that if the Board fails to act because the subdivider has violated the escrow deposit requirements, the map shall be deemed rejected. If the map is rejected or conditionally approved, the reasons for rejection or conditions on approval shall be stated in the minutes of the meeting and a written statement forwarded to the land divider. If the Final CSM is approved, the Town Clerk/Treasurer shall so certify on the face of the original map and return the map to the land divider. If the map is conditionally approved, the Clerk/Treasurer shall certify the approval only upon satisfaction of any conditions precedent to the approval.
- (9) Recordation. The subdivider shall record the map with the Rock County Register of Deeds within ninety (90) days of the date of its last approval and within twenty four (24) months of the date of the Final CSM approval. Failure to record the map within such time shall render the Town Board's approval and certification void.
- (10) A copy of the Certified Survey Map as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording. Two (2) copies of a list of lots and corresponding addresses assigned by Rock County shall also be provided to the Clerk.

13 Certified Survey Map

- (1) The Town of Union requires a Certified Survey Map be prepared by a land surveyor registered in the State of Wisconsin for all land divisions except Subdivisions.
- (2) Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application as noted in Section 16.11 (1) (A).
- (3) All required Certified Survey Maps shall comply in all respects with §236.10 Wis. Stats., §236.34, Wis. Stats., where applicable, and State survey standards. The Town of Union shall comply with the ninety (90) day requirement in §236.34 Wis. Stats. for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- (4) The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by §236.24, Wis. Stats., all of the following:
 - A. All existing buildings, fences, water courses, tile lines, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
 - B. The building envelope and its distance to two (2) property lines, if a building location was required and approved by the Town Board.
 - C. The area of parcels, outlots, and lots in acres.
 - D. The date of the map.
 - E. The graphic scale of the map and north arrow.
 - F. The entire area contiguous to the plat owned or controlled by the owner or land divider with the following exception:
 - i. When the land division lies within one or more quarter of a quarter section whereby the exterior boundary of the parent parcel follows the quarter of a quarter section lines and is owned in its entirety by the land divider, then only the separated area is required to be shown on the CSM.
 - G. Any floodplain limits.
 - H. Note of reference to all deed restrictions, agreements and covenants.

- I. The following statement: “The above-described premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices, which may generate noise, dust, odors, and other associated conditions, may be used and are protected by Wisconsin’s “Right to Farm” Law.”
- (5) The Certified Survey Map shall include in its certification, in addition to the information required by §236.34, Wis. Stats., all of the following:
 - A. A legal description of the parcel including parent parcel number(s); the surveyor’s name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance.
 - B. The owner’s name, address, and signature.
 - C. Signature lines and dates for approval by the Town Chairperson and Town Clerk and, if applicable, a signature line and date for the Town Engineer.
- (6) The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with all of the following:
 - A. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
 - B. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
 - C. The adopted Town Comprehensive Plan or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
 - D. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

14 Subdivision Preliminary Plat Approval, Conditional Approval, Rejection

In the situation of Subdivisions, the land divider must provide a Subdivision Preliminary Plat prepared by a land surveyor registered in the State of Wisconsin for approval. Prior to the submittal of the Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application as noted in Section 16.11 (1) (A).

- (1) Pre-Application. Prior to the filing of an application for approval of a preliminary subdivision plat map, the subdivider may consult with Town Staff and the Plan Commission to obtain their advice and assistance in interpreting the Town’s Ordinances, application process and Comprehensive Plan. No opinion regarding a project will be provided by Plan Commission members prior to having received a completed Land Division Application.
- (2) Application. The land divider shall submit a Land Division Application along with the information as noted in and following the submittal process described in Section 16.11. The application shall be reviewed by the Plan Commission to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis. Stats., the Town of Union Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the land division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules. Other items may be required as per the application form.
- (3) Plan Commission Public Hearing. The Town Plan Commission shall hold a public hearing on the application after publication of a Class 2 notice thereof for conformance and consistency with §236.11 Wis. Stats., §236.12 Wis. Stats., and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Union Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, Ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Subdivision. The Commission shall review the map for conformance with applicable Ordinances and statutes, shall consider all public comments received and all recommendations from Town committees and shall forward its recommendation to the Town Board for final action. Or the Plan

Commission may request from the applicant additional information which it deems necessary to make an informed decision or request professional review, e.g., Town Engineer, Town attorney. This additional information shall be heard at another monthly meeting of the Plan Commission. The Commission shall recommend approval, conditional approval or denial of the proposed subdivision and shall include the reasons for rejection or the imposition of conditions or denial. Note: The land divider is responsible for providing copies of the Subdivision Preliminary Plat map to the appropriate ambulance service provider(s) and fire district(s) for their comments and recommendations on the plat.

- A. A **Subdivision Preliminary Plat** shall be required for all proposed Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than two hundred (200) feet to the inch or other appropriate scale and shall show correctly and completely on its face the following information:
- i. Title or name under which the proposed Subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 - ii. Property location of the proposed Subdivision by: government lot, quarter-section, Township, range, County, and State.;
 - iii. A sketch showing the general location of the Subdivision within the U.S. Public Land Survey section;
 - iv. Date, Graphic Scale, and North Arrow;
 - v. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
 - vi. 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. Property owned or controlled by the land divider or developer adjacent to the proposed development must also be shown even if across jurisdictional lines. The Town Board or its designee may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application. Property owned or controlled by the developer adjacent to the proposed development must also be shown even if across jurisdictional lines;
 - vii. Length and bearing of the exterior boundaries of the proposed Subdivision and the total acreage encompassed thereby;
 - viii. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
 - ix. All vision triangles shall be clearly shown on arterial and collector roads designed in accordance with current AASHTO Policy on Geometric Design;
 - x. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
 - xi. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
 - xii. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
 - xiii. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
 - xiv. Location and names of any adjacent Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;

- xv. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
- xvi. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
- xvii. Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers. All lots shall be consecutively numbered;
- xviii. A description of the types of proposed uses of all lots created by the subdivision.
- xix. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainage ways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
- xx. The location of all access points to public ways, a reference to any prior Town approval granted for such access points and any restrictions imposed as a condition to such approval.
- xxi. Approximate centerline radii of all curves;
- xxii. Existing zoning on and adjacent to the proposed Subdivision;
- xxiii. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Subdivision in relation to the access;
- xxiv. Any proposed lake and stream improvements or relocation;
- xxv. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
- xxvi. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
- xxvii. The surveyor or engineer preparing the Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Subdivision and physical features and that he fully complies with the provisions of this Ordinance;
- xxviii. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies.
- xxix. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefitting landowners in the development;
- xxx. Any wildlife habitat areas in addition to threatened or endangered species;
- xxxi. The school district(s) in which the development is located should be noted on the face of the preliminary plat;
- xxxii. Characteristics of vegetation;
- xxxiii. Historic and cultural features;
- xxxiv. Scenic vistas;
- xxxv. On the face of two (2) separate copies of the proposed plats to be filed with the Clerk/Treasurer, shall be shown all building setback lines required by the applicable Zoning Code. If rezoning is pending, only the setback lines required by the proposed district regulations for each lot shall be shown;
- xxxvi. The following statement: "The above-described premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices, which may generate noise, dust, odor, and other associated conditions, may be used and are protected by Wisconsin's "Right to Farm" Law."

- B. In addition to the other items listed in 16.14.(3)(A), the Town of Union may:
 - i. After determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial

- cutting, clearing, grading, and other earthmoving operations in the development of the Subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans;
- ii. Require a detailed statement as to whether and how the proposed development is consistent with the Town of Union Comprehensive Plan or the Town of Union Master Plan.
- C. **Town Board Review.** Unless the timeline is extended by agreement with the land divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Subdivision plat as proposed. One (1) copy of the Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of Union Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, Ordinances, rules, regulations, or plans. One copy of the Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Union records.
 - D. In the event of a rejection of the proposed Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of the Land Division Application or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
 - E. If either the Town Board or the Town Plan Commission denies two (2) consecutive Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within one (1) year of the second denial.
 - F. The Town Board may delegate by Resolution its proposed Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

15 Subdivision Final Plat Approval

- (1) **Technical Review.** Prior to the filing of an application for approval of a Final Subdivision Plat, the land divider shall meet with the Town Engineer and/or Town Board in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the land divider of the consistency of the final Subdivision Final Plat with the conditions of approval of the preliminary map. The applicant shall file an application for final certified survey map approval, the appropriate fees and fourteen (14) copies of the Subdivision Final Plat in the office of the Clerk/Treasurer.
- (2) **Review by Town Engineer or Town Board.** The Town Engineer or Town Board shall review the map for conformance with the approved Subdivision Preliminary Plat and the satisfaction of any conditions to such approval, and the conformity of the map to the requirements of this Ordinance and all other applicable Ordinances, rules, regulations and Comprehensive Plan or land use plan provisions. The Town Board shall, within thirty (30) days from the date of filing of the map or the first available Board meeting date after publication, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board. The Commission shall specify the reasons for any proposed rejection.

- (3) Town Board Approval. The Town Board shall approve, approve conditionally or reject such map within sixty (60) days from the date of filing of the application for approval unless the time is extended by agreement with the subdivider. The failure of the Town Board to act within such sixty (60) day period or any extension thereof shall constitute approval of the map, provided, however, that if the Board fails to act because the subdivider has violated the escrow deposit requirements, the map shall be deemed rejected. If the map is rejected or conditionally approved, the reasons for rejection or conditions on approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Clerk/Treasurer shall so certify on the face of the original map and return the map to the subdivider. If the map is conditionally approved, the Clerk/Treasurer shall certify the approval only upon satisfaction of any conditions precedent to the approval.
- (4) Recordation. The subdivider shall record the Final Plan Map with the Rock County Register of Deeds within ninety (90) days of the date of its last approval and within twenty-four (24) months of the date of the Subdivision Final Plat map approval. Failure to record the map within such time shall render the Town Board's approval and certification void.
- (5) The Subdivision Final Plat shall comply fully with §236.11, 236.12, 236.20, 236.21, and 236.25 Wis. Stats., in its Subdivision final plat.
- (6) The Town of Union requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination be included in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- (7) A copy of the Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording. Two (2) copies of a list of lots and corresponding addresses assigned by Rock County shall also be provided to the Town Clerk.
- (8) Prior to any request for any Subdivision Final Plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a Resolution from the Town of Union specifically stating that the Town of Union accepts from the land divider all lands shown on the plat as dedicated to the Town of Union for the public, including street or road dedications.
- (9) Prior to any request for the final Subdivision approval and recording of the Subdivision plat, the land divider shall seek and obtain a Resolution from the Town of Union specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Union under §236.293, Wis. Stats and by any Developer's Agreement and Developer's Schedule. The Town Board, by Resolution, may later waive these restrictions or conditions.
- (10) The Town Board may delegate by Resolution its Final Subdivision plat approval to the Town Engineer or Town Plan Commission.
- (11) The Town Board or its designee shall approve or reject the Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11(2) Wis. Stats.

16 Design Standards

All land divisions and public improvements shall meet the following design standards:

(1) Streets and Road Standards

All proposed streets in any subdivision or other land division shall be designed and constructed as provided in this section.

A. Street Arrangement

- i. **General Provisions.** Street layouts shall conform to the arrangement, width and location as shown in the neighborhood development plans contained in the Town's land use plan or Comprehensive Plan. 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 existing and proposed utilities, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision or land division shall be designed so as to provide each lot with satisfactory access to a public street.

- ii. **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly oriented to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- iii. **Minor Streets.** Minor 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 where such sewers are proposed; and to require the minimum street area necessary to provide safe and convenient access to abutting property. Minor public streets or roads shall be laid out so as to discourage their use by through traffic.
- iv. **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- v. **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is granted to the Town under conditions approved by the Town Board.
- vi. **Alleys.** Alleys are not allowed.
- vii. **Street Names.** Street names shall not duplicate nor be similar to the names of any other existing street in the Town and existing street names shall be projected to extensions of the same street wherever possible. All proposed street names shall be subject to approval by the Town Board at its discretion.

(2) **Limited Access Highway and Railroad Rights of Way**

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

- A. When lots within a proposed commercial subdivision or land division back upon the right of way of an existing or proposed limited access highway or a railroad right of way, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad. Such planting strip shall be a part of the platted lots, but shall be in addition to the required minimum lot depth. Planting strips shall be labeled on the face of the plat with the following restriction: "This strip reserved for the planting of trees and shrubs. No structures are permitted."
- B. When lots within a proposed residential subdivision or land division back upon the right of way of an existing or proposed limited access highway or railroad right of way, a low-maintenance landscaped berm shall be designed and constructed at the subdivider's expense according to plans approved by the Town Plan Commission. Required landscaping berms shall extend at least five (5) feet above the elevation of the centerline of the adjacent right of way and not less than thirty (30) feet in width along the entire frontage adjacent to such right of way. Landscaping berms may be required at the Plan Commission's discretion.
- C. Streets parallel to a limited access highway or railroad right of way, at the point of their intersection with a major street and highway or collector street which crosses said railroad or highway, shall be located a minimum distance of two hundred fifty (250) feet from said highway or railroad right of way.
- D. Minor streets parallel to railroad rights of way shall be located such that the centerline is not less than fifty (50) feet from such right of way. Minor streets in residential areas which are parallel to arterial streets or controlled access highways shall be located such that the rights of way are separated by not less than one hundred fifty (150) feet.

(3) **Street Design Standards**

The minimum right of way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan or Town Land Use Plan. If no width is specified therein, the minimum widths shall be as follows:

- A. **Street Widths.** The following minimum widths shall be provided for all streets. The specified width shall be increased as determined by the Town Plan Commission if on-street bike lanes are indicated as part of the Town Comprehensive Plan or land use plan.

Type of Street	R.O.W. Width	Pavement Width
Arterial Streets	80+ feet	40 – 56 feet
Collector Streets	66 – 70 feet	36 – 40 feet
Minor Streets	60 – 66 feet	32 – 36 feet
Alleys	20 feet	10 – 20 feet
Pedestrian Ways	10 feet	8 feet

- B. **Cul-de-sacs.** Cul-de-sac streets shall not be allowed except when necessitated by exceptional topography, to minimize environmental impact, or other limiting factors of good design as approved by the Town Plan Commission. When allowed, cul-de-sac streets shall terminate in a circular turn-around having a minimum right of way radius of seventy (70) feet and a minimum inside curb radius of forty five (45) feet and shall not exceed five hundred (500) feet in length, unless approved by the Plan Commission.
- C. **Temporary Dead-ends or Cul-de-sacs.** Temporary dead-ends or cul-de-sacs shall be permitted where a street intersects with the boundary of a plat or certified survey map or the boundary of a planned phase of development within a subdivision. Temporary dead-ends or cul-de-sacs shall not serve more than twenty-four (24) lots and shall meet all of the following standards:
1. A temporary turnaround is required if the street serves more than one (1) lot on either side of the street.
 2. A temporary “T” turnaround is required if the distance from the centerline of the nearest street intersection to the farthest lot line of the last lot of the applicable construction phase is four hundred (400) feet or less. The “T” turnaround shall have a minimum width of twenty four (24) feet, a minimum transverse length of sixty (60) feet, a minimum radius of ten (10) feet and be surfaced with two (2) inches of bituminous asphalt over a ten (10) inch stone base.
 3. Either a temporary “T” or temporary circular turnaround shall be required as determined by the Town Engineer when the closed end of a dead-end street is not visible from the nearest intersection or when the distance from the centerline of the nearest intersecting street to the farthest lot line of the last lot in the construction phase is greater than four hundred (400) feet. A temporary “T” turnaround shall be constructed as specified in par. (c)(2). Circular turnarounds shall have a minimum radius of forty (40) feet and be surfaced with two (2) inches of bituminous asphalt over a ten (10) inch stone base.
- D. **Street Grades.** Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover or tree growth, and general leveling of the topography. Unless a greater grade is determined necessary by the Town Engineer due to exceptional topography, the maximum centerline grade of any street or public way shall not exceed the following:
1. Collector Streets. 6-8%
 2. Minor Streets, Alleys and Frontage Streets. 10%
 3. Pedestrian Ways. 12:1 unless landings of acceptable design are provided.

Conformance with ADA requirements is required unless accessibility cannot reasonably be achieved, in which case proper signage shall be provided. The grade of a street shall in no case exceed 12% or be less than 1/2 of one percent (0.5%).

- E. **Half Streets.** Where an existing dedicated or platted half street is adjacent to the tract being divided, the other half of the street shall be dedicated by the subdivider. The platting of half streets shall not be permitted unless determined necessary by the Town Board to avoid an unreasonable hardship.

(4) **Street Intersections**

- A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, and all intersections shall be designed to provide adequate visibility and safety for motorists, bicyclists and pedestrians using such streets.
- B. The number of streets converging at one intersection shall not exceed two (2) unless otherwise approved by the Town Board.
- C. The number of intersections along arterial streets shall be held to the minimum practicable consistent with circulation needs and safety requirements. The distance between such intersections shall not be less than six hundred (600) feet unless necessitated by exceptional topography or other limiting factors of good design.
- D. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when deemed necessary by the Town Plan Commission to provide for safe and efficient traffic movements.
- E. Minor streets need not continue across arterial or collector streets, but if the centerline of two (2) minor streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted such that the alignment across the major or collector street is continuous, and a jog is avoided.
- F. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protections of residential properties.

(5) **Blocks**

- A. **General Provisions.** The widths, lengths and shapes of blocks shall be suited to the planned use of the land, the applicable zoning requirements, the need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.
- B. **Length.** Blocks in residential areas shall not be less than four hundred (400) feet nor more than two thousand (2000) feet in length unless necessitated by exceptional topography or other limiting factors of good design.
- C. **Pedestrian Ways.** Pedestrian ways not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed reasonably necessary by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, playgrounds, shopping centers, churches or transportation facilities.
- D. **Width.** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. The width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(6) **Lots**

- A. **General Provisions.** The size, shape and orientation of lots shall comply with all of the dimensional standards set forth in the applicable Zoning Code and shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. In areas which are not served by public sanitary sewers, lots shall be of sufficient size and configuration to allow for two (2) separate septic drain fields, unless such lots will be served by a common sewerage treatment system located on another lot. The clustering of building sites and lots is encouraged where feasible to maximize the area of the contiguous open space adjacent to developed areas.
- B. **Side Lot Lines.** Side lot lines shall be as nearly as possible to right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- C. **Double Frontage and Reverse Frontage Lots.** 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.

- D. **Access.** All parcels, outlots, or lots shall have frontage on a public street or public road unless the Town Board approves the use of private streets for such access. Private streets shall not be permitted unless adequate provisions are made for permanent public street access to and from all units to be served by such street and for adequate maintenance and repair of the improvements within the right of way of such street. In any case where more than one lot or occupancy unit is served by a private street, the Town shall have full regulatory authority to control traffic and parking on and adjacent thereto to the same extent as if the street were dedicated to the public.
 - E. **Walkways.** To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require that land divisions provide for walkways either along public streets and public roads or through the center of developments and/or between developments.
 - F. **Remnants.** All remnants of lots which do not meet the minimum size for lots as required by the applicable Zoning Code after a larger tract is subdivided shall be added to adjacent lots unless other provisions are made and approved by the Town Board to convert such remnants into usable parcels.
- (7) **Easements.**
- A. **Utility Easements.** The subdivider shall provide utility easements of widths deemed adequate by the Town Engineer for the intended purpose where necessary or advisable for electric power and communication poles, wires and conduits; storm and sanitary sewers; and gas, water and other utility lines.
 - B. **Drainage Easements.** Where a subdivision or land division is traversed by a watercourse, drainageway channel or stream, or low area, an adequate easement or drainage right of way shall be provided substantially conforming to the lines of such watercourse; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate a 100-year frequency storm event. Design details for drainage facilities shall be subject to review and approval by the Town Engineer.
- (8) **Public Sites and Open Spaces.** In the design of the plat or certified survey map, suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes shall be reserved if designated in the Town Comprehensive Plan or land use plan. Such areas shall be designated on the plat or map. If not so designated, the location of such sites shall assure, to the extent practicable, the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourse, watersheds and ravines.
- (9) **Required Improvements.**
- A. **Survey Monuments.** The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the Town Board. The Town Board may waive the requirement for placing monuments required pursuant to §236.15(1)(b)(d) Wis. Stats. for a reasonable amount of time on the condition that the subdivider provide a letter of credit, surety bond or other adequate security to ensure that such monuments will be placed within the time required by the Board.
 - B. **Grading.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board. The subdivider shall grade the roadbeds in the street rights of way to subgrade.
 - C. **Roadway Surfacing.** After the installation of all utility and storm water drainage improvements, the subdivider shall provide for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by this Ordinance and the Comprehensive Plan or land use plan of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, and by the Rock County Highway Department where County approval is required.

- D. **Curb and Gutter.** The subdivider shall provide concrete curb and gutter at all street intersections in accordance with plans and specifications if required.
- E. **Bicycle and Pedestrian Trails.** In all cases where the Town's Comprehensive Plan or land use plan includes a bicycle or pedestrian trail within a land division, the subdivider shall grade and surface the trail and dedicate the trail to the public. Plans and specifications for the improvement of the trail shall be established by the Town Plan Commission.
- F. **Pavement Markings and Regulatory Signs.** The subdivider shall provide regulatory traffic signs and all markings of traffic lanes, bicycle lanes, restricted parking areas, crosswalks and other regulatory pavement markings as determined by the Town Plan Commission or Town Board. Regulatory traffic signs shall be designed and located according to the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices.
- G. **Street Name Signs.** The subdivider shall provide pole mounted street name signs of the style and size specified by the Town Plan Commission. Street name signs shall be mounted at all street intersections. The Town Plan Commission may approve the mounting of street name signs above regulatory signs whenever deemed appropriate by the committee.
- H. **Sanitary Sewerage.**
 - i. **Public Sanitary Sewers.** In all developments proposed for public sanitary sewer service in the Town's Comprehensive Plan or land use plan, the subdivider shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town Plan Commission.
 - ii. **Private Sanitary Systems.** In those areas not served by public sanitary sewer service, private sanitary sewer systems shall be provided in compliance with all applicable County and State regulations. The use of common sewage treatment and disposal systems is encouraged, provided, however, that such systems shall be jointly owned and maintained by all of the owners of the lots served by such system. Joint ownership may be provided by recorded covenants or agreements or the creation of a homeowners association or other entity of which all lot owners are required to be members, and all such documents shall be subject to the approval of the Town Board as a condition to approval of the use of a common sewage treatment and disposal system.
- I. **Storm Water Drainage Facilities**
 - i. **General Requirements.** The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels or other improvements necessary to comply with the provisions of the Rock County Ordinances regulating stormwater management. The storm events used in the design shall be the 10-year frequency storm event for storm sewers and a 100-year frequency storm event for overland drainage and detention pond design. Storm water drainage facilities shall be so designed as to present no unreasonable hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.
 - ii. **Grading.** The Subdivider shall prepare a Grading Plan to be submitted with the Erosion Control Plan that includes the following:
 - a. Spot elevations shown at all lot corners, high points, and at one hundred (100) foot maximum intervals, with drainage arrows representing the intended flow path shown along all lot lines. The finished ground elevations shall be shown as-built at all lot corners following the completion of construction. This plan shall be approved by the Town prior to the issuance of building permits. Copies of the as-built plan shall be provided to the Building Inspector and Town Engineer for their use during building construction.
 - b. Where the use of swales is proposed, they shall have a minimum of 1% slope, unless otherwise approved by the Town Engineer.
 - iii. **Detention Basins.** All detention basins must be designed and installed in compliance with the Rock County stormwater management Ordinances.

- iv. Landscape Approvals. Every detention basin, road ditch or open channel required or approved under this subsection shall be adequately landscaped in accordance with plans approved by the Town Board. The subdivider shall provide for the planting of grasses, wild flowers, other vegetation or any combination thereof as the Town Board determines reasonable and necessary to promote the function, maintenance and aesthetic characteristics of such facilities.

J. Public Water Supply Facilities

- i. Public Water Supply. In all developments proposed for public water service in the Town's Comprehensive Plan or land use plan, the subdivider shall provide water mains in such a manner as to make adequate water service available to each lot within the subdivision. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer, Town Plan Commission and Town Board.
- ii. Private Water Supplies. In those areas not served by public water service, private water supply systems shall be provided in compliance with all applicable Town and State regulations. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with adequate separation distances for the zone of influence and sources of pollution.

- K. Fire Hydrants.** In and adjacent to developments to be served by a public water supply, the subdivider shall provide fire hydrants where determined reasonably necessary to provide appropriate fire protection by the Town Engineer. The manufacturer and model of fire hydrants shall be determined by the Town Engineer.

- L. Other Utilities.** No telephone service lines, and no electrical distribution lines rated for less than 40,000 volts, shall be located on overhead poles except where underground installation is impossible due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the land division shall be approved by the Town Board and such plan shall be filed with the Clerk.

- M. Landscape Plantings.** The subdivider shall prepare a landscaping plan providing for the planting of prairie grasses, wildflowers or other low maintenance vegetation within the public right-of-way along all streets with or adjacent to the land division. The plan shall be approved by the Parks and Trails Committee which shall consider the following:

- i. The extent to which any landscape plantings are likely to interfere with visibility at intersections or other locations where traffic or pedestrian safety may be compromised;
- ii. The extent to which proposed plant species will require maintenance by the Town;
- iii. The suitability of proposed plant species for the locations proposed with respect to soil conditions, exposure to road maintenance chemicals, propensity to deposit leaves, twigs, seed pods or other material onto the roadway, motorist safety or other relevant factors;
- iv. The location of any public utility easements or facilities in relation to the proposed plantings;
- v. Aesthetics;
- vi. Any other factor which relates to the public health, safety or welfare.

17 Park, Trails and Public Land Dedications

- (1) **General Provisions.** The requirements of this section are established to ensure that adequate parks, trails, open spaces, and sites for other public uses are properly located and preserved as the Town grows. They have also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of additional needs created by development. This section shall apply to all lands proposed for residential development.

(2) **Park, Trail & Recreational Land Dedication**

- A. Dedication of Sites. Where feasible and compatible with the Town of Union Comprehensive Plan, the subdivider shall provide and dedicate to the public adequate land to provide for the park, trail, recreation, school and open space needs of the land development within the Town. The location of such land to be dedicated shall be determined by the Plan Commission.

- B. Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces. The subdivider shall dedicate sufficient land area to provide adequate park, trail, playground, recreation and open space to meet the needs created by and to be provided for the land division, subdivision or comprehensive Town development. The minimum dedication shall be:
 - i. Five (5) percent of the total acreage intended to be used for commercial or industrial uses;
 - ii. Five (5) percent of the total acreage intended to be used for single-family and two-family dwelling units;
 - iii. Ten (10) percent of the total acreage intended to be used for multi-family dwellings.
 - C. Combination of Residential Uses. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding five (5) percent of the acreage intended for single-family and two-family dwellings and ten (10) percent of the acreage intended for multi-family dwellings. Where a definite commitment is made to the Town by the developer with respect to those portions of the total acreage intended for single-family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
 - D. In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Town Plan Commission may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
 - E. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, trail, or for other recreation purposes and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet and no other dimension of the site shall be less than two hundred (200) feet.
 - F. Limitations. A subdivider shall not be required to dedicate more than one-third of the total area of the plat to meet the objectives of this section.
 - G. Suitability of Lands. The Town Plan Commission shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
 - H. Access to Dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
 - I. Designated Park Lands. Whenever a proposed public playground, park, trail or similar recreational facility (other than streets or drainage ways) designated in the Comprehensive Plan of the Town is embraced, in whole or in part, in a tract of land to be subdivided, those proposed public lands as lie within the land division shall be made a part of the plat or certified survey map and shall be dedicated to the public by the subdivider and credited toward the requirements of par. (B).
 - J. The land divider is responsible for all costs of the survey and deed transfer associated with transferring the land to the Town.
- (3) **Other Land Dedications.** Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the Comprehensive Plan or land use plan of the Town, that portion of the public way as lies within the proposed plat or Certified Survey Map shall be made a part of the plat or map and dedicated to the public by the subdivider.

18 Development Requirements

(1) Development Regulations

- A. **Commencement.** No building permit shall be issued, and no construction or installation of improvements shall commence, in a proposed subdivision or land division until the final plat or Certified Survey Map has been approved by the Town Board and a subdivider's agreement has been approved pursuant to §60.02, Wis. Stats. except that a subdivider's agreement shall not be

required for a land division by Certified Survey Map which does not require any public improvements.

- B. **Plans.** The following plans and accompanying construction specifications shall be approved by the Town Board and Town Engineer before authorization of construction or installation of improvements.
- i. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - ii. Where the land division is proposed in the Town Comprehensive Plan or land use plan to be served by public sanitary sewers, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - iii. Storm water management plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - iv. Where the land division is proposed in the Town Comprehensive Plan or land use plan to be served by public water service, water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - v. Erosion and sedimentation control plans meeting the requirements of the Rock County Erosion Control Ordinance.
 - vi. Planting plans showing locations and species of any required grasses, and the locations, ages, calipers and species of all required trees.
 - vii. Additional special plans or information, as determined reasonably necessary by the Town Engineer.
- C. **Protecting Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, septic drain fields, paths and trails. Such vegetation shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- D. **Culvert Requirements.** The subdivider shall show all driveway culvert locations. A Town driveway permit must be obtained before installation of any culvert for storm water management purposes and shall comply with the standards set forth therein. Culverts shall be installed prior to any construction activity occurring on the site.
- E. **Inspection.** Prior to commencing any work within the subdivision or land division, the subdivider shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Board shall approve all completed work prior to acceptance of the improvements or release of sureties.

(2) Subdivider's Agreement

- A. **Agreement Required.** The subdivider shall, prior to the commencement of work on any improvements in an approved subdivision or on lands divided by Certified Survey Map if such development includes any public improvements, enter into a subdivision agreement with the Town of Union. Said agreement shall be in a form approved by the Town Board and shall bind the subdivider to comply with the requirements of this Code and any specification, plans or conditions imposed or approved pursuant thereto.
- B. A subdivider's agreement required pursuant to sub. (1) shall include provisions for the following:
- i. Specifying the public improvements required for the land division and requiring their construction according to approved plans and specifications;
 - ii. Providing adequate supervision and regulation of construction schedules and methods;
 - iii. Outlining the requirements for acceptance of public improvements by the Town;
 - iv. Requiring that contractors engaged in work on public improvements be adequately insured for liability including workers' compensation liability and assuring that such insurance coverage will indemnify the Town in the event of a claim;
 - v. Assuring that the subdivider and all contractors agree to indemnify the Town for any liability arising out of the construction of public improvements;

- vi. Providing for guarantees by the subdivider of all public improvements for not less than one (1) year following final acceptance by the Town, and an additional one (1) year after each replacement of any guaranteed work;
- vii. Providing for the payment of required fees and the dedication of required lands and improvements;
- viii. Providing for the reimbursement of the Town for staff time, professional consultant fees and other costs incurred in connection with the development of the property to the extent not paid from any escrow;
- ix. Providing for a letter of credit or other surety to guaranty completion of the public improvements and the other obligations of the subdivider under the agreement or this Code;
- x. Requiring the subdivider to provide "as built" plans in formats compatible with the Town's record management systems. "As built" information shall include the horizontal and vertical locations of all public infrastructure including but not limited to any sanitary sewer system or water distribution system infrastructure included within the development, stormwater management systems, regulatory signs, street name signs, and street lighting. This information shall be submitted in AutoCAD and ArcViewGIS compatible formats using the Rock County Coordinate system and National Geodetic Vertical Datum (NGDV) of 1929. Hard copies shall also be provided to the Clerk.
- xi. Requiring the subdivider's compliance with all other Town Ordinances, conditions of approval and other applicable regulations;
- xii. Such other provisions as deemed necessary or appropriate by the Town Board to carry out the intent of this Ordinance and other provisions of Town Ordinances applicable to the development.

(3) Conservation Subdivisions

- A. **Conservation Subdivisions Preferred.** Where the proposed subdivision includes topographic or other natural features that merit preservation, or the subdivider proposes preservation of Common Open Space of 35% or more of the net acreage for the parent parcel, a Conservation Subdivision complying with the provisions of this subsection shall be the preferred method of subdivision. The subdivider may be entitled to development yield bonuses for complying with additional design standards provided below.
- B. **Definitions.** In this subsection, the following terms shall have the designated meaning:
 - i. **Base Development Yield.** The number of dwelling units authorized by the Plan Commission for the Conservation Subdivision, not including any dwelling units authorized as a result of a development yield bonus.
 - ii. **Common Open Space.** Undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common Open Space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed, as appropriate, and a Stewardship Plan shall be prepared for the open space.
 - iii. **Common Facilities.** Those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.
 - iv. **Condominium.** A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.
 - v. **Conservation Easement.** A non-possessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in §700.40, Wis. Stats. (Uniform Conservation Easement Act) and Section 170(h) of the Internal Revenue Code.

- vi. **Conservation Subdivision.** A development in which dwelling units are concentrated and/or clustered in specific areas in order to allow other portions of the development to be preserved for common open space, including restoration and management of historical, agricultural or environmentally sensitive features.
- vii. **Density Factor.** The number of dwelling units permitted per acre according to the Town's Comprehensive Plan or land use plan, applicable neighborhood plans, the Town's Ordinances, and applicable zoning regulations.
- viii. **Development Envelopes.** Areas within which pavement and buildings will be located.
- ix. **Ecological Restoration.** To protect, enhance, recreate or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a Stewardship Plan for uplands, wetland areas, and aquatic resource areas, which include specific remedial and management activities for sustainable maintenance of each of these areas and the planting of those varieties of plants that are indigenous to the area.
- x. **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.
- xi. **Homeowners' Association.** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or Common Facilities.
- xii. **Net Density.** The number of dwelling units permitted in the Conservation Subdivision prior to calculating and adding any Development Yield Bonus. This number is obtained by performing the following calculation:
 - a. Derive the net acreage for the parent parcel by subtracting from the gross acreage of the parent parcel the acreage consisting of the following: existing street rights-of-way, restrictive utilities rights-of-way, floodplains, wetlands, woodlands, slopes greater than 12%, navigable streams, ponds and lakes;
 - b. Determine the Density Factor as permitted for the parent parcel from the Town Comprehensive Plan or land use plan and zoning requirements applicable to the parent parcel, taking into account the Town preference, if any is indicated on the land use plan, for a Density Factor consistent with the surrounding neighborhood;
 - c. Multiply the net acreage result under par. (a) by the applicable Density Factor under par. (b) to obtain the Net Density for the parent parcel.
- xiii. **Non-profit Conservation Organization.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
- xiv. **Parent Parcel.** The existing parcel of record, as of the effective date of this Ordinance.
- xv. **Primary Environmental Corridor.** A concentration of significant natural resources at least four hundred (400) acres in area, at least two (2) miles in length, and at least two hundred (200) feet in width.
- xvi. **Professional Ecological Service.** An individual or firm with professional qualifications to prepare and implement an ecological Stewardship Plan for upland, wetland areas, and aquatic resource areas, including specific remedial and management activities for sustainable management of each of these areas and the planting of those variety of plants that are indigenous to the area.
- xvii. **Secondary Environmental Corridor.** A concentration of significant natural resources at least one hundred (100) acres in area and at least one (1) mile in length, provided that where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply.
- xviii. **Stewardship Plan.** A comprehensive management plan for the long-term enhancement and sustainability of natural ecosystems (uplands - including forests, prairies, meadows, wetlands, shorelands, lakes, river systems and similar ecosystems). Such plans shall include but not be limited to management goals, monitoring schedules, identification and

description of measures to be taken should degradation of the system(s) be noted, and programs for the removal and control of invasive vegetation species.

xix. **Woodlands.** Upland areas at least one (1) acre in extent covered by deciduous or coniferous trees.

xx. **Yield Plan.** The Subdivider's plan for the number of units for a parcel.

C. **Conservation Subdivision Requirements.** In addition to the requirements of Section 3, the subdivider shall provide the following:

- i. **Inventory and Mapping of Existing Resources.** The Subdivider shall include the following mapped at a scale of no less than one inch = 200 feet or other appropriate scale:
 - a. Topographic contours at two (2) foot intervals.
 - b. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, suitability for wastewater disposal systems and identification of hydric soils (wetland soils). Type and stability of bedrock shall also be noted, particularly in Karst areas and areas with high potential for ground water contamination due to fractured bedrock or the presence of arsenic and mercury.
 - c. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas (using existing data from local, State and federal sources; i.e., no new field work is required), wetlands, natural swales, drainage ways, and slopes of 12% or greater.
 - d. Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than twelve (12) inches measured four (4) feet off the ground. The inventory shall include comments on the health and condition of the vegetation. Woodlands shall be classified as deciduous, coniferous, or mixed. Use Wisconsin land or comparable cover type classifications and do on-site cover type analysis.
 - e. Known critical habitat areas for rare, threatened or endangered species.
 - f. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
 - g. Mapping of offsite adjacent ecological, hydrological, recreational and cultural resources.
 - h. Unique geological resources, such as rock outcrops and glacial features.
- ii. **Development Yield Analysis.** The Subdivider shall submit a development yield analysis, including a Yield Plan. The development yield analysis may reflect the Base Development Yield and any development yield bonus(es) which may be applicable. For those areas that are subject to a range of permitted density as set forth on the Town Comprehensive Plan or land use plan, the Development Yield shall not exceed the maximum allowable density permitted under the plan for that area.
- iii. **Base Development Yield.** The number of residential units for a parcel shall be determined by the Net Density of the Parent Parcel.
- iv. **Development Yield Bonus.** The Base Development Yield may, at the discretion of the Town, be increased by the addition of a development yield bonus or bonuses if the development complies with one or more of the following standards. The maximum bonus permitted is 25%. The standards are as follows:
 - a. Creating a funding mechanism which will generate sufficient annual revenue to cover the restoration and management costs of the Common Open Space areas, including taxes, insurance, management and enforcement.
 - b. Encouraging public trail connection by linking new trails along the outer boundaries of the development to existing local or regional public recreational trails, parks, primary or secondary environmental corridors, or other recreational facilities.
 - c. Providing for connection of internal open spaces, whenever possible, and connection with existing or potential open space lands or adjoining parcels outside of the development.

- d. Providing for more than 75% of the lots within a neighborhood to abut significant open space on at least one (1) side.
- e. Preserving in its entirety any portion of a primary or secondary environmental corridor which is within the subdivision.
- v. **Site Analysis and Concept Plan.** Using the inventory, the development yield, and applying the design standards specified in this Ordinance, the Subdivider shall submit a concept plan including at least the information set forth below at a scale of no less than one inch = 200 feet or other appropriate scale. The concept plan shall be submitted as an overlay to the inventory map.
 - a. Open space areas indicating which areas are to remain undeveloped, areas for interior open space, and trail location.
 - b. Boundaries of areas to be developed and proposed general street and lot layout.
 - c. Number and type (i.e., single-family, multi-family) of housing units proposed.
 - d. Proposed methods for and location of water supply, stormwater management (e.g., best management practices) and sewage treatment.
 - e. Inventory of preserved and disturbed natural features and prominent views.
 - f. Preliminary Development Envelopes showing areas for lawns, pavement, buildings, and grading.
 - g. Proposed methods for ownership and management of open space.
 - h. Formal open spaces indicating parks, easements, trail routing and drainage easements.
 - i. Integration of ecological restoration, buffers, and stormwater treatment train.
- vi. **General Location Map.** The Subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within five hundred (500) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.
- vii. **Performance Standards.**

General Considerations.

 - a. Conservation Subdivisions shall identify a conservation theme or themes. Their themes shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation and enhancement, farmland preservation, natural habitat restoration, view shed preservation, archaeological and historic properties preservation, integration of ecological resources or passive recreational uses in development.
 - b. The residential lot shall be large enough to accommodate a house and two-car garage. House design shall minimize the visible obtrusiveness of the garage from the street view, including, but not limited, to the use of set-back or side-entry design garages, where possible.
- D. Conservation Subdivisions shall preserve, restore (if needed), and/or create environmentally sensitive areas such as wetlands, natural habitats for rare, threatened and endangered species, woodlands, shorelands, prairies, meadows, primary or secondary environmental corridors, parklands and viewsheds and establish plans and the means to restore (if needed), manage and maintain such areas.
- E. Common Open Space shall, to the extent practicable, include open space areas in addition to water bodies, ponds, or mapped wetlands that have been identified.
- F. Lighting design shall take into account surrounding properties and shall minimize the visual impact of the lighting on those properties to the extent possible. As a condition of approval of a subdivision, the Subdivider shall be liable for all costs of procurement and installation of street lights to service the subdivision. The number and placement of the street lights shall be at the discretion of the Town Board.
- G. Additional Residential Lot Requirements.
 - i. Areas to be served by sanitary sewer shall be zoned in a Residence District or for a Planned Development (PUD) per the Rock County Code of Ordinances in accordance with the Town Comprehensive Plan, the approved Yield Plan and the Subdivider's Agreement.

- ii. Areas not served by sanitary sewer shall be zoned in a Residence, Rural Home District or a PUD per the Rock County Code of Ordinances in accordance with the Town Comprehensive Plan, the approved Yield Plan and the Subdividers Agreement.
- iii. All areas shall comply with the following:
 - a. Wherever practicable, lots shall have access from interior local streets. However, any existing farmstead that is to be preserved that has a driveway as part of the historic landscape, and that does not access a local street, shall be preserved; and a farmstead that requires a driveway that does not access a local street will be allowed.
 - b. Lots shall be configured to minimize the amount of impervious surface including road length and width required for the subdivision.
 - c. Development Envelopes shall be configured to minimize loss of woodlands. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20% of a single lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and private on-site waste treatment system.
 - d. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
 - e. At least 75% of the lots within a neighborhood shall abut Common Open Space on at least one (1) side. A local street may separate lots from the Common Open Space.
 - f. Lots shall be adjacent to or around one or more of the following:
 - 1. A central green or square; and/or
 - 2. A physical amenity such as a meadow, a stand of trees, a stream or other water body, or some other natural or restored feature.
 - g. To the extent possible, Development Envelopes shall be screened from peripheral public roads or other visually prominent areas and shall not be located on ridges or hilltops.
 - h. A thirty (30) foot area of native vegetation shall be maintained around open water areas, unless a specific common beach or grassed area is identified and approved by the Town Board.
 - i. Stormwater management shall comply with the following standards:
 - 1. The use of curb and gutter shall be minimized and the use of open swales shall be maximized.
 - 2. Roof down spouts shall drain to porous surfaces.
 - 3. Peak discharges during the 2- and 10-year storm events shall be no greater than the corresponding discharges under predeveloped conditions.
 - 4. The development shall have stormwater management practices and facilities designed to capture at least 80% of the post-development sediment load on an annual basis.
 - 5. Landscape plantings shall be used to increase infiltration and decrease runoff where soil conditions are suitable and building foundation problems or sanitary sewer infiltration problems will not be created.
 - 6. Natural open drainage systems shall be preserved and incorporated into the stormwater management system of the subdivision where permitted by the Department of Natural Resources guidelines.
 - j. Additional Residential Dwellings Siting Standards.
 - 1. Residential dwellings shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
 - 2. Residential dwellings shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
 - 3. Whenever possible, Common Open Space shall connect with existing or potential Common Open Space lands on adjoining parcels and local or regional recreational trails.

4. Residential dwellings shall be sited to achieve the following goals, to the extent practicable:
 - i. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - ii. Minimize disturbance to woodlands, wetlands, grasslands, primary or secondary environmental corridors, mature trees or other significant native vegetation.
 - iii. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
 - iv. Protect scenic views of open land from adjacent roads. Visual impact shall be minimized through use of landscaping or other features. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
5. Landscaping around groupings of dwellings may be necessary to reduce off site views of residences.

H. Open Space Design.

- i. Common Open Space. Common Open Space shall be designated as part of the development. The minimum required Common Open Space is 35% of the gross acreage. The Common Open Space shall be owned and managed under one of the alternatives approved by the Town below.
- ii. Common Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
 - a. First priority will be given to intact natural communities; rare, threatened and endangered species; primary or secondary environmental corridors; natural and restored prairies; significant historic and archaeological properties; and slopes of 12% or greater.
 - b. Second priority will be given to areas providing some plant and wildlife habitat and Common Open Space values.
 - c. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of Common Open Space.
- iii. The following areas or structures may be located within the Common Open Space area and shall be counted toward the overall Common Open Space percentage required:
 - a. Parking areas for access to and use of the Common Open Space developed at a scale limited to the potential users of the Common Open Space.
 - b. Privately-held buildings or structures, provided they are accessory to the use of the Common Open Space.
 - c. Shared septic systems and shared potable water systems located on Common Open Space.
 - d. Road rights-of-way shall not be counted toward the required minimum Common Open Space.
 - e. That portion of Common Open Space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- iv. Accessible Common Open Space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but shall be designed in a manner that avoids adversely impacting archaeological sites.
- v. A pathway system connecting Common Open Space areas accessible to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall, if applicable, be identified in the plan.

(4) **Ownership and Maintenance of Common Open Space and Common Facilities.**

- A. The designated Common Open Space and/or Common Facilities may be owned and managed by one or a combination of the following:
 - i. A Homeowners' Association;

- ii. A Condominium Association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes;
 - iii. A Non-Profit Conservation Organization;
 - iv. The Town or another governmental body empowered to hold an interest in real property;
or
 - v. An individual who will use the land for Common Open Space purposes as provided by a Conservation Easement.
- B. Conservation Easement. Common Open Space and/or Common Facilities shall be subject to a conservation easement conveyed to a qualified holder.
- C. Homeowners' Association. A Homeowners' Association shall be established if the Common Open Space and/or Common Facilities are proposed to be owned by a Homeowners' Association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The Homeowners' Association bylaws, guaranteeing continuing management of the Common Open Space and/or other Common Facilities, and the declaration of covenants, conditions and restrictions of the Homeowners' Association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The declaration of covenants, conditions and restrictions shall be recorded with the Office of the Register of Deeds for Rock County as a condition to recording the plat. The Homeowners' Association bylaws or the declaration of covenants, conditions and restrictions of the Homeowners' Association shall contain the following information:
- i. The legal description of the proposed Common Open Space;
 - ii. A description of Common Facilities;
 - iii. The restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities;
 - iv. Persons or entities entitled to enforce the restrictions, which shall include the Town;
 - v. A mechanism to assess and enforce the common expenses for the Common Open Space and/or Common Facilities including upkeep and management expenses, real estate taxes and liability insurance premiums;
 - vi. A mechanism to implement restoration, maintenance and management of the Common Open Space and/or Common Facilities;
 - vii. A mechanism for resolving disputes among the owners or association members;
 - viii. The conditions and timing of the transfer of ownership and control of Common Open Space and/or Common Facilities to the Association;
 - ix. A requirement that any termination, amendment or other modification to the bylaws, covenants, conditions or restrictions which relates to the maintenance or use of the Common Open Space or Common Facilities be approved by the Town Board in order to be effective.
 - x. Any other matter the Subdivider deems appropriate.
- D. Condominium Association. If the Common Open Space and/or Common Facilities are to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities. The condominium instruments shall be submitted for approval to the Town as part of the information required for the preliminary plat. All Common Open Space and Common Facilities shall be held as a "common element" as defined in §703.02(2), Wis. Stats.
- E. Non-Profit Conservation Organization. If the Common Open Space and/or Common Facilities are to be held by a Non-Profit Conservation Organization, the organization must be acceptable to the Town. The conveyance to the Non-Profit Conservation Organization must contain appropriate provisions for reversion or succession to a subsequent Non-Profit Conservation Organization or other acceptable entity in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
- F. Public Dedication of Common Open Space. The Town may accept the dedication of a Conservation Easement or fee title to the Common Open Space and/or Common Facilities, provided:
- i. The Common Open Space and/or Common Facilities are as accessible to the residents of the Town as they are to owners within the subdivision.

- ii. The Town agrees to and has access to maintain and manage the Common Open Space and/or Common Facilities.
- G. Separate Ownership. An individual may hold fee title to the land while a Non-Profit Conservation Organization or other qualified organization holds a Conservation Easement prescribing the acceptable uses and obligations for the Common Open Space and/or Common Facilities.
- H. Stewardship Plan. Every Conservation Subdivision must include a plan that provides a means to properly manage the Common Open Space in perpetuity, and the long-term means to properly manage and maintain all Common Facilities. The plan shall be approved by the Town prior to final plat approval. The plan shall do the following:
 - i. Designate the ownership of the Common Open Space and/or Common Facilities.
 - ii. Establish necessary regular and periodic operation and management responsibilities.
 - iii. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - iv. Include a Stewardship Plan specifically focusing on the long-term management of Common Open Space lands. The Stewardship Plan shall include a narrative, based on the site analysis describing:
 - a. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - b. The proposed end state for each Common Open Space area; and the measures proposed for achieving the end state.
 - c. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
 - d. The operations needed for managing the stability of the resources, including but not limited to: mowing schedules; weed control; planting schedules; and clearing and cleanup. At the Town's discretion, the applicant may be required to place in escrow sufficient funds for the management and operation costs of the Common Open Spaces and/or Common Facilities for a maximum of one (1) year.
- I. If ownership is vested in a Homeowner's Association or a Condominium Association, then the Association must contract with a competent contractor, such as a Professional Ecological Service, as approved by the Town to oversee and sustain the plan. The Town's approval shall not be unreasonably withheld.
- J. In the event that the organization established to own and manage the Common Open Space and/or Common Facilities, or any successor organization, fails to manage all or any portion of the Common Open Space and/or Common Facilities in reasonable order and condition in accordance with the management plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the Common Open Space and/or Common Facilities, setting forth the manner in which the organization has failed to manage the Common Open Space and/or Common Facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action.
- K. The costs of corrective action by the Town shall be levied against the properties within the subdivision as a special charge pursuant to §66.0627, Wis. Stats. or through any other method allowed by law and shall become a lien on said properties.
- L. Stewardship Plans may be amended by the owner with the approval of the Town Board.
- M. The Town may contract with an independent individual, organization, or business, for a periodic assessment of the Common Open Spaces and/or Common Facilities of the development to ensure compliance with the Stewardship Plans. The cost for this periodic assessment of the Common Open Spaces and/or Common Facilities shall be charged against the properties within the subdivision as a special charge pursuant to §66.0627, Wis. Stats. or through any other method allowed by law and shall become a lien on said properties if not paid.

19 Planned Developments.

- (1) **Waiver or Modification of Requirements and Standards.** The requirements and standards of this chapter may be waived or modified by the Town for planned developments providing such proposed developments shall be planned as a unit, shall be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, shall not conflict with other laws or requirements or with the purpose or intent of this chapter, and shall be approved by the Town Board. In addition, continued provision, maintenance and use of open space, recreation areas, services and amenities shall be assured in a manner acceptable to the Town.
- (2) **Coverage.** It is the intent of this section to permit, in addition to other types of planned development, cluster or conservation subdivisions and planned unit developments with owner-occupied housing and with privately-owned common property comprising a major element of the development.

20 Easements

- (1) The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than sixteen (16) feet which may be shared equally by adjoining lots.
- (2) The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.
- (3) Private access easements for ingress and egress within any land division area shall be in accordance with the driveway construction specifications described in the Driveway and Highway Access Permit Ordinance; excluding easements for lake access already granted.

21 Costs of Application Review

- (1) All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Union fee schedule.
- (2) All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Application shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Union for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Union in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

22 Variances

- (1) The Town Board of Adjustment may grant variances because of exceptional or undue hardship from the provisions of this Ordinance, after a public hearing with a Class 2 notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Board of Adjustment in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236 Wis. Stats., and that because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the land divider.
- (2) The requirement of filing and recording the land division plat shall not be waived by the Town Board.

23 Violations

- (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
 - A. Recordation improperly made carries penalties as provided in §236.30, Wis. Stats.
 - B. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in §236.31, Wis. Stats.
 - C. Monuments disturbed or not placed carries penalties as provided in §236.32, Wis. Stats.

- (2) No person shall sell land in the Town of Union in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.
- (3) The provisions of the Town of Union Citation Ordinance shall apply.
- (4) It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

24 Penalties

- (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of the Ordinance shall, upon conviction, be subject to penalties and forfeitures as provided in §236.340, 236.31, 236.32, 236.335 and 236.35, Wis. Stats. Each day that the violation continues to exist shall constitute a separate offense.
- (2) The term sub-divider, when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.
- (3) No person shall sell land in lots unless the lots have been lawfully approved pursuant to the terms of the Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance which may be enjoined by a court of record.

25 Severability

- (1) If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of the Ordinance, which can be given effect without the invalid or unconstitutional provision or application.

26 Disclaimer

- (1) Multiple Jurisdictions. All persons reviewing the provisions of this Ordinance should be aware that the Town of Union is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Union cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.
- (2) Binding Acts. No statement or action by any official, employee, agent, or committee of the Town of Union should be construed or taken as a binding act of the Town except a resolution, motion, or Ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of the Ordinance.
- (3) Compliance Assurance. The Town of Union expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any Ordinances, regulations, or rules. The Town also assumes no responsibility for assuring the suitability of any property whose subdivision has been approved by the Town Board.

27 Effective Date

This Ordinance is effective on publication or posting.

The Town clerk shall properly post or publish this Ordinance as required under §60.80, Wis Stats.

Adopted this _____ day of _____ 20__.

[Signature of Town Chairman]

Don Templeton
Town Board Chairman

Date

Attest: [Signature of Town Clerk]

Regina Riedel
Town Board Clerk

Date