

(Model)
Land Division Ordinance
Town of McMillan
Marathon County, Wisconsin

Model Subdivision Ordinance On Line

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As with the model zoning ordinance discussed in the Summer 2003 “WAPA News”, a model land division ordinance for use by anyone is now available on the WA PA web site, (www.wisconsinplanners.org).

The ordinance was drafted in January, 1992 for the Town of McMillan in far southwestern Marathon County. It was drafted under the auspices of the North Central Wisconsin Regional Planning Commission (NCWRPC), located in Wausau, Wisconsin. The Town of Marathon is the recipient of sprawl growth from the City of Marshfield, home of the famous Marshfield Clinic. Marshfield is in adjacent Wood County. The ordinance has been available from NCWRPC in hard copy and on diskette. It is intended the on-line access would relieve NCWRPC of such requests.

Is A Land Division Ordinance Necessary?

Wisconsin has some rural towns and incorporated hamlets that are not growing much, and might be able to function without a local land division ordinance. This is because Wisconsin Law, Chapter 236, provides a few basic protections to the local community, and because most Counties have land division ordinances that provide additional protections.

For example, it is not possible under Chapter 236 to create the right of way for a public street without the consent of the local community that would be receiving jurisdiction of that street. Said state law will also guarantee that absent a local ordinance to the contrary, the street right of way must be at least 66 feet wide, and any lots fronting on it must be at least 60 feet in width. County ordinances typically add a clause that no street can be created unless the local community also is satisfied with the improvements to be placed in the proposed street.

But if the local community, (using towns as the most likely example) has no “town road ordinance,” the community is vulnerable to receiving a substandard road bed, paving, and drainage system, because neither Chapter 236, nor the typical County land division ordinance, goes into that kind of detail. Thus any town expecting even a small amount of land division activity, but wishing not to administer a land division ordinance, should have a road ordinance.

A community that has available public utilities such as sewer and water should by ordinance be able to impose the utilization of those utilities upon any construction within the boundary area of the utility district. Such an ordinance would typically be a building code or a general local ordinance. But if a lot is to be created with private intent to avoid conventional placement of a structure upon a street, the community without a land division ordinance may have difficulty insisting a street be extended and improved to the structure

There also still are land division ordinances in existence which regulate only “subdivisions” (5 or more lots within five years, each under 1.5 acres in size), which is the Chapter 236 definition. Thus especially in rural situations, large “country lots” or “lake lots” might be created without local government oversight.

For this reason, a modern subdivision ordinance will take the title “Land Division Ordinance” because all divisions of land are regulated, not just subdivisions. The model ordinance described herein regulates all divisions of 35 acres in size or smaller. The 35 acre number was taken from the minimum acreage needed to qualify for State of Wisconsin farmland preservation tax credits.

Teaming With the County

If a community only has minimal need for a local land division ordinance, or even communities with moderate platting activity feel overwhelmed by the administrative responsibilities of such an ordinance, it is recommended that the community team up with its County planning office. That means that by mutual agreement, the local community adopts its own ordinance, but allows for critical steps to be assumed for it by the County. The model ordinance contains such a County-partner provision.

The most critical step to allocate to the County, is that copies of maps and plats filed for action are distributed in a timely fashion to other communities and agencies listed in Chapter 236 for their review and comment. These include the Wisconsin Dept. of Administration, and state and county highway departments abutting land divisions. Where water frontage is involved the Dept. of Natural Resources will be a receiving agency. Nearby communities with Extraterritorial Jurisdiction under Chap. 236 are also entitled to copies.

Some counties will also help review storm water management plans, and where public sewer is not being provided, the County Sanitary function will review suitability of lots for soil absorption sewage treatment.

What is the Role of a Preliminary Map or Plat?

By common usage, a “plat” refers to a “subdivision” plan as defined above, and a “map” refers to a “land division” other than a subdivision, what are commonly called “land splits” or “CSM’s” (division by Certified Survey Map). Chapter 236 allows a community by ordinance to review and deal with a divider of land via “preliminary” drawings submitted by the divider. Both local governments and land dividers are more likely to engage in healthy give and take on the proposals in the drawings if the plans were not expensive to create, and can cheaply be modified. That is the purpose of Preliminary Maps or Plats.

An unfortunate trend over the past few decades has been for land division ordinances to impose ever more technical detail in Preliminary submittals, to the point that dividers are reluctant to make changes to their submittals, and some reviewers become reluctant to ask for changes.

Here is a test for whether your land division ordinance has gone too far in what is requested on a Preliminary Map or Plat: If your review body has created neighborhood plans, either ahead of time as part of master planning, or concurrently to show alternatives to what the divider has submitted, do those plans contain the same level of detail as your ordinance requires of a Preliminary submittal? If not, your community may be committing overkill on your preliminary submittal requirements.

Some communities have sidestepped this issue by calling for a “Concept Submittal” before submission of a Preliminary Plat or Map. Concept plans tend to require less rigorous information than an official Preliminary Plat or Map. The model ordinance does not provide for the Concept step because Chapter 236 establishes Preliminary Plats as the official “bargaining process”, and once agreed to, an approved Preliminary is binding upon the Final Plat. Thus the Preliminary Plat/Map is a critical step, and not to be taken lightly.

To balance the need for enough information to make informed decisions, without turning the Preliminary step into a Final Plat, the model tries to set the Preliminary requirements at a reasonable level. The goal is to not burden the divider with expensive unnecessary detail, and yet provide enough information that both parties, the community and the divider, can live with the approved Preliminary Plan through final engineering and infrastructure installation. The model could, however, easily be adapted to include a Concept Plan stage.

What Role Do Design Standards Play?

Most local subdivision ordinances do, or should, contain “Design Standards” for street arrangement, block sizes, minimum and maximum road and drainage gradients, easements, lot proportions, and similar physical criteria. County ordinances are prone to downplay these criteria because their jurisdictions vary so much, from very rural, to suburban situations with utilities just outside corporate limits. Where the County ordinance does not contain standards suitable for your community, a local land division ordinance is called for.

It is important such standards be adhered to. At this point in Wisconsin’s development history, dividers are resisting extending existing unimproved stub streets, or platting new stubs touching adjacent open lands. Blocks are becoming exceptionally long, well beyond the most lenient limits. Together these conditions create “you can’t get there from here” situations of disconnected subdivisions. That pattern will defeat any ultimate sense of achieving “community.”

What About Improvements and Parkland Dedication?

The model ordinance referred to herein provides for the possibility of all possible urban or rural improvements, ranging from streets with drainage swales and no walking paths, to full sewer and water utilities, and sidewalks. Storm water detention basins are included, plus the option for parks.

With regard to dividers dedicating parkland or “a fee in lieu thereof” toward the neighborhood park plan, Wisconsin’s Impact Fee law is not used. Rather the model relies on

the still valid earlier standard approved in the Wisconsin Supreme Court case of *Jordan v. Menomonee Falls* (28 Wis 2nd 608, 1965). Said earlier approach is easier to establish and administer, though it does require separate non-lapsing funds for each planned park. Such funds if held for long periods before use can be difficult to administer accurately.

Is a Model Development Improvements Contract Included?

Yes. It is taken from the version developed in Racine County in 1983 by a diverse committee of county and local planning staff and officials, plus private surveyors. Using a contract with dividers for improvements allows details to be bargained and agreed to that then become clearly defined and enforceable via the contract. The contract covers such items as: Who pays for municipal inspection fees of road and utility work, and how much? Is liability insurance being provided? If stub streets are extended to adjacent properties, how much reimbursement will later flow to the divider? Are financial sureties required that guarantee all work will be completed in a specific time?

The Irrevocable Letter of Credit has become the favored method of ensuring financial performance by the divider in completing the improvements to the division. A model Letter of Credit is included.

The model contract is also adaptable to enforcing developments under the Zoning Ordinance, where land divisions creating additional abutting public street rights of way s may not be occurring. Examples would be commercial or office centers with private drives, or private road condominium projects or Planned Unit Developments, including some forms of Conservation Subdivisions. All of these types of developments are better administered if a Development Contract has been bargained and executed between the developer and the local community.

(The above is a copy of the article submitted in September, 2003 to the WAPA NEWS, newsletter of the Wisconsin Chapter of the American Planning Association.)

**(Model) LAND DIVISION ORDINANCE
TOWN OF MCMILLAN
MARATHON COUNTY, WISCONSIN**

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ORDINANCE 92-1

TOWN OF MCMILLAN
LAND DIVISION ORDINANCE
MARATHON CO., WISCONSIN

The Town Board of the Town of McMillan, Marathon County, Wisconsin do ordain as follows:

I. INTRODUCTION

1.1 Authority. This ordinance is adopted under the authority granted by Chapter 236 WIS. STATS.

1.2 Title. This ordinance shall be known as, referred to, or cited as the "Town of McMillan Land Division Ordinance."

1.3 Purpose. The purpose of this ordinance is to regulate the division of land within the Town of McMillan in order to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. The approvals to be ordained by the subdivider as required in this ordinance are based on requirements designed to accomplish the aforesaid purposes.

1.4 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

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

1.6 Severability and Non-Liability. If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Town does not guarantee, warrant or represent that only those areas designated as

floodlands will be subject to periodic inundation and that only those soils listed as being unsuited for specific uses are the only unsuitable

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I. INTRODUCTION

soils within the Town, and hereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.

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

1.8 Effective Date. This ordinance shall be effective after a public hearing, adoption by the Town Board of Supervisors and publication or posting as provided by law.

II. DEFINITIONS

For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not directory.

2.1 Advisory Agencies. Those agencies who, for the purpose of this ordinance, include the Wisconsin Department of Natural Resources, the Town Plan Commission, any Town Storm Water Drainage Districts, Sewer Commission or Park Commission created by the Town and the [North Central] Wisconsin Regional Planning Commission, affected water, electric, gas utilities or any other agencies able to advise the subdivider or the approving and objecting authorities.

2.2 Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is a street.

2.3 Approving Authorities.

1. The Town Board of the Town of McMillan, however, if the plat is within an area, the annexation of which is being legally contested, the governing bodies of both the annexing municipality and the Town shall approve.

2. If within the extraterritorial plat approval jurisdiction

of a municipality:

A. The Town Board;

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B. The governing body of the municipality if by July 1, 1958, or thereafter it adopted a subdivision ordinance or an official map.

3. The County of Marathon, so long as it has in force a subdivision ordinance.

4. See also 2.1 Advisory Agencies, and 2.31 Objecting Authorities.

2.4 Arterial Street. A street or intended to be used primarily for through traffic rather than for land access service. Arterials should not ordinarily be residential streets, but do connect residential areas to institutional, retail and employment areas of the community. Arterials normally are continuous routes and must be designed for higher peak hour or average daily motor vehicle traffic volumes.

2.5 Block. A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, municipal boundary lines, township lines or county lines.

2.6 Building. Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind, and which is permanently affixed to the land.

2.7 Building Setback Line. A line parallel to a lot line and at a distance from the lot line to comply with the Town or County Shoreland Zoning Ordinance yard requirements.

2.8 Certified Survey Map. The division of land by the owner or subdivider in compliance with the Town Zoning Ordinance and if applicable County Shoreland Zoning, resulting in the creation of not more than four (4) parcels or building sites, any one of which is thirty-five (35) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot. (See (41) Subdivision for 5 or more parcels)

2.9 Collector Street. A street used, or intended to be used, to carry traffic from local streets to the system of arterial highways.

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2.10 Community Park. An outdoor recreation site of between ten (10) and forty (40) acres in size, serving several neighborhoods, generally containing more open space and natural resource oriented areas than standard neighborhood parks. Recreational activities include baseball and softball, tennis, basketball, picnicking, swimming and various recreational trails. Community parks serve people of all ages and have an effective service radius up to three (3) miles.

2.11 Comprehensive Plan. An extensively developed plan, also called a master plan, including proposals for future land use, transportation, urban development and public facilities. Typically there exists a regional plan adopted by the Northcentral Wisconsin Regional Planning Commission and a Marathon County Farmland Preservation Plan which constitutes a Town Plan. Municipalities exercising extraterritorial jurisdiction may also have such plans. Devices for the implementation of these plans include zoning ordinances, jurisdictional highway system plans, land division control ordinances and capital improvement programs.

2.12 Cul-de-Sac Street. A local street closed at one end with a turn-around provided for vehicular traffic.

2.13 Dwelling Unit. Any room or group of rooms forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

2.14 Extraterritorial Plat Approval Jurisdictional Area. The unincorporated area within one and one-half (1 1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.

2.15 Floodlands. Those lands, including the floodplains, floodways and channels, subject to inundation by the 100 year recurrence interval flood, or where such data is not available, the maximum flood of record. (See studies by the U.S. Soil Conservation Service/Federal Emergency Mgmt. Agency, and North Central Wisconsin Regional Planning Commission)

2.16 Frontage. The total dimension of a lot abutting a public street measured along the street right-of-way line.

2.17 Frontage Street. A local street auxiliary to and located on the side of an arterial street for access and for utility service to the abutting development.

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2.18 High Water Elevation. The average annual high water level of a pond, stream, lake, flowage or wetland referred to an established datum plan, or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in or destruction of vegetation, or other easily recognized topographic, geologic or vegetative characteristic.

2.19 Improvement-Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, bicycle way, planting strip or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.

2.20 Jurisdictional Highway System. A plan showing the level and agency of government assuming responsibility for construction, maintenance and operation of each segment of the total street and highway system within Marathon County.

2.21 Local Municipality. For purposes of this ordinance only, any for of jurisdictional government to include towns, cities, villages, counties, sanitary sewer district commissions, storm water commissions, farm drainage districts, etc.

2.22 Local Street. A street used, or intended to be used, primarily for access to abutting properties.

2.23 Lot. A contiguous parcel of land having frontage on a public street, or approved access thereto, 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 the applicable zoning ordinance.

2.24 Lot-Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

2.25 Lot-Double Frontage and Reverse Frontage. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On such lot both street lines shall be deemed front lot lines, but in the case of two or more continuous lots, there shall be a common front lot line.

2.26 Lot Width. The width of a parcel of land measured at the rear of specified street yard or otherwise as defined in the Town or County Shoreland Zoning Ordinance.

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2.27 Mean Sea Level Datum. Mean Sea Level Datum, 1929 Adjustment, as established by the U.S. Coast and Geodetic Survey.

2.28 National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.

2.29 Navigable Stream. Any stream capable of floating any boat, skiff or canoe, of the shallowest draft used for recreational purposes. The final determination shall be made by the Wisconsin Department of Natural Resources.

2.30 Neighborhood Park. A neighborhood park provides space and facilities primarily for active and intensive recreational activities such as softball, tennis and basketball. Recreational activities are primarily non-resource oriented and available for all ages within a given neighborhood. An ideal neighborhood park site is scenic, containing some natural resource areas for passive recreation. A neighborhood park site is usually located a maximum of one-half to three-fourths (1/2 to 3/4) mile from its primary users. Suggested minimum size is one (1) acre.

2.31 Objecting Authorities. Those authorities defined in Chapter 236 Wisconsin Statutes, which have limited powers to object to a subdivision plat, include the Department of Development, the Department of Transportation (for plats that abut or adjoin a state trunk highway or streets that form a connecting link between segments of state trunk highway) and the Department of Industry, Labor and Human Relations (to review plats not served by public sewer according to the rules relating to lot size and elevation necessary for proper sanitary conditions).

2.32 Open Space Lands. Those lands that are undeveloped or that are not used for buildings or structures, transportation, communication or utility facilities, or any other type of stationary or fixed development, so as to be both physically and psychologically open in relation to other adjacent land uses. Undeveloped woodlands, wetlands, marshes, prairies, wildlife habitat areas, agricultural lands, lakes, rivers, streams and their associated shoreland and floodlands are examples of open space lands. Other types of open space lands include parks, parkways and golf courses.

2.33 Outlot. A parcel of land, other than a lot or block, so designated on the plat. The intended use of an outlot shall be specified on the plat.

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2.34 Parkway or Recreation Corridor. A parkway or recreation corridor is a network of linear, elongated lands that are primarily natural resource oriented, often being closely associated with the elements of the natural resource base that comprise environmental corridors. A parkway or recreation corridor primarily accommodates trail oriented recreation, such as hiking, nature study, biking, horseback riding, snowmobiling and cross-country skiing. Parkways or recreation corridors often function as physical links between existing and proposed parks and open space sites.

2.35 Preliminary Plat. A map showing all required information of a proposed subdivision submitted for purpose of official consideration, as regulated by Chapter 236 of the Wisconsin Statutes and this ordinance. Under this ordinance, such a map can also be provided for divisions other than subdivisions.

2.36 Public Way. Any sidewalk, street, alley, highway, drainageway or other public thoroughfare.

2.37 Replat. The process of changing the map or plat which 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 without changing exterior boundaries of said block, lot or outlot is not a replat. (See Sec. 236.36 WIS. STATS.)

2.38 Reserve Strip. A strip of land, also called a spite strip, intended by one private land owner to prevent by another owner access to the street. Such strips are not permitted under this ordinance.

2.39 Shorelands. Those lands in the unincorporated areas of Marathon County lying within the following distances: One thousand (1,000) feet from the high water elevation of navigable lakes, pond, and flowages, or three hundred (300) feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

2.40 Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, certified survey map, or replat.

2.41 Subdivision. The division of a lot, outlot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of

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three (3) acres each or less in area by successive division within a period of five (5) years. (See certified survey map for other divisions)

2.42 Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

2.43 Wetlands. Those areas in which the water table is at, near or above the existing land surface and are characterized by hydric soils such as peats, mucks, other organic and mineral soils, and by the growth of hydrophytes such as sedges, cattails, red osier dogwood and tamarack. Wetlands function as nutrient and sediment traps contributing to the maintenance of good water quality and reducing the threat of flooding. Wetlands protect shoreland areas from erosion by absorbing storm impact and diminishing the scouring action of currents. Wetlands also provide essential breeding, nesting, resting, feeding grounds and predator escape cover for many species of fish and wildlife.

2.44 Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf continual revision system as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

2.45 Zoning Administrator. The officer designated by the Town Board of Supervisors to administer this ordinance.

III. GENERAL PROVISIONS

3.1 Jurisdiction. Jurisdiction of these regulations shall include all lands and waters within the Town of McMillan, Marathon County, Wisconsin. The provisions of this ordinance as it applies to divisions of tracts of land shall not apply to :

1. Transfer of interest in land by will or pursuant to court order.

2. Leases for a term not to exceed ten (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 sizes

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required by these regulations, the Town Zoning Ordinance or other applicable laws or ordinances.

4. Cemetery plats made under Sec. 157.07, WIS. STATS.

5. Assessors' plats made under Sec. 70.27, WIS. STATS., but such assessors' plats shall comply with Secs. 236.15(1) (a) to (g) and (2) (a) to (e), WIS. STATS.

3.2 Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, certified survey map or replat as defined herein, and no such subdivision, certified survey map or replat shall be entitled to be recorded; and no street be laid out or improvements placed therein without compliance with all requirements of this ordinance and the following:

1. Wisconsin Statutes. The provisions of Chapter 236 of the Wisconsin Statutes are incorporated into his ordinance by reference.

2. DILHR. The rules of the Department of Industry, Labor and Human Relations, Division of Health, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made, or any other agency as designated by the State of Wisconsin to enforce the regulations.

3. DOT. The rules of the Department of Transportation, Division of Highways relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

4. DNR. The rules of the Department of Natural Resources, Division of Environmental Protection, setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.

5. Comprehensive Plan. The comprehensive plan or components of such plans prepared by state, regional, county or municipal agencies and relied upon by the Town Plan Commission.

6. Town and County Ordinances. Including zoning, sanitary, building, highway width map and official mapping ordinances. Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin

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3.3 Dedication and Reservation of Lands. In order that adequate public lands and open space sites may be property located and preserved as the Town develops, the following provisions are established:

1. Dedication of Lands. Pursuant to Sec. 236.29, WIS. STATS., when any plat is certified, signed, acknowledged and recorded as prescribed in said chapter of the statutes, every donation of land to the public intended for streets, alleys, ways, commons or other public uses as designated on said plat shall be deemed sufficient conveyance to vest the fee simple title with the public.

2. Reservation for Future Dedication. Where it is not practical or desirable in the judgment of the Town of McMillan to require the dedication to the public of a road right-of-way or other site for public use at the time of platting, a reservation may be entered on the plat showing the future location of such a dedication, subject to these conditions:

- A. The reservation is drawn and described on the plat with the same accuracy as required in this ordinance for a dedication, and the intended purpose of the reserved area after future dedication is shown, for example, "reserved for future dedication to public road purposes."
- B. Provision is made for the acceptance of the reservation by the Town Board in the same manner as acceptance of a dedication.
- C. Financial responsibility for installing required improvements at the time of dedication is established in the reservation acceptance resolution, and recorded on the title of affected lots or outlots.
- D. Authority to unilaterally require conversion of the reservation to a dedication is vested in the Town Board by the acceptance resolution. With Town Board approval in the

acceptance resolution, such authority may also be vested in any one of the adjacent or underlying owners to the reserved area.

- E. Setbacks and other yards for building and uses under the zoning ordinance treat the reservation as if already dedicated, which treatment shall also be recorded with the titles of affected lots and outlots.

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- F. Vacations of reservations shall be made in the same manner as provided in Chapter 236 - "Vacating and Altering Plats" - of the Wisconsin Statutes.

3.4 Reservation of Lands for Public Acquisition. Where a plat embraces all or part of a site designated for public ownership, and for which the subdivider is not obligated by this ordinance or Chapter 236 of the Wisconsin Statutes to dedicate said lands to the public without compensation, the subdivider shall nevertheless make said lands a part of the plat design, assuming the lands will be purchased by the public, and reserve such lands for public purchase for a period of up to three (3) years from the date of recording of the plat. To allow for the possibility that after the reservation period the public might not acquire the land, the plat design may be such that the reserved lands may be subdivided or otherwise put to a useful private purpose consistent with the layout in the balance of the plat.

3.5 Improvements. Before approval of any final plat, but based on an approved Preliminary Plat and under town inspection, the subdivider may install street, utility and other public improvements as are hereinafter required pursuant to section 236.13 (2) (b) and (c) of the WIS. STATS. and of section VIII of this ordinance. However, changes in installed improvements resulting from changes in the final plat by subdivider from the preliminary plat are responsibilities of the subdivider. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before recording the final plat, enter into a contract with the Town, agreeing to install the required improvements and shall file with said contract a financial surety satisfactory to the Town as a guarantee that such improvements will be completed by the subdivider or his subcontractors within a reasonable time as agreed in the contract.

3.6 Land Suitability Warning.

- 1. No subdivision or building lot shall be created where the land is held to be wholly or partially unsuitable for its

proposed use by the Town Board until there first shall be placed on the face of the plat a notation to the affected areas that the specified conditions do or may exist, as a warning to all future owners of said or nearby lots.

2. The Town Board before applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable

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for a proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability. The following are the only factors which the Town Board, upon recommendation of the Plan Commission, may consider under this section.

- A. Inadequate Drainage or Floodlands. Included within this category may be lands not presently subject to flooding but which may flood in future years if the drainage basin further develops.
- B. Lands Made, Altered, or Filled. Lands made, altered, or filled with earth and non-earth materials.
- C. Bedrock. Lands having bedrock within six (6) feet of the natural undisturbed surface.
- D. Percolation Rate. Soils having a percolation rate slower than sixty (60) minutes per inch shall be noted where a soil absorption sewage disposal system is contemplated.
- E. Soil Types. The following soil types as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, which have very severe limitations, shall not be divided into building sites having an on-site soil absorption sewage disposal system, unless in conformance with the State of Wisconsin Sanitary Regulations:

Soil Name Map Symbol Field Sheet Symbol

(Insert here soil
types for Town
of McMillan as
provided by the
US Dept of Agriculture
Soils office)

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
III. GENERAL PROVISIONS

F. Land Drained. Land drained by farm drainage tile or farm ditch systems unless an alternate drainage improvement is planned to serve the area.

G. Ground Water. Lands having evidence of ground water within six (6) feet of the surface.

3.7 Violations. It shall be unlawful to divide, convey or record any land in violation of this ordinance or Section 236 of the Wisconsin Statutes; and no person, firm or corporation shall be issued a zoning permit, building permit or sanitary permit authorizing the building on, or improvement of, any lot or any part of any subdivision, certified survey map or replat within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met.

3.8 Penalties

1. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$10,000 and 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 six (6) months. Each day a violation exists or continues shall constitute a separate offense. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance.

2. In addition to the above-described penalties, the Town Board, or its agent, shall have the power to institute appropriate action for injunctive relief to prevent persons, firms or corporations from acting in violation of the provisions of this ordinance.

3.9 Variances

1. Wherein the judgment of the Town Board it would be inappropriate to apply literally the provisions of this ordinance, the Board may waive or modify the requirements to the extent deemed just and proper.

2. When such relief is granted, it shall be without detriment to the public good and without impairing the intent and purpose of this ordinance or of adopted Town plans. A simple majority vote of the entire membership present and voting
Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin

III. GENERAL PROVISIONS

shall be required to grant any modifications to the provisions of this ordinance, and the reasons shall be entered into the minutes of the meeting.

3.10 Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may first appeal therefrom, if the Town is involved, to the Town Board, following Chapter 68 of the Wisconsin Statutes. If such appeal is not granted or if the objection or failure to approve is from some other authority, the persons aggrieved may appeal therefrom as provided in Sections 236.13(5) and 62.23 (7) (e) 10 to 15, WIS. STATS., to the court of record within thirty (30) days of the above appeal decision or within thirty (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. The court shall direct that the plat be approved if it finds that the action of the approving or objecting authorities is arbitrary, unreasonable or discriminatory.

IV. PRELIMINARY PLAT

4.1 Required. Prior to the filing of a final subdivision plat, or Certified Survey Map (CSM), a Preliminary Plat and letter of application shall be filed and approved. The Plat shall not be drawn or labeled so as to be confused with a final plat or CSM.

4.2 Pre-Application. It is recommended that prior to the filing of an application for the approval of a preliminary plat or certified survey map the subdivider consult with all affected utilities, the Town Zoning Administrator or Plan Commission, the Marathon County Planning and Zoning Department, in order to obtain advice and assistance. This consultation is not formal, but is intended to inform the subdivider of the purpose and objectives of these regulations, the adopted regional, county or town comprehensive plans and of relevant other ordinances, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Town may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and Town, and the subdivider will gain a better understanding of the subsequent required procedures.

4.3 Procedure

1. County as Clearinghouse: The subdivider shall file at least fifteen (15) copies of the plat and the cover letter with the Marathon County Planning and Zoning Department, along with the proper receipt of payment of the fees in accordance with section X of this ordinance. The Planning and Zoning Department, acting as a clearing house for approving and objecting authorities, shall, within two (2) working days after filing, submit with a cover letter and the letter of application: four (4) copies to the County, two (2) copies to the director of Planning Function, Wisconsin Department of Development; two (2) additional copies to the Director of Planning Functions for re-transmission to the Wisconsin Department of Transportation, if the subdivision abuts or

adjoins a state trunk highway or connecting street and to the Wisconsin Department of Industry, Labor and Human Relations if a subdivision is not served by a public sewer and provision for such service has not been made; six (6) copies to the town clerk; six (6) copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village; and one (1) copy to the school board with jurisdiction. Additional copies may be requested by approving and objecting agencies.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
IV. PRELIMINARY PLAT

2. Approving Agencies: In accordance with Section 236.10 of the WIS. STATS., Approving Agencies are the Marathon Town Board, Marathon County, and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies.

3. Objecting Agencies: The Wisconsin Department of Development, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as Objecting Agencies.

4. Town Review: Upon receipt from the County of the preliminary plat copies and application, the Town Clerk shall immediately transmit the materials to the Zoning Administrator who shall immediately refer the plat to the Town Plan Commission and other appropriate Commissions and staff or resource persons or agencies for review and recommendation.

5. Town Review Time Limit: The Zoning Administrator, in transmitting a copy of the preliminary plat to all affected town commissions or departments for their review and recommendations concerning matters within their jurisdiction, shall specify a time limit in which they must respond. Such time limit shall be such that the Plan Commission can make a recommendation encompassing its own and all other recommendations to the Town Board so the Town Board can act within sixty-five (65) days of the date of the original filing of the plat with the County clearinghouse. The Plan Commission shall have principal responsibility for review of the plat for its conformance to this ordinance and to all related ordinances and rules and adopted comprehensive plans.

6. Objecting Agencies Time Limit: The Objecting Agencies shall, within twenty (20) days, of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify

on the face of the copy of the plat and shall return that copy to the Town.

A. If any Objecting Agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.

7. Town Action: The Town Board shall approve, approve conditionally or reject such plat within sixty-five (65) days of the date of filing a preliminary plat with the County Planning and Zoning Department, unless the time is extended
Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin

IV. PRELIMINARY PLAT

by agreement with the subdivider. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the detailed reasons for rejection shall accompany the plat. Reasons of rejection shall be clear enough to direct the subdivider how a new plat can receive approval. Copies of town action shall also be filed with the County.

A. Failure of the Town Board to Act within sixty-five (65) days of the date of filing or within the time extended by agreement with the subdivider shall constitute an approval.

8. Conditional Approval: Where a plat is approved conditionally, which conditions call for layout changes, the subdivider shall provide the County Planning and Zoning Department with corrected copies of the preliminary plat for County distribution to each approving and objecting authority for their files and possible further comment.

A. Most Restrictive Conditions Apply: If the approving authorities shall approve a Preliminary Plat subject to certain conditions and such conditions shall not be identical, then the more restrictive conditions shall apply. If the subdivider or any one of the approving authorities shall deem it unclear as to which conditions apply, the subdivider or the approving authority may request a joint meeting of the subdivider and the other approving authorities for the purpose of clarifying or, if need be, amending the conditions so as to clarify the applicable conditions.

9. Status of Subsequent Final Plat: Approval or conditional

approval of a Preliminary Plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within two (2) years of preliminary plat approval and conforms substantially to the preliminary plat layout, as provided under Section 236.11 (1) (b), WIS. STATS., the final plat shall be entitled to approval with respect to such layout.

4.4 Application for Approval: Written application by the owner or his agent for approval shall accompany each preliminary plat and contain the following information:

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
IV. PRELIMINARY PLAT

1. Name for File Identification: Name of subdivision if property is within an existing subdivision.

2. Proposed Name if not within a previously platted subdivision.

3. Name of Property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

4. Location and Description of Property: Location and description of property by government lot, section, township, range and county.

5. Basic Facts and Proposals Pertaining to the Property:

A. Size of tract in acres or of existing lots, if any, in square feet.

B. Existing zoning classification of property and any rezoning proposed to be requested.

C. Number of lots proposed in subdivision.

D. Area of lots proposed; minimum, average and maximum.

E. Proposed sanitary facilities; water and sewage disposal.

F. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use.

6. Information as to Ownership, Preparation of Plat and Submission Thereof:

- A. Name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
- B. Citation of any existing legal rights-of-way or easements affecting the property.
- C. Existing covenants on the property, if any.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
IV. PRELIMINARY PLAT

- D. Name and address, including telephone number, of technician responsible for subdivision design and surveyor responsible for surveys shown on preliminary plat as submitted.

4.5 General Plat Data: A preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper, of good quality, at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- 1. The title under which the proposed subdivision or the property name is to be recorded.
- 2. The location of the proposed subdivision by government lot, quarter section, section, township, range county and state.
- 3. The date, graphic scale and north point.
- 4. The names and addresses of the owner, subdivider and land surveyor preparing the plat.
- 5. The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this and similar requirements under 4.6 following where it is unnecessary to fulfill the purpose and intent of this ordinance and undue hardship would result from strict application thereof.

4.6 Specific Plat Data: All preliminary plats shall also show the following:

1. Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.

2. Locations of all existing property boundary lines, structures, drives, streams and watercourses, wetlands, rock outcrops, wooded areas, railroad tracks, bridges and other similar significant features within the tract being subdivided or immediately adjacent thereto.

3. Location, right-of-way width and names of all existing and platted streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
IV. PRELIMINARY PLAT

section lines within the exterior boundaries of the plat or immediately adjacent thereto.

4. Location and name of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands. Abutting lot lines and connecting streets shall also be shown.

5. Proposed Lot and Street lines showing proposed street widths and names and approximate dimensions and areas of all lots together with proposed lot and block numbers, shall also be shown.

6. Location of any existing sanitary or storm sewers, culverts and drain pipes; the locations of electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

7. Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

8. Existing zoning on and adjacent to the proposed subdivision.

9. Existing contours within the exterior boundaries of the plat and extending to the centerline of adjacent public

streets at vertical intervals of not more than five (5) feet.

10. High water elevations of all ponds, streams, lakes, flow-ages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom, referenced to elevations within the plat area.

11. Floodland and shoreland boundaries and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or located within 100 feet therefrom.

12. Soil types and their boundaries within the exterior boundaries of the plat as shown on their operational soil
Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
IV. PRELIMINARY PLAT

survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service if served by on-site sanitary systems, and may be required if served by public sanitary sewer.

13. Location and results of soil boring or percolation tests shall be submitted on all plats to be served by on-site soil absorption sanitary systems, and tests shall be made to a depth of six (6) feet or three (3) feet below the bottom of the proposed soil absorption system, whichever is greater. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and ground water from natural undisturbed surface. The number of such tests shall be as required by Chapter H65 Wisconsin Administrative Code. The results shall be submitted on an accompanying document.

14. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing shopping centers, church sites or other non-public uses not requiring platting.

15. Approximate radii of all curves and length of tangents on all streets.

16. Any proposed navigable lake and stream improvement or relocation and notice of application for approval by the Division of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.

17. Any additional information required by the Town Zoning Administrator, Town Engineer or Town Board.

4.7 Covenants: The Zoning Administrator may receive and keep on file for reference a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development, including solar access covenants.

4.8 Affidavit: The surveyor preparing the preliminary plat shall certify on the fact of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this ordinance.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
V. FINAL PLAT

V. FINAL PLAT

The approval and recording of a Final Plat shall take place before the subdivision of any land, and shall be in conformance with a Preliminary Plat, and include an Agreement on necessary improvements.

5.1 Final Plat State and County Submittal:

1. State Department of Administration: The subdivider or his agent shall submit the original plat, before any other approvals of the final plat are made, to the Director of the Planning Function, Wisconsin Department of Administration, who shall forward copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street; and copies to the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for such service has not been made.

2. County of Marathon as Clearinghouse: After approval by the Director of the Planning Function and the other state departments, the subdivider shall file at least fifteen (15) copies of the final plat and a cover letter with the Marathon County Planning and Zoning Department along with the proper fees in accordance with section X of this ordinance. The County Planning and Zoning Department acting in a clearinghouse function, shall, with a cover letter and letter of application, transmit four (4) copies to the County Land Use Committee; four (4) copies to the Town Clerk; six (6) copies to the clerk of each adjoining city or village if the

subdivision lies within the extraterritorial plat approval jurisdiction of the city or village; and one (1) copy to the school board with jurisdiction. The subdivider shall supply additional copies if requested by approving or objecting agencies.

3. Town Review: The Town Clerk shall immediately refer the plat to the same departments and agencies that acted on the Preliminary Plat.

5.2 Approving Authorities: The Town Board, Marathon County, and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies are designated approving authorities.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
V. FINAL PLAT

5.3 Objecting Agencies: The Wisconsin Department of Administration and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies. The Wisconsin Department of Natural Resources may be an advising agency where shorelands are involved.

5.4 Time to File Final Plat: If the final plat is not submitted within two (2) years of the date of approval of the preliminary plat, the approving authorities may refuse to approve the plat for cause. Extensions may be granted upon mutual agreement of all approving authorities. The final plat may, if permitted by the Town Board, constitute only that a portion of the approve preliminary plat which the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for two (2) years from the date of such final approval.

5.5 Action By Objecting Agencies: The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to Marathon County, who shall notify the Town. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.

5.6 Action By Town Board: The Town Board, upon recommendation of the same departments and agencies who reviewed the Preliminary Plat shall examine the final plat as to its conformance with the

approved Preliminary Plat and conditions of approval of the Preliminary Plat, this ordinance and all related ordinances, rules, or regulations. If the final plat conforms substantially to the Preliminary Plat as approved, including any conditions of that approval, it is entitled to approval.

5.7 Time of Action: The Town Plan Commission and all other departments and agencies shall, within forty (40) days of the date of filing of the final plat, recommend approval or rejection of the plat and shall transmit the final plat, along with their recommendations, to the Town Board. The Board shall, within sixty (60) days of the date of filing the original plat with the County, approve or reject such plat, unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be clearly stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider and the surveyor. Such statement shall specify what corrections would result in approval.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
V. FINAL PLAT

5.8 Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

5.9 Recordation: After the final plat has been approved by the Town Board and improvements, as required by the Town, have been installed or a contract agreed and sureties insuring their installation are filed, the Town Clerk 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 Marathon Register of Deeds. The Register of Deeds cannot record the plat unless it is offered within thirty (30) days from date of last approval or six (6) months from first approval. The subdivider shall notify the County, who shall notify all approving agencies, if the plat is not recorded within said 6 months.

5.10 Copies: The subdivider shall file ten (10) copies of the final plat as recorded with the Planning and Zoning Department for distribution to the Town Clerk, the County Treasurer, the County Highway Commissioner, the County Surveyor, and other affected agencies for their files.

5.11 Replat: 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 sections 236.40 through 236.44 WIS. STATS. The subdivider or person wishing to replat shall then proceed as specified in

sections IV through V of this ordinance.

5.12 General Data: A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of section 236.20, WIS. STATS, and the following:

1. Exact street width along the line of any obliquely-intersecting street.
2. Railroads rights-of-way within and abutting the plat.
3. Additional setback lines or yards required by the subdivider which are more restrictive than the zoning district in which the plat is located are to be included in recorded covenants.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
V. FINAL PLAT

4. Location of soil percolation and soil boring tests shall be shown on all plats to be served by on-site sanitary systems.
5. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or located within 100 feet therefrom.
6. All lands reserved for future public acquisition, dedication or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat.
7. Special restrictions required by the Town Board and any other approving or objecting agency relating to access control along public ways, the provision of planting strips or the treatment of shoreland and floodlands.

5.13 Surveying and Monumenting: All final plats shall meet all the surveying and monumenting requirements of section 236.15, WIS. STATS.

5.14 State Plane Coordinate System: Where the plat is located

within a quarter section, the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referred to the Wisconsin State Plane Coordinate System. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

5.15 Certificates: All final plats shall provide all the certificates required by section 236.21, WIS. STATS., and, in addition, the surveyor shall certify that he has fully complied with all provisions of this ordinance.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
V. FINAL PLAT

5.16 Covenants: The Town Zoning Administrator may receive copies for reference of any protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development, including solar access covenants.

VI. CERTIFIED SURVEY MAP

6.1 Preliminary Map Required: Prior to the filing of a final certified survey map, subject to 6.7 following, a Preliminary Map shall be filed and approved. Such map shall show the information listed under Sec. 6.8 below and include a Letter of Application.

6.2 Pre-Application: It is recommended that prior to the filing of a Preliminary certified survey map, a pre-application review be conducted in conformance with section IV 4.2 of this ordinance.

6.3 Divisions of Land Regulated: Lands to be divided which do not constitute a Subdivision are regulated by this section and include the division of land into not more than four (4) parcels or building sites, and one (1) of which is thirty-five (35) acres or less in size, or when it is proposed to divide a block, a lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the boundaries of said block, lot or outlot, the subdivider shall divide by use of a

certified survey map. The certified survey map shall include all parcels of land thirty-five (35) acres or less in size and may, at the owner's discretion, include any other parcels containing more than thirty-five (35) acres. The subdivider shall prepare the certified survey map in accordance with section VIII of this ordinance and shall file six (6) copies of the map and a letter of application with the Marathon County Planning and Zoning Department with the appropriate receipts of fees from the Town.

6.4 Filing and Review: The Marathon County Planning and Zoning Department, acting as a clearinghouse, shall transmit copies of the map and the letter of application along with a cover letter to all approving authorities, including extra-territorial plat review agencies if not waived in writing. The recommendations of all approving authorities shall be transmitted to the County within twenty (20) days from the date the map is filed, and if filed with the Count, it shall within two (2) days transmit them to the Town. Within the Town the preliminary and final maps upon receipt shall be distributed by the Zoning Administrator or Clerk in the same Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin

VI. CERTIFIED SURVEY MAP

manner as for subdivision plats, and the reviewing parties shall evaluate the same matters as for subdivision plats, except their review shall be completed so as to permit Town Board action within thirty (30) days of the date of original filing with the County.

6.5 Town Board Action: The Town Board shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval, or rejection of the map. If the map is rejected, the reason shall be stated in the minutes of the meeting and a clear written statement forwarded to the subdivider indicating what must be done to gain approval. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the original map to the subdivider.

6.6 Improvement Agreement: All improvement requirements specified for a final subdivision plat, or the execution of an Agreement and financial surety therefore, shall be met for a certified survey map as part of the approval process.

6.7 Time to File Final CSM: Where a preliminary certified survey map has been approved, all the provisions regarding length of time to file a final subdivision plat in conformance to said preliminary plat in this ordinance shall apply as well to this section, however, the Town Board may waive the requirement of a separate preliminary CSM submittal and allow simultaneous filing of the preliminary and final maps in uncomplicated cases where a

preliminary approval serves no useful purpose. A final CSM in conformance to an approved preliminary CSM is entitled to approval under the same terms as applied by this ordinance to final subdivision plats.

6.8 Certified Survey Map Data: A map prepared by a land surveyor registered in Wisconsin shall be required for all certified surveys. It shall comply in all respects with the requirements of section 236.34, WIS. STATS. The certified survey shall also comply with the design standards set forth in section VII and with the improvement requirements set forth in section VIII of this ordinance. The final map shall correctly show on its face, in addition to the information required by section 236.34, WIS. STATS., the following:

1. Date of map.
2. Graphic scale, location map and north point.
3. Name and address of the owner, subdivider and surveyor.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
VI. CERTIFIED SURVEY MAP

4. All existing buildings, water courses, drainage ditches and other features pertinent to proper division, including topography if the land is undeveloped.

5. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.

6. Additional building setback lines or yards required by the subdivider which are more restrictive than the zoning district in which the plat is located and are to be included in recorded covenants.

7. Location and results of percolation and soil boring tests shall be submitted on all maps to be served by on-site sanitary systems. Such tests shall be conducted in accordance with Chapter H65 Wisconsin Administrative Code and be taken at the location and depth at which the soil absorption waste disposal system is to be installed. The results shall be submitted on an accompanying document.

8. All lands reserved for future public acquisition or dedication.

9. Floodland and shoreland boundaries and the contour line lying at a vertical distance of two (2) feet above the

elevation of the 100 year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record within the exterior boundaries of the map or located within 100 feet therefrom.

10. Any additional information required by the approving authorities.

6.9 Wisconsin State Plane Coordinate System: Where the map is located within a quarter section, the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System, the map shall be tied directly to one of the section or quarter corners so coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
VI. CERTIFIED SURVEY MAP

6.10 Certificates: The final certified survey map shall provide all the certificates required of WIS. STATS. 236.34 and 236.21 and in addition the surveyor shall certify that he has fully complied with this ordinance.

6.11 Recordation: The certified survey map shall only be recorded with the Marathon County Register of Deeds after certificates of the approving authorities, the surveyor and all other required certificates accompany the map. The Register of Deeds shall record the certified survey in accordance with section 236.34 (2), WIS. STATS. The subdivider shall furnish the certificate of recordation and copies of the certified survey map as recorded to all approving authorities within thirty (30) days after recording.

Town of McMillan Land Division Ordinance, Marathon Co.,
Wisconsin

Design Standards

VII. DESIGN STANDARDS

7.1 General. In any new subdivision, the street layouts shall take into account the arrangement, width and location indicated on the Marathon County Jurisdictional Highway System Plan, official width map, comprehensive plan or component neighborhood plan, if any, of the Town or County. In areas for which detailed neighborhood plans have not been completed, the street layout shall conform to the functional classification of the various types of streets and shall be developed and located in proper relationship to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to further the public convenience and safety, to the proposed use of the land to be served by such streets, to existing or planned utilities and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street, or approved way.

7.2 Arterial Street Arrangement. As defined in section II arterial streets shall be platted with greater right-of-way widths and built with flatter horizontal and vertical curvature to accommodate their planned heavier traffic volumes, including possible school or public transit service; must be properly integrated and continuous with the existing and proposed system of

arterials, and often will be restricted as to the location and amount of direct access to be provided to adjacent lands. In order to protect the traffic-carrying capacity and safety of arterials and to provide some shielding of adjacent residential uses from the adverse impacts of arterial traffic, whenever the proposed land division contains or is adjacent to an arterial highway or major collector street, design of the street and lot layout shall take into account:

1. In the case of non-residential land uses, the proliferation of many high-volume access points shall be discouraged in favor of fewer planned openings that are shared or that provide service through an internal street system.

2. In the case of residential land uses with high-vehicle density, the minimum access for non-residential uses shall be observed or use made of the reversed frontage access approach, both with consideration for screening of the uses from arterial traffic impact.

3. In the case of residential uses with lower vehicle densities, direct access to the arterials shall be limited to the lowest density residences with encouragement for deeper

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
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lots and greater setbacks, and all other residential uses shall be arranged on internal streets or ways including reversed frontage shielded toward the arterial by a screening area consisting of earth mounds or plantings. The width of side lots and the depth of reversed lots with such screening shall be adequate to accommodate a screening area no less than twenty (20) feet in width.

7.3 Collector Street Arrangement. As defined in section II collector streets may be platted with somewhat greater width than the local streets they serve and somewhat flatter gradient, in order to convey the traffic from residential areas to the arterial street and highway system, and to accommodate possible school or public transit routes or bicycle/pedestrian paths. Collectors may also contain along their routes neighborhood or sub-community retail, school or other institutional facilities. Although access is usually not restricted between a collector street and any abutting parcels, when the amount of traffic volume is expected to be sufficiently high, residential uses desirably should take their primary access from the feeder local streets rather than from the collector. Collectors should also be positioned with respect to topography to permit an efficient design for storm and sanitary

sewers.

7.4 Local Street Arrangement. As defined in section II, local streets are primarily for the purpose of providing access to property and should, therefore, be designed to avoid as much as possible any through traffic or any fast movement of vehicles. The emphasis should instead be on the safety of pedestrians and bicyclists, fitting the local street and lot pattern to topography to achieve good building sites and to permit efficient water, storm and sanitary utility service. Achieving these criteria will involve emphasis on shorter streets and avoiding excessive width or straightness, both of which can contribute to high speeds and accidents.

7.5 Adjacent Property. Proposed streets intended to serve or extend to the boundary lines of the tract being subdivided shall normally be extended as part of platting, unless prevented by topography or other physical conditions, or unless the approving authorities find that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

7.6 Reserve Strip. As defined in section II, reserve strips (spite strips) shall not be permitted on any plat to prohibit access to streets or alleys or other public property.

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7.7 Alley. As defined in section II, alleys may be provided in all subdivisions for off-street loading and service access subject to approval of the approving authorities. Dead-end alleys shall be provided with an adequate turn-around. Alleys shall not normally connect to an arterial street or highway.

7.8 Street Name. Proposed streets which are in alignment with or join an existing and named street shall normally bear the name of the existing street. Names of new streets shall not duplicate or be similar to existing street names. The use of the suffix "street", "avenue", "boulevard", "drive", "place", "court" or similar description shall not be sufficient distinction to constitute compliance with this subsection. All proposed street names shall be approved by the Plan Commission.

7.9 Limited Access Highway and Railroad Right-of-Way Treatment. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a limited-access highway which is a highway where right-of-access has been purchased by a unit of government or restricted as provided by Chapter 84 of the WIS. STATS., the design shall provide the following treatment:

1. When residential lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited-access highway or railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, and the building of all structures, excepting public or private utility structures hereon, is prohibited."

2. Business and industrial districts shall have provided on each side of the limited-access highway or railroad right-of-way frontage roads adjacent to the said right-of-way or streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 200 feet from such street or railroad.

3. Streets parallel to a limited-access highway or railroad right-of-way, when intersecting an arterial street, highway, or collector street which crosses said railroad or limited-access highway, shall normally be located at a minimum distance of 200 feet from said railroad right-of-way or

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limited-access highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for further separation of grades by means of appropriate approach gradients.

7.10 Street Design Standards. All proposed streets, highways and alleys shall conform to the minimum right-of-way width as specified by the Town Highway Ordinance, the Marathon County Jurisdictional Highway System Plan, the comprehensive plan, comprehensive plan component, neighborhood development plan or the official county highway width map. Design of the streets for a proposed subdivision should be such that every parcel is provided with adequate access to a public right-of-way or approved way. Their location and design shall consider their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety.

1. Urban and rural arterial streets. Urban and rural arterial streets shall be designed in accordance with standard engineering practices based on state and/or county criteria. Minimum right-of-way to be dedicated shall be as shown in the

Marathon County Jurisdictional Highway System Plan or other highway width map. Adequate site distances for safe stopping as recommended by the County Highway Department should be provided on both vertical and horizontal curves. Alignment between control points should be as high a standard as is commensurate with topography, terrain, the design traffic and the reasonable obtainable right-of-way.

2. Minimum centerline radius of curves. When a continuous street centerline deflects at any one point by more than five (5) degrees, a horizontal curve shall be introduced having a radius of curvature on said centerline of at least 300 feet (arterials) or at least 150 feet (collector or less). Reverse curves shall be separated by a tangent section of at least 200 feet (arterials) 100 feet (collectors/locals). Adjustment in super-elevation design run-off may be needed for smooth riding, surface drainage and good appearance.

7.11 Maximum Street Grades

1. Unless necessitated by exceptional topography, the maximum street grade shall be 12% pedestrian way, 10% alley, 8-10% local street, 8% collectors and 6% arterials. The grade of any street shall in no case be less than one-half (1/2) of one percent.

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2. Street grades shall be established wherever practicable so as to avoid excessive grading, the unnecessary removal of ground cover and tree growth, and the general leveling of the topography.

3. All changes on street grades shall be connected by vertical curves of sufficient length to provide adequate stopping sight distance over the vertical curve. As an absolute minimum, a length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for collector streets and one-half this minimum for all local streets, shall be used.

7.12 Cul-de-Sac Streets

1. Streets designed to have one (1) end permanently closed shall terminate in a circular turn-around as prescribed by the Town Highway Ordinance.

2. Cul-de-Sacs in residential developments shall normally be designed to accommodate a maximum of sixty-four (64) residential units or a maximum of 800 feet, whichever is more

restrictive.

3. Cul-de-Sacs in commercial and/or industrial developments should be adequately designed to provide sufficient turn-around area for the type of vehicles expected to be making deliveries and/or pickups to the businesses or industries located on the cul-de-sac street.

7.13 Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated to the Town. The platting of additional half-streets should be avoided wherever possible.

7.14 Temporary Termination of Streets. Temporary termination of streets at the boundary of a subdivision intended to be extended at a later date and where five (5) or more dwelling units have driveway access to such streets, or when the distance from the nearest intersection to the boundary of the subdivision is greater than 140 feet, shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by the construction of a temporary "T" turn-around within the street right-of-way as prescribed by the Town Highway Ordinance.

7.15 Roadway Elevations in Floodplains. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

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1. Freeways shall be designed so they will not be overtopped by the 100 year recurrence interval flood.

2. Arterial highways shall be designed so they will not be overtopped by the 50 year recurrence interval flood.

3. Collectors and local streets shall be designed so they will not be overtopped by the 10 year recurrence interval flood.

7.16 New and Replacement Bridges and Culverts in Floodplains.

1. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100 year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.1 foot above the peak stage for the 100 year recurrence interval flood, as established in any applicable FEMA Flood Insurance Study. However larger permissible flood stage increases may

be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice floes and other debris.

2. All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and may be submitted to the Department of Natural Resources for their advice.

7.17 Bicycle Routes. On-road bicycle routes or paved and marked bicycle lanes along arterial and collector streets may be required by the Town Board.

7.18 Street Intersection. Streets shall intersect as nearly at right angles to each other as topography and other limiting factors of good design permit. Angles less than 75° are prohibited. In addition:

1. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

2. The number of intersections along arterial streets and highways shall be minimized. Wherever practicable the distance between such intersections shall not be less than 1,000 feet.

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3. On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or their vehicles shall be provided in accordance with section 66.616, WIS. STATS.

4. Collector and local streets shall not necessarily continue across arterials or collector streets, but, if the centerline of such intersecting streets approach the arterial or collector streets from opposite sides within 125 feet of each other measured along the centerline of the arterial or collector, the location shall be so adjusted so that the alignment across the arterial or collector street is continuous and jog is avoided.

5. Where the grade of any street at the approach of an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grade a distance of 50' measured from the nearest right-of-way line of the intersecting

street.

6. Where any street intersection will involve earth banks or exiting vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

7.19 Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and topography.

1. Lengths. Blocks in residential areas shall not, as a general rule, be more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

2. Pedestrian Ways. Pedestrian ways of not less than twelve (12) feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Board to provide adequate pedestrian circulation or access to streams, lakeshores, parkways, park lands, schools, shopping centers, churches or transportation facilities.

3. Widths. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise

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required to separate residential development from through traffic.

7.20 Lots. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated. All lots shall conform to the applicable zoning ordinance. The lots should be designed to provide an aesthetically-pleasing building site and a proper architectural setting for the buildings contemplated, including considerations of solar access.

1. Side Lot. Side lot lines, where practicable, shall be at right angles 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.

2. Access. Every lot shall front or abut on a public street or other officially approved means of access.

3. Area and Dimension. Area and dimension of all lots shall conform to the requirements of the Zoning Ordinance. Those building sites not served by a public sanitary sewer system or other approved system shall be of sufficient size to permit the use of an on-site soil absorption sewage disposal system designed in accordance with the county sanitary ordinance.

4. Re-subdivision of Oversized Lots. Whenever a tract is subdivided into parcels more than twice the minimum lot area required for the zoning district in which such parcel is located, the Town Board may require such parcels to be arranged and dimensioned so as to allow future re-subdivision of any such parcels in accordance with the provisions of this ordinance and in conformance with the Zoning Ordinance.

5. Depth. Lots shall normally have a minimum average depth of 120 feet. Excessive depth in relation to width shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

6. Depth and Width. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

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7. Meander Line and Water's Edge. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedication in any plat abutting a stream or lake. Consideration shall be given to the location of lot lines to facilitate shoreline protection and maintenance of intended water access.

8. Corner Lots. In blocks where extra footage above zoning requirements for lot width is available, corner lots shall be enlarged in their width.

7.21 Easements

1. The Town Board may require easements of widths deemed

adequate for the intended purpose on the property side of front lot lines, on each side of all rear lot lines, on each side of all side lot lines (or across lots where absolutely necessary) for electric power and communication facilities, open drainage, storm and sanitary sewers, street trees and gas, water and other utility lines. All easements shall be noted on the final plat followed by reference to the use or uses for which they are intended.

2. Drainage Easements. Where a subdivision or certified survey map is traversed by a drainageway or stream, an adequate easement shall be provided. The location, width, alignment and improvement of such drainage or easement shall be subject to the approval of the town, 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 maximum potential volumes of flow {subject to review and approval by the Drainage District}.

7.22 Public Sites and Open Spaces

1. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map or component neighborhood development plan, if any, such areas shall be made a part of the plat as stipulated in sec. III "Dedication and Reservation of Lands." If not so designated, consideration

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shall be given to the location of such sites at the time of preliminary plat design and review.

2. Public access shall be provided to all navigable streams or lake shores as required by Chapter 236.

VIII. REQUIRED IMPROVEMENTS

8.1 General

1. Plans and Written Agreement Required: The subdivider shall

install those of the following improvements established by the Town Board as reasonably necessary to the approved plat. These shall be set forth in plans and specifications approved by the Town and in a standard form written agreement between the Town and the subdivider to be known as "subdivider's agreement". (See Appendix)

2. Inspection, Financial Surety and Warranty. Said agreement shall establish that the subdivider shall follow the approved plans and specifications including a performance time schedule, shall permit Town inspection of the work as it proceeds with payment for said inspection by the subdivider, shall provide acceptable sureties that all required work shall be completed, and shall warranty work and materials for one (1) year after adoption of a resolution of acceptance by the Town Board.

3. Subdivider's Rights of Recovery. Said agreement shall also establish that the Town shall perform its inspections in a timely manner, may allow reduction in sureties in proportion to work inspected and tentatively accepted, shall upon negotiation and mutual agreement with the subdivider contribute toward over-size, on-site improvements, or in lieu thereof, shall assure the developer's rights of recovery of his expenditures for over-size, on-site improvements or for necessary off-site improvements, as shall be negotiated. A specific repayment schedule by the Town shall be included. Where data cannot be established, events related to repayment shall be identified, such as the levying and collecting of special assessments from other owners, issuance of revenue or general obligation bonds, or the receipt of certain taxes or user fees.

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8.2 Survey Monuments

1. The subdivider shall install survey monuments placed in accordance with the requirements of section 236.15, WIS. STATS., and as may be required by the Town.

2. The Town Board may waive the placing of monuments required under section 236.15(b), (c) and (d), WIS. STATS., for a reasonable time on condition that the subdivider execute a financial surety pursuant to sec. 101.09 (4) of this ordinance to insure the placing of such monuments within the time required. The financial surety, pursuant to said section, shall be at a rate of \$100 per lot, with a minimum of \$500. The bond or certified check shall be written to the Town.

8.3 Road and Lot Grading. Cut and filled lands shall be graded to maximum slope of four-to-one (4:1) or the soil's angle of repose, whichever is the lesser, and seeded for permanent vegetation. Where steeper slopes are appropriate, the plans and specifications for such slopes shall be submitted for approval.

1. After the installation of temporary block corner monuments by the subdivider and approval of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

2. Where utility facilities are to be installed underground by other than the subdivider, the utility easements shall be graded to within six (6) inches of final grade by the subdivider prior to the installation of such facilities, and earth fill, piles or mounds of soil or construction materials shall not be stored on such easement areas.

8.4 Paving for Streets and for Bicycle or Pedestrian Paths

1. The subdivider shall install base course material over the approved subgrade, and then install finish surface paving in one or more courses in accordance with the approved plans and specifications. The subdivider shall assume the entire cost for such pavings within the subdivision, except in the case of dual facilities if required by the Town Board. The developer shall be responsible for payment of only one side of a required dual facility. The added cost for streets wider than 24 feet (measured exclusive of the shoulder in rural style

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cross-section) or 40 feet (in an urban style cross-section measured face-of-curb to face-of-curb) shall be the responsibility of the Town. In the event the subdivider wishes to install dual-lane facilities which may not be required by the Town, the total cost of such improvements shall be borne by the subdivider.

2. The Town Board may require the subdivider to construct pedestrian paths on one side of all frontage streets and on one or both sides of all other streets within the subdivision. The location, type of material and construction of all pedestrian paths shall be in accordance with plans and standard specifications approved by the Town Board. The

subdivider shall assume the entire cost of such installations within the subdivision unless additional agreements are reached between the subdivider and the Town Board.

8.5 Road Shoulder, Ditches or Curb and Gutter.

1. The subdivider shall install road shoulder material and the adjacent ditch or swale, both to finished grades in accordance with the approved plans and specifications. The subdivider shall be responsible for installing all necessary culverts at intersections and, if required, mulch, sod or surface ditch inverts to prevent erosion and sedimentation.

2. The subdivider shall assume the entire cost of the road ditch within the subdivision, except that in dual roadways required by the local municipality, the inside or boulevard portion shall be borne by the Town.

8.6 Sewage Disposal Facilities. The subdivider shall install sanitary sewers, manholes and laterals and other appurtenances so as to provide service to each parcel within the subdivision, if so required by the approved plans. The subdivider shall also provide trunk service to areas outside the subdivision which are tributary to the sewers within the subdivision. This shall be determined in the plans and specifications, which shall have the approval of the Town. The subdivider shall assume the full cost of the sanitary system within said subdivision except that where a trunk line located within the development serving other areas creates an excess cost to the subdivider as determined by the Town, such excess costs shall be borne by the Town. In addition to the costs within the subdivision as defined above, the subdivider may be required to pay any pro-rata connection charge to the trunk interceptor system or a pro-rata charge for previously furnished

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adjacent sewers or laterals providing service to the subject subdivision, as determined by the Town.

8.7 Storm Water Drainage Facilities. The subdivider shall construct storm water drainage facilities adequate to serve the subdivision, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures or detention basins and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the design volumes of flow as required by the Town.
{Drainage District}

1. Farm Drainage Tiles. The subdivider shall reconstruct,

replace or re-route all farm drainage tiles encountered or damaged during subdivision construction to provide equal or better farm drainage. The subdivider shall provide a permanent record to the {Town Drainage District} of such reconstruction, replacement, or re-routing.

2. Shoreland Drainage Facilities. Drainage facilities in shoreland floodplain areas also fall under the jurisdiction of the County. Such shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design of all storm water drains and sewers, invert and erosion control, and or sodding of open channels and unpaved road ditches proposed to be constructed or other acceptable erosion methods shall be in accordance with the plans and standard specifications approved by the County.

3. Cost of Installation. The subdivider shall assume the cost of installing all storm water facilities within the proposed subdivision, except for the added cost of installing storm water facilities including sewers over 36 inches diameter, which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the {Town} a storm water facilities drainage charge as the {Town} shall establish based on the added cost of installing drainage facilities serving the subdivision's total drainage area, which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers, as established by the {Town}.

8.8 Water Supply Facilities. The subdivider shall cause water supply and distribution facilities to be installed in such manner Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin

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as to make adequate water service available to each lot within the subdivision, if called for in the approved plans. If municipal water service is not available, the Town may require the subdivider to provide evidence of an adequate, safe water supply from on-site wells.

1. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town.

2. The subdivider shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision except for the added cost of

installing water mains greater than twelve (12) inches in diameter, which shall be borne by the Town.

8.9 Other Utilities

1. Electric, Telephone and Gas. The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, and gas for heating if it is available. All new electric or communication lines from which lots are individually served shall be installed underground within all newly platted subdivisions or certified survey maps in all residential districts shown on the zoning map, unless the approving authorities shall find, after study, that the location, topography, soil, stands of trees or other physical barriers would make underground installation unreasonable or impracticable or that the lots to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems including, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above ground. Any landscape screening plan required for such above ground equipment shall be submitted to the affected utilities for approval.

2. A plan indicating the proposed location of all gas, electrical power and communication distribution and transmission facilities required to service the plat shall be approved by the Town for coordination with the location of Town utilities.

8.10 Street Lamps. The Town may require the subdivider to install street lamps at street intersections.

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8.11 Street Name Signs. The subdivider shall install at the intersection of all streets a street name sign of a design specified by the Town.

8.12 Soil and Water Conservation. The Town Engineer shall, upon determining from a review of the plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading or other earth-moving operations in the development of the subdivision or to otherwise entail an erosion hazard, require the subdivider to provide soil erosion and sedimentation control measures to be

included in the plans and specifications for the subdivision.

8.13 Dedication of Land for Neighborhood Park Sites. This section is intended to provide for the provision of public parks in developing neighborhoods, where vacant land is being converted to urban uses and to insure that such provision is in appropriate proportion to the additional need created by the development and is coordinated with the locational goals of the Town's park plans.

1. Amount of Dedication. The subdivider shall be required to dedicate to the Town sufficient land to provide for the neighborhood park intended to serve the site being platted for residential use. The amount of required dedication shall be in direct proportion to the need generated by the additional new dwelling unit potential of the specific plat, based upon the standard of 3.5 acres per 1,000 population. Dedication of land shall be required for each additional new dwelling unit potential based on the specific plat at the following rate:

A. Each Multiple Dwelling Unit: 200 sq. ft.

B. Each Single Family Lot: 500 sq. ft.

2. Alternate Methods in Lieu of Dedication. To insure the most uniform application of this requirement, where the dedication of lands within the specific plat is not feasible or compatible with the neighborhood park plan, or by mutual agreement between the subdivider and the Town, the subdivider may in lieu thereof satisfy the requirement for provision of such area by payment of an amount in dollars equal to the value of the required land dedication. To determine such amounts, the Town Board shall establish yearly value factors based upon average values estimated for development of parks, and for acquisition of undeveloped lands for single family lots, and for multiple dwellings. These factors shall be established on

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the 1st day of May of each year upon recommendation of the Town Assessor.

3. Disposition of Funds. Monies received under the preceding provisions above shall be placed in a separate non-lapsing fund established for the neighborhood park service district within which the plat lies. Such monies shall be used for site acquisition or development of neighborhood park lands which will serve such new residential development. Payment shall be made in connection with execution of the Subdividers Agreement.

IX. CONSTRUCTION

9.1 Commencement. No construction or installation of improvements to be dedicated to the public shall commence in connection with an approved preliminary or final plat or approved preliminary or final certified survey map until adequate plans and specifications therefore have been approved by the Town Board upon advice of the Town Engineer and until adequate financial guarantees or completion are given to the Town Board including warranties of the work. Execution of a subdivider's agreement shall constitute authorization to the subdivider to proceed.

9.2 Plans. The following plans and accompanying construction specifications and engineering data shall be provided by the subdivider at his own expense and approved by the Town Board upon advice of the Town Engineer and appropriate Commissions before construction or installation of improvements is authorized.

1. Street. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

2. Sanitary Sewer. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

3. Storm Sewer, Open Channel, Basins. Storm sewer, open channel, and detention or retention basin plans and profiles showing the locations grades, sizes, cross-sections, elevations and materials of facilities as required and approved by the {Town}.

4. Water Main. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

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5. Erosion and Sedimentation Control. Erosion and sedimentation control plans showing those structures or methods of construction required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation including the following:

A. Trees. Such trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the U.S. Department of Agricul-

ture in Home and Garden Bulletin No.104, Protecting Shade Trees During Home Construction, U.S. Government Printing Office, 1965.

- B. Vegetation and Mulching. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- C. Construction Area. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- D. Sediment Basins. Sediment basins shall be installed and maintained at all drainageways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

6. Lot Grading. Lot grading plans of proposed elevations of all lot corners shall be provided in mean sea level datum to insure proper drainage.

7. Additional special plans or information as required by the Town.

9.3 Inspection. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town to provide for adequate inspection. The approving authorities having jurisdiction or their representative shall inspect and approve all completed work prior to release of the sureties.

9.4 Financial Sureties

1. Financial sureties furnished to the Town by subdividers to ensure performance of obligations and guarantees under the terms of this ordinance shall only be in a form which the Town deems secure and may include certified checks, corporate bonds, irrevocable letters of credit in a form approved by the

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Town, or performance bonds. The initial amount of the surety shall not be less than the full amount as estimated by the Town Engineer of the obligation being ensured nor for less a period of time than the work is scheduled to be completed; however, the Town upon request of the subdivider may consider reductions in the amount of the surety in proportion to the amounts of the obligations as they are fulfilled. In a dispute

over the amount of a surety, the estimate prepared by the Town Engineer shall be given greater weight by the Town.

2. Where sureties are given to cover the cost of work to be performed by someone other than the subdivider or his contractors at an unspecified time in the future, the form of surety shall be such as to bear interest which shall accrue to the surety account to help defray increases in costs beyond those used to establish the present surety amount. Where the work is performed in less than seven (7) years and costs are less than the surety plus accrued interest, the difference shall be refunded to the subdivider, his heirs or assigns. Where the work is performed after seven (7) years and costs are less than the surety plus accrued interest, no refund shall be required and any such surplus shall flow to the general fund. The subdivider shall not in any case be obligated to make up any shortages between the surety plus accrued interest and the cost of the work once he submits the surety amount established by the Town.

9.5 Permits

1. No building, zoning or sanitary permits shall be issued for erection of a structure on any lot of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met.

2. The proper authority as designated by the Town shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, the inspector is refused entry after presentation of identification, he shall procure a special inspection warrant in accordance with section 66.122, WIS. STATS., except in cases of emergency when he shall have the right of immediate entry.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
X. FEES

X. FEES

10.1 General. The subdivider shall pay to the Town Clerk all fees as hereinafter required and at the time specified. The purpose of said fees is to assist in defraying the cost of review by the Town.

10.2 Preliminary Subdivision Plat Review

1. The subdivider shall pay a fee amounting to Fifty Dollars (\$50.00) plus Two Dollars (\$2.00) for each lot or parcel within the preliminary subdivision plat to the Town.

2. A reapplication fee amounting to Twenty-Five Dollars (\$25.00) shall accompany any plat at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

10.3 Certified Survey Map Review. The subdivider shall pay a fee of Twenty-Five Dollars (\$25.00) to the Town Clerk at the time of applications for approval of a preliminary map, and another Fifteen Dollars (\$15.00) at the time of submittal of the final map.

10.4 Final Plat Review

1. The subdivider shall pay a fee amounting to Twenty-Five Dollars (\$25.00) plus One Dollar (\$1.00) for each lot or parcel within the final plat to the Town Clerk.

2. A reapplication fee amounting to Five Dollars (\$5.00) shall be paid to the Town Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

10.5 Improvement Review and Inspection

1. The subdivider shall pay fees based upon estimates, or of actual cost, for legal work, administration, plan, review inspections and engineering review of plans for any subdivision. These fees shall be paid to the Town Clerk at the times specified in the Subdivider's Agreement.

2. Fees may be re-computed upon demand of the subdivider or the Town after completion of improvement construction in accordance with the actual cost of services provided and the difference, if any, shall be paid by or remitted to the subdivider.

Town of McMillan Land Division Ordinance, Marathon Co., Wisconsin
Adoption

XI. ADOPTION AND EFFECTIVE DATE

1. Town Board Approval

The Town Board of Supervisors of the Town of McMillan, Marathon County, Wisconsin hereby adopts this Land Division at a meeting held on the _____ day of _____, 1992.

2. Effective Date

This Land Division Ordinance shall take effect upon passage and adoption by the Town Board of Supervisors and the filing of proof of posting or publication in the Office of the Town Clerk.

Date of Posting or Publication: _____

Effective Date: _____

Town Board Chairman _____

Supervisors: _____

Attested:

Town Clerk: _____

APPENDIX

Outline for the Standard Form
Of A
Contract for Subdivision or Development Improvements

Sample Irrevocable Letter of Credit
(On Bank or Savings & Loan/Savings Bank Letterhead