

# **P - Land Division**

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## **LAND DIVISION**

### **1.01 AUTHORITY**

This ordinance is adopted under the authority granted by Section 236 of the Wisconsin Statutes<sup>1</sup> and amendments thereto; and pursuant to this authority the Town Board of Town of Glenmore, Brown County, Wisconsin do ordain as follows:

### **1.02 TITLE**

This ordinance shall be known as, referred to, or cited as the *Town of Glenmore Land Division Ordinance*.

### **1.03 JURISDICTION**

Jurisdiction of these regulations shall include all land and waters within the Town of Glenmore, Brown County, Wisconsin.

### **1.04 PURPOSE**

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the Town.
- (2) To enforce the goals and policies set forth in the Town of Glenmore Comprehensive Plan.
- (3) To preserve the rural character, scenic vistas, and natural beauty of the Town.
- (4) To protect and conserve the value of prime agricultural land throughout the Town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (5) To require conservation subdivision design as the means for residential subdivision development.
- (6) To protect and preserve natural resources, potable water supplies, wildlife habitat, and open space.
- (7) To ensure proper legal descriptions and monumenting of subdivided land.

### **1.05 GENERAL PROVISIONS**

#### **(1) Severability and Non-Liability**

- (a) If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (b) The Town of Glenmore does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the part of the Town Board, its agencies or employees, for sanitation problems, structural damages, or any other losses that may occur as a result of reliance upon, and conformance with, this ordinance.

#### **(2) Repeal**

All ordinances or parts of ordinances of the Town of Glenmore inconsistent or conflicting with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

#### **(3) Abrogation and Greater Restrictions**

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, 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.

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<sup>1</sup> The Wisconsin State Statutes may be viewed online at: <http://www.legis.state.wi.us/rsb/Statutes.html>

**(4) Interpretation**

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

**(5) Effective Date**

This Ordinance shall be effective after adoption by the Town of Glenmore Board and publication and posting as required by law.

**(6) Land Divisions Not Covered By This Ordinance**

The provisions of Chapter 236 Wis. Stats and. this Ordinance shall apply to all land divisions, except:

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations or other applicable laws and ordinances.
- (c) Cemetery Plats pursuant to sec. 157.07, Stats. and Assessor's Plat pursuant to sec. 70.27 Stats.
- (d) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

**(7) Re-subdivision of Recorded Land Divisions**

One minor land division from an original parcel is allowed in every five years. Two or more divisions in less than five years constitutes a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.

**(8) Compliance with Ordinances, Statutes, Regulations, and Plans**

Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a minor land division creating a new parcel shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:

- (a) The provisions of Chapter 236, Wis. Stats.
- (b) All applicable State of Wisconsin, Brown County and Town of Glenmore ordinances and regulations.
- (c) The Town of Glenmore Comprehensive Plan.

**(9) Violations**

It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.

**(10) Review Fee**

The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Glenmore Board. Fees shall be submitted at the time of first application to the Town to cover the costs of necessary inspections and review of the appropriate survey. The subdivider shall reimburse the Town for any review costs that exceed the application fee.

## **(11) Surveys required for Land Divisions**

### **Certified Survey Map**

A certified Survey map is required for a minor land division.

### **Preliminary Plat of Subdivision**

A preliminary and eventual final plat of subdivision is required for two or more divisions of a parcel in less than five years. A conservation subdivision design is required.

## **1.06 DEFINITIONS.**

The following terms, whenever they occur in this Ordinance, are defined as follows:

- (1) **Act or Action:** In the context of the Town Board or Town Planning Commission's review of a preliminary or final subdivision, act or action shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
- (2) **Buildable Area:** The area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this ordinance and the Town Planning Commission. The buildable area for the principal structure must be contiguous and not separated by environmental features, streets, or other similar features.
- (3) **Building Setback Line:** The distance from the boundaries of a lot within which structure(s) shall not be erected.
- (4) **Certified Survey Map:** A map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.
- (5) **Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
- (6) **Comprehensive Plan:** The most recently adopted official guide for the physical, social, and economic growth of the Town properly enacted or adopted according to Section 66.1001 of the Wisconsin Statutes.
- (7) **Conditional Approval:** Approval of a plat by the Town Planning Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Board or Town Planning Commission.
- (8) **Conservation Subdivision:** An area of land which is to be developed as a single unit in a rural setting in such a manner as to preserve open space, farmland, and other natural features such as woodlands, flood plains, and wetlands. Greater design freedom is allowed in order to preserve open space. The open space is owned and managed by a homeowners association or local land trust and is preserved from further development.
- (9) **Cul-de-Sac:** A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (10) **Days:** Shall refer to calendar days.
- (11) **Detention Pond:** A permanent man-made pond or pool used for the temporary storage of storm water runoff and which provides for the controlled release of such waters.
- (12) **Developers Agreement:** An agreement by a subdivider with the Town of Glenmore that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

- (13) **Development:** The act of constructing buildings or installing site improvements, such as grading, clearing, ditching, installing utilities or any other activity necessary prior to construction.
- (14) **Double Frontage Lots:** A lot other than a corner lot, which has frontage on two substantially parallel streets.
- (15) **Drainage Easement:** Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
- (16) **Easement:** The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.
- (17) **Final Plat:** The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.
- (18) **Flood:** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (19) **Floodplain:** The land adjacent to a body of water which has been or may be hereafter covered by flood water including, but not limited to, the regional flood.
- (20) **Floodway:** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
- (21) **Frontage:** A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- (22) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street or other thoroughfare for control of access and for service to the abutting development.
- (23) **Gradient:** The slope of land, road, street, or other public way specified in percent (%).
- (24) **Home Owners Association:** An association of all homeowners in a conservation subdivision who own and manage all the open space land in the subdivision.
- (25) **Improvement, Public:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (26) **Irrevocable Letter of Credit:** A guarantee issued by a bank or other lending agency stating that a certain level of funds are available to the Town to pay for improvement costs specified in an approved developers agreement.
- (27) **Land Division:** The act of creating two or more separately described parcels, at least one of which is thirty five (35) acres or less in size, from a single parcel of land by the owner thereof or his agent.
- (28) **Land Trust:** A private non-profit land conservation group or individual capable of buying and holding significant properties to prevent their total development.
- (29) **Lot:** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
- (30) **Lot Area:** The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of -way but including the area of any easement.
- (31) **Lot Lines:** The peripheral boundaries of a lot as defined herein.
- (32) **Minor Land division:** The division of land by the owner or subdivider resulting in the creation of one new parcel.
- (33) **Outlot:** A parcel of land other than a lot, which does not meet the requirements of a lot at the time of platting.

- (34) **Original Parcel:** Those parcels appearing on the Zoning Map as of 4/24/2015
- (35) **Owner:** Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, Private Corporation, public or quasi-public Corporation, or combination of these.
- (36) **Parcel:** A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
- (37) **Performance Bond:** A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
- (38) **Plat:** A map of a subdivision.
- (39) **Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration.
- (40) **Pre Application:** A required meeting with the Town of Glenmore Zoning Administrator for the Zoning Administrator to review a concept plan and provide input in to next steps or issues.
- (41) **Restrictive Covenant:** Written stipulations on the face of the plat regarding development that the landowner must abide by.
- (42) **Retention Pond:** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of storm water by complete on-site storage.
- (43) **Reviewing Agency:** Means an agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.
- (44) **Right-of-way:** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat, and providing safe and orderly points of access at fairly uniformly spaced intervals.
- (45) **Storm water:** The flow of surface water that results from precipitation.
- (46) **Storm water Management Facilities:** Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of storm water runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
- (47) **Street right of way:** An area covered by a distance of 30 feet from the center of a road; except School road east of highway 96 and any new town roads constructed after adoption of this ordinance.
- (48) **Structure:** Anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
- (49) **Subdivider:** Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to create a subdivision of land hereunder for himself or for another or for others.
- (50) **Subdivision:** Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
- (a) The act of division creates two or more parcels or building sites of thirty five (35) acres or less in area; or
  - (b) Two or more parcels or building sites of thirty five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (51) **Surveyor:** A land surveyor duly registered in the State of Wisconsin.
- (52) **Tax Parcel Number:** An identification number assigned to real estate in Brown County for taxation purposes.
- (53) **Thoroughfare:** A street with a high degree of continuity, including collectors, major arterials, limited access highways, and freeways.

- (54) Town:** The Town of Glenmore, Brown County, Wisconsin
- (55) Town Board:** The governing body of the Town of Glenmore.
- (56) Utility Easement:** An easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television, etc..
- (57) Variance:** A departure from the terms of the land division ordinance as applied to a specific structure or parcel of land, which may be granted by the board of appeals when it finds that a literal enforcement will result in unnecessary hardship due to circumstances unique to the property.
- (58) Wetlands:** A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. A wetland delineation is established by, or approved by the Wisconsin Department of Natural Resources and/or the U.S. Army Core of Engineers.

### **1.07 LAND SUITABILITY**

No land shall be divided or subdivided for a use which is held unsuitable by the Town Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, improper use of prime farm soils, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat, certified survey map, or of the community. Except as provided herein, the Town Board shall determine such unsuitability at the time the preliminary subdivision plat or certified survey map is considered for approval.

- (1)** When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that the subdivider determine the floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.
- (2)** When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding is a hazard, the Town Board shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps:
  - (a)** The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Brown County Code of Ordinances Chapter 22 Shorelands and Wetlands and Chapter 23 Floodplains.
  - (b)** Floodplain and floodway lines shall be shown on all final plats and maps.
- (3)** New land divisions not served by public sewer shall comply with the requirements of Brown County Code of Ordinances Chapter 11 and Wisconsin Administrative Code Chapter COMM 83 "Private Onsite Wastewater Treatment Systems" and are hereby adopted by reference and incorporated herein as fully set out.
- (4)** All new land divisions not served by public sewer shall have a state acceptable soil test done for each proposed lot.
- (5)** The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
- (6)** The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Town Board, provided that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
- (7)** Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Glenmore Comprehensive Plan, and Zoning Ordinance.

## **1.08 DEDICATIONS AND RESERVATIONS**

### **(1) Streets and Public Ways**

Whenever a parcel of land to be divided as a subdivision contains all, or in part, a proposed street, highway, drainage way, storm water management facility, public access to navigable lakes or streams, or other public way or access which has been designated in a comprehensive plan as defined in this Ordinance, or as required in Section 236.16(3) Wis. Stats., such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper determination of its necessity by the Town Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.

### **(2) Open Space for Conservation Subdivision**

Open space shall be comprised of two types of land, “primary conservation areas” and “secondary conservation areas” (Ref. section 1.11(1) of this ordinance). All land within both primary and secondary conservation areas are required to be protected by a permanent conservation easement prohibiting further development and setting other standards safeguarding the site’s special resources. All easements shall be acceptable to the Town and duly recorded at the County Register of Deeds Office.

### **(3) Reservation of Lands for Park, Open Space, School, or Public Sites**

Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance adopted under Section 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction. If the three-year period expires with no action by the public agency, the open space provisions of Section 1.08(2) of this ordinance shall still be required.

### **(4) Environmentally Sensitive Areas (ESAs)**

Whenever a tract of land to be subdivided includes any part of identified Environmentally Sensitive Areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan, such areas shall be made a part of the primary conservation area of a conservation subdivision (Ref. section 1.11(1) of this ordinance).

### **(5) Lands Between Meander Line and Water's Edge**

The lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, out lots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

### **(6) Restrictions For Public Benefit**

- (a) Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Town, or public utility, or which name the *Town of Glenmore* as grantee, promisee, or beneficiary, vest in the Town of Glenmore the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Town of Glenmore.
- (b) The Town Board reserves the right to require the provision of future public access across or through dedicated public lands for the purposes of sound engineering, planning, or development purposes.



## **(7) Storm water Management Facilities**

- (a) The Town retains the option to own and maintain the storm water facilities, however the costs to maintain the storm water facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
- (b) Where the storm water facilities are designed only for an approved subdivision or certified survey map, maintenance costs may be apportioned equally to all lots in the subdivision or CSM and such costs may be collected as a special charge placed on the Town tax bill or specially assessed as provided by the Wisconsin Statutes.
- (c) Notification shall be placed on the face of subdivision plats and certified survey maps, which contain designated storm water management facilities, that the property owner may be subject to maintenance charges or assessments for work done by the Town to maintain said facilities.

## **1.09 IMPROVEMENTS**

The subdivider or his or her agent shall furnish and install the following improvements, as required by the Town of Glenmore. The required improvements are to be furnished and installed at the sole expense of the subdivider, unless specified differently within this ordinance or in an approved developer's agreement between the Town of Glenmore and subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town.

### **(1) Financing**

Before the Town Board approves a preliminary plat, or as a condition of approval in the case of a CSM that contains a public dedication, the subdivider shall submit a Development Agreement and irrevocable letter of credit, performance bond, or cash escrow agreement to assure the following:

- (a) The subdivider shall pay for the cost of all improvements required in the subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Town. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

Assessments for improvements installed within the subdivision to benefit lands beyond the boundaries of the subdivision shall be deferred until such time that said lands are proposed to utilize the improvements.

- (b) Guaranteed start of construction within 6-months following final plat recordation with the Brown County Register of Deeds Office.
- (c) Guaranteed completion of the required improvements within a 2-year period following approval of the final plat.
- (d) Payment by the subdivider for all costs incurred by the Town for review and inspection of improvements. This would include preparation and review of plans and specifications by the Engineer, Planner, and/or Attorney, as well as other costs of a similar nature.
- (e) The Town may elect to install any of the required improvements under the terms of a cash escrow agreement.
- (f) The irrevocable letter of credit, performance bond, or cash escrow agreement shall be equal to 1-1/4 times the bid package cost for the required improvements.

- (g) If the required improvements are not completed within the 2-year period following approval of the final plat, all amounts held under the escrow agreement, irrevocable letter of credit, or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements, and engineering, administrative, legal or other associated costs borne by the Town. Any balance remaining after such expenses have been paid shall be returned to the owner or subdivider. The Town Board at its discretion may extend the bond period for an additional period not to exceed 2 years.

**(2) Survey Monuments**

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats. (Pursuant to Section 236.15(1)(11), Wis. Stats., the Town which is required to approve the subdivision under Section 236.10, Wis. Stats., may waive the placing of monuments for a reasonable time on condition that the subdivider executes a performance bond to ensure that he or she will place the monuments within the time required.)

**(3) Grading and Surfacing**

(a) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated, with surfacing materials approved by the Town before building permits may be issued.

(b) When permanent street sections have been approved, the subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

**(4) Street Signs**

The subdivider shall pay for the purchase and installation of all street name signs, temporary dead end barricades and signs, no parking signs, and traffic control signs as required by Town standards, prior to acceptance of the final plat of subdivision or submit a fee deposit in lieu thereof.

**(5) Landscaping and Screening Standards**

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, a landscaped earthen berm, or a hedge. Landscaping shall not be located within street rights-of-way.

**(6) Private Sanitary Sewage Disposal Facilities**

(a) The subdivider shall make provisions for adequate private sewage disposal systems as specified by Town, County, and State regulations.

**(7) Private Water Supply Facilities**

(a) The subdivider shall make provisions for adequate private water systems as specified by the Town and other applicable State and County regulations.

**(8) Storm Water Management and Erosion Control Facilities**

(a) For all land divisions creating two or more parcels, the subdivider shall submit a storm water management and erosion control plan conforming to the requirements of the appropriate Wisconsin State Statutes and Administrative Codes. The storm water management and erosion control plans shall be completed by an engineer licensed in the State of Wisconsin and be reviewed by the Town appointed engineer at cost to the subdivider.

- (b) Storm water management plans may require but not be limited to storm sewers, road ditches, waterways, storm sewers, curbs and gutters, catch basins and inlets, and water retention/settling basins. Erosion control plans may require but not be limited to landscaping techniques utilizing vegetative covers, silt fencing, grading specifications; berms, and other sound erosion control measures.
  - (c) The subdivider shall assume the cost of installing all appropriately sized storm water management facilities to serve the proposed development. If larger storm water management facilities are required to serve additional areas of the Town, the additional cost of such facilities over and above the cost of those serving the proposed development shall be borne by the Town or assessed against the total area served.
  - (d) Where storm sewer laterals are required, they shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.
  - (e) The subdivider shall adequately protect all ditches in accordance with the Wisconsin Construction Site Best Management Practice Handbook and to the satisfaction of the Town appointed engineer within 30 days. No other plantings or obstructions, except erosion control devices and ground cover if approved by the Town appointed engineer or Town Board, shall be placed within areas of storm water drainage.
  - (f) The subdivider shall not be completely released of the letter of credit, escrow, or performance bond until seventy-five percent of the subdivision is filled and the Town-appointed engineer inspects and certifies the storm water facilities. The Town retains the option to own and maintain the storm water facilities; however the costs to maintain the storm water facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
  - (g) Ownership, maintenance, and liability responsibilities for all stormwater management facilities shall be identified within the storm water management plan.
  - (h) Plans required under this Section shall be submitted to the Town of Glenmore, Brown County Planning Commission, and Department of Natural Resources for review, comment, and approval as appropriate.
- (9) Other Utilities**

A twelve (12) foot utility easement shall be required on the front and side lots of all newly platted lots. If the provision of utilities is to be made from the rear, then a twelve (12) foot utility easement along the rear lot line will be required in place of the front yard easement. All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, fiber optic, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless the Town determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground. The aforementioned aboveground equipment shall be landscaped so as to blend into the surrounding landscape.

## **1.10 CONSTRUCTION PROCEDURE**

### **(1) Construction Plans and Specifications**

Construction plans for the required improvements conforming in all respects with the standards of the Town Appointed Engineer or Town Board and the ordinances of the Town shall be prepared at the subdivider expense by a professional engineer who is registered in the state of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Appointed Engineer or Town Board for approval and for estimate of the total cost of the required improvements; upon approval they shall become a part of the Developer's Agreement. Immediately following approval of the preliminary plat by the Town Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Town for the following public improvements:

- (a) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
- (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (c) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, and materials of required facilities.
- (d) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
- (e) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
- (f) Corner elevations for every proposed lot and out lot, prior to issuance of building permit.
- (g) Additional special plans or information as required by Town Planning Commission, Town Board, or Town Staff.

### **(2) Action by the Town Appointed Engineer**

The Town Appointed Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code of Ordinances and other pertinent Town design standards approved by the Town Board. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Appointed Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed.

### **(3) Construction and Inspection**

- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Appointed Engineer upon receipt of all necessary permits and in accordance with the construction methods of Section 1.10.
- (b) Construction shall begin within six (6) months following recording of the final plat with the Brown County Register of Deeds Office.
- (c) Construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of approval of the final plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
- (d) During the course of construction, the Town Appointed Engineer shall make such inspections, as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the

actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

- (e) Contractors shall provide a warranty for improvements for a minimum of two (2) years from substantial completion.

**(4) As-Built Plans**

After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, stubs, sewers and water mains and such other facilities as the Town Appointed Engineer shall require. This map shall be on paper, shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital version of the map projected in Brown County Coordinates shall also be made available to the Town on a compact disc (CD) or digital video disc (DVD) in a format of the Town's choosing. The presentation of the map and digital file shall be a condition of final acceptance of the improvements and release of performance bond or remaining escrow, assuring their completion.

**1.11 DESIGN STANDARDS**

**(1) Conformity with the Comprehensive Plan.**

All proposed development shall conform to the Glenmore Comprehensive Plan and be designed as a conservation subdivision. The conservation subdivision shall be administered as a conditional use in the residential and rural residential zones. Permitted uses are single and two family homes. Set back requirements shall be part of the conditional use permit.

**Open Space**

A Conservation Subdivision may contain a maximum of 10 lots (a minimum of ¾ acre in size) which shall be grouped together to maximize farmland or other natural resource preservation. The primary conservation area shall consist of Environmentally Sensitive Areas such as wetlands, floodplains, slopes over 25% and soils susceptible to slumping, allowing for some flexibility. The secondary conservation area shall comprise 50% of the remaining total tract area (after deducting the primary conservation area) and shall include the most sensitive and noteworthy natural, scenic, and cultural resources on that remaining half of the property. This includes woodlands, prime farmland, natural meadows, and wildlife habitats. The Plan Commission and Town Board reserve the right to allow flexibility on the secondary conservation area. All lands within primary and secondary conservation areas are required to be protected by a permanent conservation easement prohibiting further development. All easements shall be acceptable to the Town Board and recorded in the county Register of Deeds office.

The above areas shall generally be designed as undivided open space to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity. At least 25% of the minimum required open space shall be suitable for active recreation purposes but no more than 50% shall be utilized for that purpose, in order to preserve a reasonable portion of natural areas on the site. The purpose for which open space areas are proposed shall be documented by the subdivider. No land use shall pose a threat to the groundwater, interfere with existing agricultural uses, or conflict with other goals and policies of the Town.

The required open space may be used without restriction for underground drain fields for individual or community septic systems. However, mound systems protruding above grade shall be limited to no more than 10 % of the required open space. Permanent access to septic systems shall be granted to homeowners in writing.

Stormwater management ponds or basins may be included as part of the minimum required open space.

Undivided open space shall be directly accessible to the largest practical number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space for direct access and views. Pedestrian access shall be provided from all lots not adjoining the open space, except through areas vulnerable to trampling damage.

**Homeowners Association (HOA) Standards** The undivided open space and associated facilities are held in common ownership by a homeowners association operating under the following provisions:

- a. The subdivider shall provide a description and a map of all lands and facilities to be owned by the HOA.
- b. The subdivider shall provide a description of the association including its bylaws, methods for maintaining the open space, and restrictions on the open space.
- c. The HOA shall be organized and operated with a financial subsidy from the subdivider before the sale of any lots within the conservation subdivision.
- d. Membership in the HOA is automatic and mandatory for all purchasers of homes therein and their successors. Membership is a condition of sale and the membership document must be signed at the closing or settlement. The conditions and timing of the transferring of control of the HOA from the subdivider to homeowners shall be identified.
- e. The HOA shall be responsible for liability insurance and taxes on the open space. The HOA is required to carry sufficient insurance coverage to meet possible court judgements against it. Association bylaws, reviewed by the Town attorney before final plat approval is granted, must authorize the HOA or the Town Board to place liens on the real property of members who fail to pay their dues. The open space assessment is included as a part of each homeowners tax bill.
- f. The members of the HOA shall share equitably the cost of maintaining and developing such open space. A management plan for the open space in the subdivision must be submitted to the Plan Commission and the Town Board. The manner of assigning costs of maintenance of the open space to each individual property shall be included in the title to each property.
- g. Failure to adequately maintain the open space constitutes a violation of this ordinance. The Town Zoning Administrator will notify the HOA of any violation, directing the HOA to remedy the same within 20 days. Failure to remedy will cause the Town to do so and add the cost plus 15% to the property's tax bill.
- h. The subdivider shall provide a procedure for resolving disputes among HOA members.

**(2) Access**

Every lot or parcel created shall front on a public street, excluding alleys.

**(Intentionally left Blank)**

### (3) Streets

- (a) All rural and urban cross-section roads shall meet the adopted minimum design standards for Town roads required by the Town.

Town of Glenmore specifications for new Town road construction:

Level 1: Compacted clay – 28 feet wide

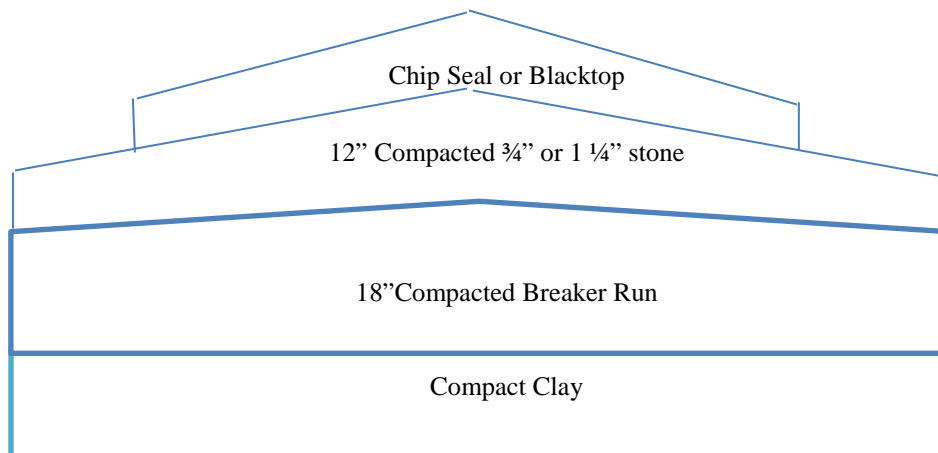
Level 2: Eighteen (18) inches of compacted breaker run – 28 feet wide

Level 3: Twelve (12) inches of compacted  $\frac{3}{4}$  inch or  $1\frac{1}{4}$  inch stone – 28 feet wide

The extra width is for road footing.

Level 4: Hard surface – chip seal, blacktop, or concrete – 22 feet wide shall be applied the following year. Shoulders on each side shall be 2 feet in width.

All levels of construction shall have a minimum of 2% slope from the center of the road for drainage purposes. The developer shall build the road and deed it over to the Town upon completion.



Town of Glenmore specifications for the size of cul-de-sacs:

Pavement width (curb face to curb face) – 50 foot radius

Right-of-Way width – 65 foot radius

### (4) Temporary Roadway Termination

Where a street is terminated temporarily at the edge of a development and the street is longer than two hundred (200) feet or two (2) lot widths, a temporary turn-around shall be provided by one of the following methods:

- (a) If the subdivider owns the adjacent land, a temporary turn around can be provided through a restriction (temporary easement) on said land. Such a turnaround shall be constructed to Town standards.
- (b) The subdivider may provide the required turn around on one of the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Town. Such a turnaround shall be constructed to Town standards.

**(5) Street Jogs**

Street jogs with centerline offsets of less than 200 feet shall not be allowed. Along collectors and arterials, offsets of less than 600 feet shall not be allowed.

**(6) Intersections**

- (a) Intersections shall be laid out so that the angle of the intersection is nearly as possible a right angle.
- (b) No street shall intersect another at less than a 75-degree angle.
- (c) Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections shall be fifteen hundred (1500) feet.

**(7) Restriction of Access (Protection of Arterial Streets and Highways).**

Whenever a proposed subdivision contains or is adjacent to an existing or officially mapped arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line.

**(8) Street Names**

- (a) A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street within the same zip code.
- (b) The use of the suffix "street", "avenue", "boulevard", "drive", "place" or "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.
- (c) The Town Board reserves the right to approve or disapprove of any proposed new street names.

**(9) Addresses**

All new lots shall be numbered in accordance with the uniform house or fire number system adopted by the Town Board. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Town Board.

**(10) Cul-de-sac Streets**

- (a) The use of cul-de-sac streets shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets.
- (b) Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
- (c) All cul-de-sac streets shall terminate in a circular turn around meeting dimension standards in Paragraph 3 of this section.
- (d) Cul-de-sacs shall not exceed 1,000 feet in length and shall be measured along the centerline from the center of turnaround to the edge of the right-of-way of the intersecting street that provides external access to the development.

**(11) Grades**

Pedestrian ways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Town Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of topography.

**(12) Ditches**

- (a) Driveways shall contain a maximum 3:1 (3 foot horizontal : 1 foot vertical) slope as the driveway transitions to the culvert and ditch.
- (b) All culverts running underneath driveways shall have end walls to maintain the maximum 3:1 slope



- (c) Ditches and culverts shall be sized to efficiently convey storm water and contain a minimum one percent grade.
- (d) Ditches and culverts shall contain a minimum one percent grade and culverts shall have a minimum diameter of eighteen (18) inches, contingent upon Town approval.
- (e) All ditches shall be kept free of any grading activities and clear of any obstructions, including decorative stone, monuments, landscaping, etc, that may present a safety hazard to pedestrians, bicyclists, or motorists; or that may present an obstruction to the efficient flow of storm water.
- (f) Culverts must comply with the driveway section of the zoning ordinance.

**(13) Driveways**

- (a) Driveways shall be a minimum of seventy-five (75) feet from centerline of the intersection of any road rights-of-way.
- (b) Driveways must comply with the driveway section of the zoning ordinance.

**(14) Lots**

- (a) Lot dimensions and setback lines shall conform to the requirements and amendments to the Town of Glenmore Zoning Ordinance.
- (b) Side lot lines shall be right angles to straight street lines or radial to curved street lines on which the lots face whenever possible.
- (c) Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Code.
- (d) Every lot shall front or abut on a public street, not including alleys, freeways, or half-streets.
- (e) Lot lines shall not cross municipal boundary lines.
- (f) Double 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

**(15) Building Setback Lines**

- (a) The Glenmore Zoning Ordinance controls building setback lines. The Town shall establish building setback lines appropriate for a conservation subdivision.
- (b) Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas, boathouses, and similar uses shall not be less than seventy-five (75) feet from the ordinary high water line as measured on a horizontal plane.
- (c) Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and similar uses shall not be less than twenty-five (25) feet from the ordinary high water line as measured on a horizontal plane.
- (d) The Brown County Sewer Service Area and Subdivision Ordinance Environmentally Sensitive Area setbacks shall be complied with.

**(16) Utility Easements**

**(a) Underground Requirements**

- (1) All new electric distribution lines, new telephone lines from which individual lots are served, community antenna television cables and services, fiber optic cables, and gas utility services shall be underground; unless the Town determines that underground placement would be

incompatible with the development, or impractical due to topography, soil, wetland, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions.

- (2) Associated equipment and facilities such as, but not limited to, pad mounted transformers, pad mounted sectionalizing switches and pedestal terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
  - (i) The subdivider or his or her agent shall furnish proof to the Town that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan or certified survey map.
  - (ii) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed

**(b) Easement Locations**

- (1) Perpetual, unobstructed easements centered on the front and side lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least twelve (12) feet wide and shall be designated as "*Utility Easements*" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.
- (2) Where topographical or other conditions are such to make impractical the inclusion of utilities within the front or side lot line, where necessary, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along each adjoining rear lot lines and shall be designated as "*Utility Easements*" on the plat or certified survey map.

**1.12 SURVEY AND DATA SUBMISSION REQUIREMENTS**

**(1) Pre-Application**

It is required that prior to the filing of an application for the approval of a preliminary plat or certified survey map the subdivider consult with the Zoning Administrator, and all affected utilities for assistance and advice regarding site suitability and general requirements. The Zoning Administrator will schedule a date to walk the property with the subdivider to become familiar with the property and offer guidance with open space and house locations. It is also recommended that the subdivider consult with the Brown County Planning Commission to obtain planning assistance to avoid potential environmental problems.

**(a) Conceptual Plan**

A conceptual plan of the proposed conservation subdivision or land division drawn on a topographic survey map shall be submitted to the Zoning Administrator by the 15<sup>th</sup> of the month prior to the meeting where it is to be reviewed as part of the pre-application prior to the submittal of a preliminary plat for staff review and comment. There shall be no fee for the Town's review of a conceptual plan. The conceptual plan shall identify:

- (1) Property boundaries
- (2) Proposed roads, lots, open space and any proposed dedications
- (3) Slopes at or exceeding 12%
- (4) General soil conditions

- (5) Site characteristics, including: wetlands, floodplains, erosion hazard areas, drainage ways, rock outcroppings, and vegetation
- (6) All contiguous property owned or controlled by the subdivider
- (7) Existing buildings and easements
- (8) Current and proposed zoning
- (9) Homeowners Association Plan

**(2) Preliminary Plat.**

- (a) A preliminary plat shall be prepared for all conservation subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specifications set forth in Chapter 236, Wis. Stats., shall utilize the Brown County Coordinate Monumentation System and shall show correctly on its face the following information:
  - (1) Title of the proposed subdivision.
  - (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
  - (3) Date, graphic scale, and north arrow.
  - (4) Name, address, and phone number of the owner, subdivider, authorized agent, and land surveyor preparing the plat.
  - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Town may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
  - (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Brown County Coordinate Monumentation System, and the total acreage encompassed.
  - (7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
  - (8) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (9) Location of existing property lines, structures, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas, slopes 12 percent or greater, Environmentally Sensitive Areas as defined by the Brown County Sewage Plan and Subdivision Ordinance, and other similar significant features within the parcel being subdivided.
  - (10) Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
  - (11) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
  - (12) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
  - (13) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, public access, drainage ways, schools, or other public uses.
  - (14) Approximate dimensions of all lots, and proposed lot and block numbers.
  - (15) Computed contiguous buildable area of each lot.

- (16) Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.
- (17) Floodplains, wetlands, proposed primary and secondary open space, and any proposed lake and stream access.
- (18) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.
- (19) Proposed preliminary locations for storm water management facilities, if any.
- (20) Location of existing subsurface tiles and proposals to reroute or destroy. The Town and County should cooperate with the subdivider in obtaining recorded locations of subsurface tile, but the subdivider's engineer, planner or surveyor shall draw the location of the subsurface tile on the preliminary plat or land use plan. All proposed rerouting and removal shall be shown prior to plan approval by the Town.
- (21) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Section COMM 83 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (22) Proposed location for, and any easements associated with private sanitary sewage system for each lot.
- (23) Locations of areas of particular sensitivity to groundwater contamination or depletion, if any. Where there are areas of sensitivity to groundwater contamination or depletion, the Town may require a Groundwater Impact Analysis be performed.
- (24) Signature and seal of surveyor
- (25) Copy of Homeowners association by-laws.
- (26) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.

**(3) Preliminary Plat Submittal Procedure**

- (a) Subdivider Submittals: Prior to submitting a final plat for approval, the subdivider shall submit to the Town and to those agencies having the authority to object to plats under Chapter 236 Wis. Stats., a preliminary plat and a letter of application for Town approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit fourteen (14) copies of the plat and all other fees, plans and specifications required in this Ordinance, to the Zoning Administrator by the 15<sup>th</sup> of the month prior to the Planning Commission meeting at which it is to be considered. Any proposed restrictive covenants for the land involved shall also be submitted. The Planning Commission may forward a copy of the preliminary plat to the Town Engineer and Planning Consultant, if any, for review and written report of their reaction to the proposed plat.
- (b) Within 90 days of the date of filing the preliminary plat, the Town Board, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance and the Town of Glenmore Comprehensive Plan. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the subdivider. If approved, a condition of approval shall be that the subdivider enters into a developers agreement as identified in Section 1.12(5) of this ordinance.

Failure of the Town Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.

- (c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.11(1)(b), Wis. Stats., the final plat is entitled to approval.

**(4) Addressing**

In order to ensure timely emergency response, addresses shall be determined as a condition of approval of a final subdivision plat. Minor subdivisions that create new streets shall also have addresses assigned whenever possible. The subdivider shall contact the Zoning Administrator to determine the addresses for each proposed lot.

**(5) Developers Agreement**

As a condition of approval of a preliminary and/or final plat, the subdivider shall enter into a Developers Agreement with the Town providing for, and including, but not limited to, the subdivider's responsibility and liability for road construction, utility construction, landscaping, erosion control, surface and storm water facilities at grade, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, and easements. This agreement shall provide for time limits and security for performance and penalties for non-compliance. As a condition of approval of the preliminary plat, the subdivider shall agree that as a condition of final plat approval, the developer shall enter into a Developer's Agreement with the Town of Glenmore. *The agreement will not create or invoke special treatment for the subdivider, nor imply or create promises of approval.*

**(6) Amendment to Preliminary Approval**

Any petition for an amendment to a preliminary approval shall be accompanied by an additional fee of \$500. Such fee is in addition to the normal Plan Commission meeting charge and any necessary additional plat review costs. No amendment shall be approved until a recommendation is made by the Plan Commission, a public hearing is held, and approval is granted by the Town Board in accordance with procedures in 1.12 (3).

**(7) Final Plat**

A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, Wis. Stats., and that section is hereby adopted by reference. Where the Town finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.

**(8) Final Plat Submittal Procedure**

- (a) The subdivider shall prepare a final plat in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Town and appropriate state and county agencies, within 36 months of preliminary plat approval, unless the Town Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and the developers agreement as required by Section 1.12(5) of this Ordinance. No construction related to the subdivision shall be commenced until the developers agreement is signed and the Town has approved the final plat.
  - (i) If the final plat is not submitted within 36 months of the Town of Glenmore approval of the preliminary plat, the Town may refuse to approve the final plat or may require resubmission as a preliminary plat.
  - (ii) The final plat may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
- (b) Fourteen (14) copies of the final plat, along with any required fees, plans, and specifications as required by the Town shall be presented to the Zoning Administrator by the 15<sup>th</sup> of the month prior

to the Planning Commission meeting at which it is to be considered and shall be accepted or rejected by the Town Board within 60 days of its submission, unless the time is extended by an agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the agencies having objecting authority and the subdivider.

- (i) Failure of the Town Board to act within 60 days of submittal of the final plat to the Zoning Administrator, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.
- (c) Approved final plats shall be recorded with the Brown County Register of Deeds in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold. No building permits may be issued by the Town until all improvements specified in the developers agreement have been completed.

#### **(9) Amendment to Final Plat Approval**

Any petition for an amendment to a final plat approval shall be accompanied by an additional fee of \$500. Such fee is in addition to the normal Plan Commission meeting charge and any necessary plat review costs. No amendment will be approved until a recommendation is made by the Plan Commission, a public hearing is held, and approval is granted by the Town Board.

#### **(10) Certified Survey Map**

- (a) A certified survey map prepared by a land surveyor registered in Wisconsin is required for all minor land divisions.
- (b) The certified survey map shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20(3)(a), (b), (d), (e); 236.20(4)(a), (b), (c); 236.21(1), and 236.34, Wis. Stats., and that section is hereby adopted by reference.
- (c) The certified survey map shall comply with the standards set forth in the appropriate zoning ordinance and the land suitability Section 1.07 of this ordinance. All lot, parcel, or building site calculations are to exclude any dedications, right-of-way easements, or reservations.

#### **(11) Certified Survey Map Submittal Procedures**

Contact the Zoning Administrator to fill out land use application and determine which survey is required.

- (a) The final certified survey map, with fourteen (14) copies, along with any required fees, plans, and specifications as required by the Town, shall be submitted by the subdivider or his/her agent to the Zoning Administrator by the 15<sup>th</sup> of the month prior to the Planning Commission meeting at which it is to be considered. It shall include on its face in addition to the information required by Section 236.34, Wis. Stats., the following:
  - (1) Name, address and phone number of the owner.
  - (2) Date of survey.
  - (3) Graphic scale and north arrow.
  - (4) All existing buildings, and other developed features on the parcel, including septic system.
  - (5) Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions.
  - (6) Any applicable use or access restrictions and covenants.
  - (7) All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, environmentally sensitive areas or erosion hazard boundaries.
  - (8) Distances and bearings referenced to a line and a corner of the Brown County Coordinate System.

- (9) Locations and setbacks of proposed buildings and driveway lengths.
- (b) The subdivider shall indicate to the Town the current and proposed zoning of the proposed new lots. A split zone document must be included if split zoning is required. Where the Town finds that it requires additional information to review the certified survey map, it shall have the authority to request such information from the subdivider.
- (c) The Town Board shall, within 90 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the Town of Glenmore Comprehensive Plan, and any other applicable local, county or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Town shall so certify on the face of the original map and return the map to the subdivider or his agent.