

**Town  
of  
Verona**

**SUBDIVISION  
&  
DEVELOPMENT  
ORDINANCE  
# 05-04/06-02**

**TOWN OF VERONA  
SUBDIVISION AND DEVELOPMENT ORDINANCE**

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**SUBCHAPTER 1 – GENERAL PROVISIONS**

**1.01 PURPOSE AND INTENT.** (1) **PURPOSE.** The purpose of this ordinance is to regulate and control the division of land within the boundaries of the Town in order to promote the public health, safety and general welfare of the Town and to:

- (a) Guide the future growth and development of the community in accordance with the Town’s adopted comprehensive plan;
- (b) Preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources, including those areas identified in the Town’s Open Space and Parks plan/maps;
- (c) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and manage primary and secondary environmental corridors;
- (d) To 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;
- (e) To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (f) To use ecological planning principles in the design, construction and long-term management of conservation developments;
- (g) To allow housing to be concentrated on portions of a parcel in order to protect, preserve and restore environmentally-sensitive areas or agriculturally productive areas on other portions of the parcel;
- (h) To preserve scenic views by minimizing visibility of new development from existing roads;
- (i) To provide buffering between residential development and non-residential uses;
- (j) To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (k) To preserve significant archaeological sites, historic buildings and their settings; and
- (l) To protect and preserve an interconnected network of open space throughout the Town, to help establish effective buffers around working farms and along boundaries of existing protected lands (such as parks), and to connect with open

space in adjacent jurisdictions where applicable.

(2) INTENT. It is the general intent of this ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; 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.*.

## **1.02 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.

**1.03 DEFINITIONS.** As used in this ordinance, the following words shall have the following meanings:

- (1) "Alley" means a public right-of-way that normally affords a secondary means of vehicular access to abutting property.
- (2) "Applicant" shall mean any person or entity which submits an application to the Town for a development approval.
- (3) "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.
- (4) "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.
- (5) "Building permit" means the permit required for new construction and additions pursuant to the Town of Verona Comprehensive Building Code.

- (6) "Certified Survey Map" or "CSM" means a map that complies with the requirements of §236.34, *Wis. Stats.*
- (7) "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.
- (8) "Comprehensive plan" means a comprehensive plan prepared by the Town, pursuant to *Wis. Stats.* §66.1001 and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (9) "Cul-de-sac" means a minor street having only one end open to traffic and the other end being terminated in a vehicular turnaround.
- (10) "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.
- (11) "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.
- (12) "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.
- (13) "Improvement, public" 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.
- (14) "Land division" is a general term for a division of land where a single parcel of land is converted into two or more legal parcels. The term includes divisions by certified survey maps and plats.
- (15) "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.
- (16) "Lot" means a parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance and any applicable zoning ordinance.
- (17) "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.
- (18) "Pedestrian Ways" are defined as public pedestrian access other than sidewalks along

public streets.

(19) "Plat" means a map of a subdivision.

(20) "Preliminary Certified Survey Map" or "Preliminary CSM" means a certified survey map meeting the requirements of §236.34, *Wis. Stats.* and Subchapter II of this ordinance.

(21) "Protective covenants" mean contracts entered into between private parties or between private parties and public bodies pursuant to *Wis. Stats.* §236.293, 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.

(22) "Replat" means the process of changing a map or plat that changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of such block, lot, or outlot is not a replat.

(23) "Residential development" means any development approved for residential use.

(24) "Site" means the land on which development takes place.

(25) "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.

(26) "Subdivision" means a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

(a) The act of division creates 5 or more parcels or building sites, each 4 acres or less in size, or

(b) Five or more parcels or building sites, each 4 acres or less in size, are created by successive divisions within a period of 5 years.

**1.04 JURISDICTION.** This ordinance shall apply to all lands within the corporate limits of the Town. The provisions of this ordinance, as they apply to divisions of tracts of land into less than 5 parcels, shall not apply to:

(1) Transfers of interests in land by will or pursuant to court order.

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

(3) 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 size required by these regulations, the applicable Zoning Code or other applicable laws or ordinances.

**1.05 COMPLIANCE.** No person shall divide any land subject to this ordinance in any

manner which results in a subdivision, land division, or a replat; no such subdivision, land division or replat shall be entitled to be recorded; and no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and the following:

- (1) All provisions of the Wisconsin Statutes, including Ch. 236 and §80.08, *Wis. Stats.*
- (2) The rules of the Wisconsin Department of Commerce for subdivisions not served by public sewer.
- (3) The rules of the Wisconsin Department of Transportation, contained in Wis. Adm. Code §Trans 233.
- (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code §NR116 for Flood Plain Management.
- (5) The duly approved Town comprehensive plan, the Applicable Zoning Code and all other applicable ordinances of the Town.
- (6) Any applicable county ordinances.

**1.06 LAND SUITABILITY.** (1) DETERMINATION OF UNSUITABILITY. No land shall be divided that is held unsuitable by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed land division or of the community. The Town Board, in applying the provisions of this subsection, shall record in its minutes the particular facts upon which it bases its conclusion that the land is not suitable for use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter the Board may affirm, modify or withdraw its determination of unsuitability.

(2) TESTING. The Town Plan Commission or the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table whenever deemed necessary determine the suitability of a land division or any part thereof for development as proposed.

**1.07 REQUIRED INFORMATION.** All land divisions shall comply with the requirements of this section.

(1) STREET PLANS AND PROFILES. The subdivider shall provide plans and profiles for all proposed streets to the Town Engineer showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All plans and profiles shall satisfy the design standards of this ordinance and be approved by the Town Plan Commission.

(2) 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.

(3) **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 pursuant to sub. (2) or a binding agreement between the Town and the association assuring such management shall be recorded with the plat or map.

#### **1.08 FEES AND ESCROW.**

(1) **APPLICATION FEES.** Every applicant for a development approval shall pay the Town all application fees as established by the Town Board from time to time by ordinance or resolution.

(2) **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. (7) 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 of 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 rate paid to the employee multiplied by a factor not to exceed 2.0 determined by

the Town Clerk/Treasurer to represent the Town's total cost for wages, statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits.

(d) **TRAFFIC IMPACT ANALYSIS.** In any case where the Town Engineer 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 District One guidelines. An estimate of the fees as determined by the Town Engineer shall be paid into the escrow account established under sub. (3) within 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.

(3) **FEE ESCROWS.** Except as provided in sub. (10), 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.

(4) **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.

(5) **ESCROW REFUNDS.** In the event that funds remains in escrow over and above the Town's fees after withdrawal, approval or final denial of the application, or otherwise as provided in sub. (10), 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.

(6) **ESCROW INTEREST** The escrow account shall not bear interest for the benefit of the applicant.

(7) **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.

(8) **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.

(9) **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.

(10) **EXCEPTION.** No escrow deposit shall be required if the fees required by sub. (2)

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.

**1.09 WAIVERS AND MODIFICATIONS.** Where, in the judgment of the Town Board, the literal application of the provisions of this ordinance to a particular land division or development is unnecessary to achieve the goals of this ordinance and would result in unnecessary hardship to the subdivider, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted only upon a finding by the Board that the waiver or modification will not result in any significant detriment to the public good nor conflict with the intent and purpose of this ordinance or the desirable general development of the community in accordance with the master plan or a master plan component of the Town. A 3/4 vote of the Board shall be required to grant any modification to such requirements.

**1.10 VIOLATIONS.** It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any 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.

**1.11 PENALTIES.** (1) Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense.

(2) Any person who shall record a plat without the required approvals shall be subject to forfeitures as provided in §236.30, *Wis. Stats.*

(3) Any person who shall convey any lot in unrecorded plats shall be subject to forfeitures as provided for in §236.31, *Wis. Stats.*

(4) Any person failing to place monuments or disturbing monuments in place in violation of §236.32, *Wis. Stats.* shall be subject to forfeitures as provided therein.

**1.12 APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in §§236.13(5) and 62.23(7)(e)10, 14 and 15, *Wis. Stats.*, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

## **SUBCHAPTER II – CERTIFIED SURVEY MAPS.**

**2.01 CERTIFIED SURVEY MAP REQUIRED.** (1) GENERAL. Except where a plat is required pursuant to §3.01, land divisions creating any lot or parcel which is less than 35 acres in size, and any division of an existing block, lot or outlot within a recorded subdivision into not more than 4 parcels or lots without changing the boundaries of said block, lot or outlot, shall be accomplished by the recording of a certified survey map approved in accordance with §2.03.

(2) PRELIMINARY CERTIFIED SURVEY MAP REQUIRED. A preliminary certified survey map shall be required for all land divisions to be accomplished by certified survey map pursuant to sub. (1). A preliminary certified survey map shall meet the technical requirements provided in sec. 2.02.

**2.02 TECHNICAL REQUIREMENTS.** (1) GENERAL. A certified survey map shall be prepared by a registered land surveyor and shall comply in all respects with the requirements of §236.34, *Wis. Stats.*

(2) CERTIFICATES. The surveyor shall certify on the face of the map that the map fully complies with all the provisions of this ordinance. Upon approval of the map, the Town Board shall certify its approval on the face of the map.

**2.03 PROCEDURE FOR APPROVAL.** (1) PRELIMINARY CERTIFIED SURVEY MAP APPROVAL.

- (a) PRE-APPLICATION. Prior to the filing of an application for approval of a preliminary certified survey map, the subdivider shall consult with Town Staff and the Plan Commission in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan of the Town and to otherwise assist the subdivider in planning the proposed development. The applicant shall file an application for preliminary certified survey map approval and 17 copies of the certified survey map in the office of the Clerk/Treasurer. The subdivider shall also provide copies of the certified survey map to the Town Engineer, Open Space and Parks Commission, EMS and Fire District staff for their comments and recommendations on the plat.
- (b) APPLICATION. The subdivider shall file an application for approval along with the proposed map with the Clerk/Treasurer. The application shall be accompanied by the applicable review fees as provided in §1.08.
- (c) The Town Plan Commission shall hold a public hearing on the preliminary certified survey map after publication of a Class 2 notice thereof. The Plan Commission shall review the map for conformance with applicable ordinances and statutes, shall consider all public comments received and all recommendations from the Town Engineer and the Town Commissions and shall forward its recommendation to the Town Board for final action. The Plan Commission's recommendation shall be to approve, approve with conditions, or reject the map and shall include the reasons for rejection or the imposition of conditions.
- (d) The Town Board, within 90 days of the date of the filing of a preliminary certified survey map application, shall approve, approve conditionally or reject the preliminary certified survey map unless the time is extended by mutual agreement with the subdivider. The Town Clerk/Treasurer shall then return one copy of the map to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, a copy of the conditions of approval or a letter setting forth the reasons for rejection shall accompany the plat. One copy of the map and letter shall be placed in the permanent files of the Town Plan Commission. Failure of the Town Board to act within 90 days shall constitute an approval unless the time is extended by mutual agreement with the subdivider.

- (e) Approval of a preliminary certified survey map shall expire twelve (12) months after the date of approval or conditional approval by the Town Board unless within such period an application for final certified survey map approval is filed as provided in sub. (2).

(2) FINAL CERTIFIED SURVEY MAP.

(a) Technical Review. Prior to the filing of an application for approval of a final certified survey map, the subdivider shall meet with Town Staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the consistency of the final certified survey map with the conditions of approval of the preliminary certified survey map. The applicant shall file an application for final certified survey map approval and 17 copies of the final certified survey map in the office of the Clerk/Treasurer.

(b) Review by Plan Commission. The Plan Commission shall review the map for conformance with the approved preliminary certified survey map and the satisfaction of any conditions to such approval, and the conformity of the certified survey map to the requirements of this ordinance and all other applicable ordinances, rules, regulations and comprehensive plan provisions. The Plan Commission shall, within 30 days from the date of filing of the map or the first available Plan Commission meeting 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 Plan Commission shall specify the reasons for any proposed rejection.

(c) Town Board Approval. The Town Board shall approve, approve conditionally or reject such map within 90 days from the date of filing of the application unless the time is extended by agreement with the subdivider. The failure of the Town Board to act within such 90 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 of §1.08, 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.

(3) RECORDATION. The subdivider shall record the map with the Dane County Register of Deeds within ninety (90) days of the date of its last approval and within 24 months of the date of the preliminary certified survey map approval. The failure to record the map within such time shall render the Town Board's approval and certification void. A copy of the recorded map shall be filed with the Clerk/Treasurer within thirty (30) days after the date of recording.

**SUBCHAPTER III – SUBDIVISION PLATS.**

**3.01 PLATS REQUIRED.** (1) GENERAL PROVISIONS. A final plat prepared by a registered land surveyor and approved by the Town Board shall be required for all subdivisions. The final plat may consist of only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(2) PRELIMINARY PLAT REQUIRED. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a scale of not more than 100 feet to the inch and shall satisfy all of the requirements of §3.02.

**3.02 TECHNICAL REQUIREMENTS.** (1) Every plat shall comply in all respects with the requirements of §236.20, *Wis. Stats.* The plat shall show correctly on its face, all of the following:

- (a) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (b) The title under which the proposed subdivision is to be recorded.
- (c) A complete legal description of the exterior boundaries of the proposed subdivision in metes and bounds, referenced to a corner established in a U. S. Public Land Survey and the total acreage encompassed thereby.
- (d) Date, scale and north point.
- (e) Contours at vertical intervals of not more than 2 feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929.
- (f) Location and names of any adjacent subdivisions, parks, cemeteries and historic sites as designated in the Town Open Space Plan, and owners of record of abutting unplatted lands.
- (g) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (h) Railroad rights of way within and abutting the plat.
- (i) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum of 1929.
- (j) Any proposed lake, stream or drainageway access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (k) Any proposed lake, stream or drainageway improvement or relocation.
- (l) The location, right of way width and names of all existing streets, pedestrian paths, alleys or other public ways, easements, railroad and utility rights of way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (m) The location, width and names of all proposed streets and public rights of way such as alleys, pedestrian paths and easements.

(n) The proposed length of right of way lines, and proposed names for all proposed new streets or extensions of existing streets.

(o) Exact street widths along the line of any obliquely intersecting street.

(p) The exact location and description of all utility easements.

(q) A description of the types of proposed uses of all lots created by the subdivision.

(r) The location, size and approximate dimensions of any sites to be:

i. reserved or dedicated for parks, playgrounds, drainageways or other public use;

ii. used for group housing, shopping centers, church sites or other nonpublic uses;

or

iii. reserved for the common use of property owners within the plat.

(s) 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.

(t) The approximate dimensions of all lots and outlots together with proposed lot and block numbers. All lots shall be consecutively numbered.

(u) Approximate centerline radii of all curves.

(v) Existing zoning on and adjacent to the proposed subdivision.

(w) Corporate limits lines.

(x) Certification on the face of the plat by the surveyor preparing the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this ordinance.

(y) All vision triangles shall be clearly shown on arterial and collector roads designed in accordance with current AASHTO Policy on Geometric Design.

(2) In addition to the requirements of sub. (1), two copies of all proposed plats shall be filed with the Clerk/Treasurer showing on its face the following additional information:

(a) The current zoning district designation of each lot and, if a rezoning request is pending or proposed, the proposed zoning classifications;

(b) 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.

### **3.03 PROCEDURE FOR APPROVAL.**

(1) PRELIMINARY PLAT APPROVAL.

(a) PRE-APPLICATION. Prior to the filing of an application for approval of a preliminary plat, the subdivider shall consult with Town Staff, and the Plan Commission in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan of the Town and to otherwise assist the subdivider in planning the proposed development. The applicant shall file an application for Preliminary Plat approval and 17 copies of the Preliminary Plat in the office of the Clerk/Treasurer. The subdivider shall also provide copies of the plat to the Town Engineer, Open Space and Parks Commission, EMS and Fire District staff for their comments and recommendations on the plat.

(b) The Town Plan Commission shall hold a public hearing on the preliminary plat after publication of a Class 2 notice thereof. The Commission shall review the plat for conformance with applicable ordinances and statutes, shall consider all public comments received and all recommendations from the Town Engineer and the Town Commissions and shall forward its recommendation to the Town Board for final action. The Plan Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or the imposition of conditions.

(c) The Town Board, within 90 days of the date of the filing of a preliminary plat application, shall approve, approve conditionally or reject the preliminary plat unless the time is extended by mutual agreement with the subdivider. The Town Clerk/Treasurer shall then return one copy of the plat to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, a copy of the ordinance setting forth the conditions of approval or a letter setting forth the reasons for rejection shall accompany the plat. One copy of the plat and letter shall be placed in the permanent files of the Town Plan Commission. Failure of the Town Board to act within 90 days shall constitute an approval unless the time is extended by mutual agreement with the subdivider.

(d) Approval of a preliminary plat shall expire twelve (12) months after the date of approval or conditional approval by the Town Board unless within such period an application for final plat approval is filed as provided in sub. (2).

(2) FINAL PLAT APPROVAL WITHIN THE TOWN.

(a) Prior to the filing of an application for approval of a final plat, the subdivider shall meet with Town Staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the consistency of the final plat with the conditional approval of the preliminary plat. The applicant shall file an application for final plat approval and 17 copies of the final plat in the office of the Clerk/Treasurer.

(b) The Town Plan Commission shall review the plat for conformance with the approved preliminary plat and all applicable ordinances and statutes and the Plan Commission shall forward its recommendation to the Town Board for final action. The Plan Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or the imposition of conditions.

(c) The Town Board shall, within 60 days of the date of filing the original final

plat with the Clerk/Treasurer, approve or reject such plat unless the time is extended by mutual agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Town Board may not inscribe its approval on the final plat unless the Clerk/Treasurer certifies on the face of the plat that the copies were forwarded to objecting agencies as required by law, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met. Upon failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(d) Recordation. After the final plat has been approved by the Town Board, the Town Clerk/Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Dane County Register of Deeds. The plat shall be submitted for recording within six (6) months from the date of the last approval and within 24 months from the first approval, or the approval shall be deemed void.

(3) REPLATS. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, *Wis. Stats.* The subdivider, or person wishing to replat, shall then proceed as specified in subs. (1) and (2).

**3.04 CERTIFICATES.** All final plats shall include all the certificates required by §236.21, *Wis. Stats.*; and, in addition, the surveyor shall certify that the plat fully complies with all of the provisions of this ordinance.

**3.05 COPIES OF RECORDED PLAT.** Within one month of the final plat being recorded by the Dane County Register of Deeds, the subdivider shall provide two (2) copies of the plat and a digital version of the plat referenced to the Dane County Coordinate System in an AutoCad compatible format, to the Clerk/Treasurer.

#### **SUBCHAPTER IV – PUBLIC IMPROVEMENT STANDARDS.**

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

(1) STREET ARRANGEMENT. (a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) Alleys. Alleys may be provided in commercial and industrial districts for off-street loading and service access. Dead-end alleys shall not be permitted and alleys shall not connect to a major thoroughfare.

(g) Street Names. Street names shall not duplicate or 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 in 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 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.

(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 at a minimum distance of 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 not less than fifty feet (50') 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 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 Town comprehensive 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 shown as part of the Town comprehensive plan or land use plan.

<u>Type of Street</u>	<u>R.O.W. Width To Be Dedicated</u>	<u>Pavement Width</u>
Arterial Streets	80+ feet	40-56 feet
Collector Streets	66 to 70 feet	36-40 feet
Minor Streets	60 to 66 feet	20-22 feet
Alleys	20 feet	10 to 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 60 feet and a minimum inside curb radius of 45 feet and shall not exceed 1000 feet in length.

(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 meet all of the following standards:

1. A temporary turnaround is required if the street serves more than one 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 400 feet or less. The "T" turnaround shall have a minimum width of 24 feet, a minimum transverse length of 60 feet, a minimum radius of 10 feet and be surfaced with 2 inches of bituminous asphalt over a 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 400 feet. A temporary "T"

turnaround shall be constructed as specified in par. (c)2. Circular turnarounds shall have a minimum radius of 40 feet and be surfaced with 2 inches of bituminous asphalt over a 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 the 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 2 unless otherwise approved by the Town Board.

(c) The number of intersections along arterial streets shall be held to the minimum practicable. The distance between such intersections shall not be less than 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 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 minor streets approach the major streets from opposite sides within 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.

**4.02 BLOCKS.** (1) **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.

(2) LENGTH. Blocks in residential areas shall not be less than 600 feet nor more than 1500 feet in length unless necessitated by exceptional topography or other limiting factors of good design.

(3) PEDESTRIAN WAYS. Pedestrian ways not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed reasonably necessary by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, playgrounds, shopping center, churches or transportation facilities.

(4) WIDTH. Blocks shall have sufficient width to provide for 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.

**4.03 LOTS.** (1) 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 separate septic drain fields, unless such lots will be served by a common sewerage treatment system located on another lot as provided in §4.06(9)(b). The clustering of building sites and lots is encouraged where feasible to maximize the area of the contiguous open space adjacent to developed areas.

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

(3) 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.

(4) ACCESS. Every lot shall front or abut on a public street, unless the Town Board shall approve 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 of traffic and parking on and adjacent thereto to the same extent as if the street were dedicated to the public.

(5) CORNER LOTS. Corner lots shall have an extra width of 10 feet to permit

adequate building setbacks from side streets.

(6) 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.

**4.04 EASEMENTS.** (1) 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.

(2) 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. A buffer area of at least 75' in width along both sides of the drainage easement shall be shown on the plat or certified survey map and shall be maintained in an undeveloped state. Design details for drainage facilities shall be subject to review and approval by the Town Plan Commission.

(3) JOINT DRIVEWAY EASEMENTS. The subdivider shall designate joint driveway easements where necessary or as required by the Town Plan Commission. The joint driveway easements shall be shown on the plat or certified survey map, and shall be recorded in conjunction with the recording of a final certified survey map or final plat.

**4.05 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. 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.

**4.06 REQUIRED IMPROVEMENTS.** (1) 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) for a reasonable 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.

(2) GRADING. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Board, 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.

(3) 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 of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, and by the Dane County Highway Department where County approval is required.

(4) CURB AND GUTTER. The subdivider shall provide concrete curb and gutter at all street intersections in accordance with plans and specifications approved by the Town Board.

(5) BICYCLE AND PEDESTRIAN TRAILS. In all cases where the Town's comprehensive 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 and Open Space and Parks Commission.

(6) STREET LIGHTING. The subdivider shall install streetlamps at all street intersections as determined by the Town Plan Commission. Street lamps shall meet Town specifications, and shall incorporate lighting design techniques to minimize the impact of street lights on the night sky and on neighbors.

(7) 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.

(8) STREET NAME SIGNS. The subdivider shall provide pole mounted street name signs of the style 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 Commission.

(9) SANITARY SEWERAGE. (a) Public Sanitary Sewers. In all developments proposed for public sanitary sewer service in the Town's comprehensive 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 and the Town Engineer.

(b) 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.

(10) STORM WATER DRAINAGE FACILITIES. (a) 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 Dane 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 Plan Commission.

(b) Grading. The subdivider shall prepare a Grading Plan to be submitted with the Erosion Control Plan that includes the following:

- i. Spot elevations shown at all lot corners, high points, and at 100' 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.
- ii. Where the use of swales is proposed, they shall have a minimum of 1% slope, unless otherwise approved by the Town Plan Commission.

(c) Detention Basins. All detention basins must be designed and installed in compliance with the Dane County stormwater management ordinances.

(d) 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, trees, shrubs, 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.

(11) PUBLIC WATER SUPPLY FACILITIES. (a) Public Water Supply. In all developments proposed for public water service in the Town's comprehensive 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.

(b) 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.

(12) 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.

(13) 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/Treasurer.

(14) STREET TREES. The subdivider shall prepare a landscaping plan providing for the planting of street trees, 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 Open Space and Parks Commission which shall consider the following:

- (a) 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;
- (b) The extent to which proposed plant or tree species will require maintenance by the Town;
- (c) The suitability of proposed plant or tree species for the locations proposed with respect to soil conditions, drainage, exposure to road maintenance chemicals, propensity to deposit leaves, twigs, seed pods or other material onto the roadway, motorist safety or other relevant factors;
- (d) The location of any public utility easements or facilities in relation to the proposed plantings;
- (e) Aesthetics;
- (f) Any other factor which relates to the public health, safety or welfare.

## **SUBCHAPTER V – DEDICATION REQUIREMENTS.**

**5.01 PARK AND PUBLIC LAND DEDICATIONS.** (1) GENERAL PROVISIONS. The requirements of this section are established to ensure that adequate parks, 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 DEDICATION. (a) Required Dedication. The subdivider shall dedicate sufficient developable land area for park, recreation and open space needs of the development, that is suitable and readily developable to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for subdivision, land division, or development project in accordance with the standards outlined hereinafter.

(b) 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. (a) or money in lieu of land.

(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.

(4) RECOMMENDATION BY THE OPEN SPACE AND PARKS COMMISSION. All proposed dedications of land shall be reviewed by the Open Space and Parks Commission. If a preliminary or final plat application or a preliminary or final certified survey map application is filed, a copy of the filing shall be provided by the Town Clerk/Treasurer to the Open Space and Parks Commission for review. Within 20 days of receipt of a proposed dedication, a preliminary or final plat application, or a preliminary or final certified survey map application, the Open Space and Parks Commission shall review the proposed dedication or application and make a recommendation to the Plan Commission. The recommendation shall be to approve, approve with conditions, or reject the dedication, plat or certified survey map, and shall include the reasons for rejection or the imposition of conditions.

## **SUBCHAPTER VI – DEVELOPMENT REQUIREMENTS.**

**6.01 DEVELOPMENT REGULATIONS.** (1) 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 §6.02, 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.

(2) PLANS. The following plans and accompanying construction specifications shall be approved by the Town Board before authorization of construction or installation of improvements.

(a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(b) 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.

(c) Storm water management plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

(d) 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.

(e) Erosion and sedimentation control plans meeting the requirements of the Dane County erosion control ordinance.

(f) Planting plans showing locations and species of any required grasses, vines and shrubs and the locations, ages, calipers and species of all required trees.

(g) Additional special plans or information, as determined reasonably necessary by the Town Plan Commission.

(3) **PROTECTING EXISTING FLORA.** The subdivider shall make every effort to protect and retain 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. The subdivider can remove vegetation consistent with the Town's trimming and brush removal policy.

(4) **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.

(5) **INSPECTION.** Prior to commencing any work within the subdivision or land division, the subdivider shall make arrangements with the Town Plan Commission or Town Engineer to provide for adequate inspection. The Town Plan Commission shall approve all completed work prior to acceptance of the improvements or release of sureties.

**6.02 SUBDIVIDER'S AGREEMENT.** (1) **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 Verona. 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.

(2) A subdivider's agreement required pursuant to sub. (1) shall include provisions for the following:

- (a) Approval by the Town of all contractors performing work on public improvements;
- (b) Specifying the public improvements required for the land division and requiring their construction according to approved plans and specifications;
- (c) Providing adequate supervision and regulation of construction schedules and methods;
- (d) Outlining the requirements for acceptance of public improvements by the Town;
- (e) 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;
- (f) Assuring that the subdivider and all contractors agree to indemnify the Town for any liability arising out of the construction of public improvements;
- (g) 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;

(h) Providing for the payment of required fees and the dedication of required lands and improvements;

(i) Providing for the reimbursement of the Town for staff time, professional consultant's fees and other costs incurred in connection with the development of the property to the extent not paid from any escrow required by §1.08.

(j) 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;

(k) 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 Dane County Coordinate system and National Geodetic Vertical Datus (NGDV) of 1929. Hard copies shall also be provided to the Clerk/Treasurer.

(l) Requiring the subdivider's compliance with all other Town ordinances, conditions of approval and other applicable regulations;

(m) 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.

## **SUBCHAPTER VII CONSERVATION SUBDIVISIONS**

**7.01 CONSERVATION SUBDIVISIONS PREFERRED.** The provisions in this subchapter are made with the guidance of the model ordinance for conservation subdivisions created by the University of Wisconsin Extension, pursuant to §66.1027, *Wis. Stats.* Where the proposed subdivision includes topographic or other natural features that merit preservation or the subdivider proposes preservation of Common Open Space of 40% or more of the net acreage for the Parent Parcel a Conservation Subdivision complying with the provisions of this subchapter shall be the preferred method of subdivision. The subdivider may be entitled to development yield bonuses for complying with additional design standards provided below.

**7.02 DEFINITIONS.** In this subchapter, the following terms shall have the designated meaning:

(1) **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.

(2) **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.

(3) COMMON FACILITIES. Those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.

(4) 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.

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

(6) 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.

(7) DENSITY FACTOR. The number of dwelling units permitted per acre according to the Town's land use plan, applicable neighborhood plans, the Town's ordinances, and applicable zoning regulations.

(8) DEVELOPMENT ENVELOPES. Areas within which pavement and buildings will be located.

(9) 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.

(10) 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.

(11) HOMEOWNERS' ASSOCIATION. A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or Common Facilities.

(12) NET DENSITY. The number of dwelling units permitted in the Conservation Subdivision prior to calculating and adding any Development Yield Bonus under section 7.03(4). 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 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) times the applicable Density Factor under par. (b) to obtain the Net Density for the Parent Parcel.

(13) **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.

(14) **PARENT PARCEL.** The existing parcel of record, as of the effective date of this Ordinance.

(15) **PRIMARY ENVIRONMENTAL CORRIDOR.** A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width.

(16) **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.

(17) **SECONDARY ENVIRONMENTAL CORRIDOR.** A concentration of significant natural resources at least 100 acres in area and at least one mile in length, provided that where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply.

(18) **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.

(19) **WOODLANDS.** Upland areas at least one acre in extent covered by deciduous or coniferous trees.

(20) **YIELD PLAN.** The Subdivider's plan for the number of units for a parcel.

**7.03 CONSERVATION SUBDIVISION REQUIREMENTS.** In addition to the requirements of Subchapter 3 the subdivider shall provide the following:

(1) **INVENTORY AND MAPPING OF EXISTING RESOURCES.** The subdivider shall include the following mapped at a scale of no less than one inch = 50 feet:

(a) Topographic contours at 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 12 inches measured four 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.

(2) **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's Land Use Plan, the Development Yield shall not exceed the maximum allowable density permitted under the plan for that area.

(3) **BASE DEVELOPMENT YIELD.** The number of residential units for a parcel shall be determined by the Net Density of the Parent Parcel.

(4) **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 side.

(e) Preserving in its entirety any portion of a primary or secondary environmental corridor which is within the subdivision.

(5) 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 = 50 feet. 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.

(6) 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 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.

(7) PERFORMANCE STANDARDS.

(a) General Considerations.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

(b) Additional Residential Lot Requirements.

1. Areas to be served by sanitary sewer shall be zoned in a Residence District or for a Planned Development (PUD) per the Dane County Code of Ordinances in accordance with the Town Comprehensive plan, the approved Yield Plan and the Subdividers Agreement.
2. Areas not served by sanitary sewer shall be zoned in a Residence or, Rural Home District or a PUD per the Dane County Code of Ordinances in accordance with the Town Comprehensive plan, the approved Yield Plan and the Subdividers Agreement.
3. 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 percent 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 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:
  - i. A central green or square; and/or
  - ii. 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 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:
  - i. The use of curb and gutter shall be minimized and the use of open swales shall be maximized.
  - ii. Roof down spouts shall drain to porous surfaces.
  - iii. Peak discharges during the 2 and 10 year storm events shall be no greater than the corresponding discharges under predeveloped

conditions.

- iv. 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.
- v. 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.
- vi. 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.

(c) 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.
  - a. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
  - b. Minimize disturbance to woodlands, wetlands, grasslands, primary or secondary environmental corridors, mature trees or other significant native vegetation.
  - c. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
  - d. 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.
  - e. Landscaping around groupings of dwellings may be necessary to reduce off site views of residences.

(d) Open Space Design.

1. Common Open Space. Common Open Space shall be designated as part of the development. The minimum required Common Open Space is 40% of the gross acreage. The Common Open Space shall be owned and managed under one of the alternatives approved by the Town below.
2. 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.
  - d. 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:
    - i. 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.
    - ii. Privately-held buildings or structures provided they are accessory to the use of the Common Open Space.
    - iii. Shared septic systems and shared potable water systems located on Common Open Space.
    - iv. Road rights-of-way shall not be counted toward the required minimum Common Open Space.
    - v. 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.
    - vi. 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.
    - vii. 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.

(8) 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:

1. A Homeowners' Association;
2. A Condominium Association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes;
3. A Non-Profit Conservation Organization;
4. The Town or another governmental body empowered to hold an interest in real property; or
5. 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 Dane 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:

1. The legal description of the proposed Common Open Space;
2. A description of Common Facilities;
3. The restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities;
4. Persons or entities entitled to enforce the restrictions, which shall include the Town;
5. A mechanism to assess and enforce the common expenses for the Common Open Space and/or Common Facilities including upkeep and management expenses, real estate taxes and insurance premiums;
6. A mechanism to implement restoration, maintenance and management of the

Common Open Space and/or Common Facilities;

7. A mechanism for resolving disputes among the owners or association members;
8. The conditions and timing of the transfer of ownership and control of Common Open Space and/or Common Facilities to the Association;
9. 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.
10. 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 section 703.02(2) of the Wisconsin Statutes.

(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:

1. 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.
2. 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:

1. Designate the ownership of the Common Open Space and/or Common Facilities.

2. Establish necessary regular and periodic operation and management responsibilities.
3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
4. Include a land Stewardship Plan specifically focusing on the long-term management of Common Open Space lands. The land 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 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 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.

(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.

**7.04 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.