

ORDINANCE NO 15-2015

An Ordinance to Repeal and Recreate Chapter 15 of the Town of Campbell Code of Ordinances

Chapter 15 is hereby repealed and recreated as follows:

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GENERAL PROVISIONS

15.01 TITLE/PURPOSE.

(A) TITLE. The Title of this Ordinance is the Town of Campbell Land Division Ordinance.

(B) PURPOSE. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Campbell, La Crosse County, Wisconsin, in order to accomplish all of the following purposes:

1. Promoting the public health, safety, and general welfare of the Town of Campbell.
2. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, master plan, or other land use plans.
3. Promoting the planned and orderly layout and use of the land in the Town of Campbell.
4. Encouraging the most appropriate use of the land throughout the Town of Campbell.
5. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Campbell.
6. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Campbell.
7. Providing the best possible environment for human habitation in the Town of Campbell.
8. Enforcing the goals and policies set forth in any Town Comprehensive Plan, master plan, or other land use plans.
9. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Campbell.
10. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Campbell.
11. Securing safety from fire, flooding, and other dangers in the Town of Campbell.
12. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Campbell.

13. Provide for proper ingress and egress.
14. Minimizing conflicting land use in the Town of Campbell.
15. Promoting the scenic vistas and natural beauty of the Town of Campbell.
16. Regulate the development of condominium projects.
17. Insure accurate legal descriptions.
- 18. Providing for administration and enforcement of this Ordinance by the Town Board.

15.02 AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Campbell, to ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a recommendation of this Ordinance from the Town Planning Commission under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Campbell is the Town of Campbell Plan Commission.

15.03 ADOPTION OF ORDINANCE

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

15.04 INTERPRETATION

(A) **ABROGATION AND GREATER RESTRICTIONS.** Nothing in this ordinance is intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

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

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

(A) "Alley" means a public right-of-way that normally affords a secondary means of vehicular access to abutting property.

(B) "Applicant" shall mean any person or entity which submits an application to the Town for a development approval.

(C) "Arterial street" A principal arterial serves longer intra-urban type trips and traffic traveling through urban areas and includes interstate highways, other freeways and other principal arterials. A minor arterial provides intra-community continuity and service to trips of moderate length, with more emphasis on land access than principal arterials. The minor arterial interconnects the arterial system and provides system connections to rural collectors.

(D) "Block," means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision, and streams or water bodies.

(E) "Building permit" means the permit required for new construction and additions pursuant to the Town of Campbell Comprehensive Building Code.

(F) "Certified Survey Map" or "CSM" means a map that complies with the requirements of §236.34, *Wis. Stats.*

(G) "Collector street" means a street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

(H) "Comprehensive plan" means a comprehensive plan prepared by the Town, pursuant to *Wis. Stats.* §66.1001 and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

(I) "Cul-de-sac" means a minor street having only one end open to traffic and the other end being terminated in a vehicular turnaround.

(J) "Development" means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.

(K) "Development approval" shall mean the review and approval by the Town of a certified survey map, preliminary plat, final plat, development or subdivider's agreement and the acceptance of public improvements in connection with any of the foregoing.

(L) "Frontage street" means a local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

(M) "Improvement, public" means any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, bicycle path, trail, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

(N) "Land division" is a general term for a division of land where a single parcel of land is converted into two or more legal parcels. The term includes divisions by certified survey maps and plats.

(O) "Local street" means a street designed to provide access to abutting property and leading into collector streets, but which is not designed to carry through traffic from outside the neighborhood in which it is located.

(P) "Lot" means a parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance and any applicable zoning ordinance.

(Q) "Major thoroughfare" or "major street" means a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways, and other highways and parkways, as well as arterial streets.

(R) "Pedestrian Ways" are defined as public pedestrian access other than sidewalks along public streets.

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

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

(U) "Protective covenants" mean contracts entered into between private parties or between private parties and public bodies pursuant to *Wis. Stats.* §236.293, that constitute a restriction on the use of all private or platted property within a land division created by a certified survey map or subdivision for the benefit of the public or property owners and to provide protection against undesirable aspects of development that would tend to impair stability of values or otherwise.

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

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

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

(Y) "Subdivider" means any person or entity or any agent thereof dividing, combining or proposing to divide or combine land resulting in a subdivision plat, certified survey map, or replat.

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

(a) The act of division creates 4 or more parcels or building sites, each 10 acres or less in size, or

(b) Four or more parcels or building sites, each 10 acres or less in size, are created by successive divisions within a period of 5 years.

15.06 JURISDICTION. This ordinance shall apply to all lands within the corporate limits of the Town. The provisions of this ordinance, as they apply to divisions of tracts of land into less than 3 parcels, shall not apply to:

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

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

(3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the applicable Zoning Code or other applicable laws or ordinances.

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

(A) County and State Access Control Ordinances.

(B) Applicable local ordinances.

(C) Consistent with the provisions of Chapter 236, Wisconsin Statutes.

(D) Provisions of the La Crosse County Land Records Ordinances and regulations

(E) Town of Campbell Comprehensive Plan

(F) Any other Town of Campbell Ordinances, Policies or Developer Agreements.

15.08 LAND SUITABILITY.

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

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

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

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

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

(C) **PROPERTY OWNERS' ASSOCIATION.** Whenever a subdivider proposes that any common open space, storm water management facilities, drainageway, private road or other required development component is to be privately managed by a property owners' association, the Town Plan Commission may require submission of a draft of the legal instruments and rules for proposed property owners associations at the time of submission of a proposed plat or certified survey map. If the Town Board approves the private maintenance of required development components by such an association, the organizational documents creating such organization shall be filed prior to, or concurrent with, the recording of the final plat or certified survey map and appropriate protective covenants pursuant to sub. (2) or a binding agreement between the Town and the association assuring such management shall be recorded with the plat or map.

(D) **SPLITTING LOTS OR PORTIONS OF LOTS.** No person may divide any lot or block in a recorded subdivision, plat or certified survey map or in an unplatted area without prior approval by the Town of Campbell. A petitioner shall file an application for a lot split by means of a Certified Survey Map (CSM), and file said application with a filing fee (on record in the Town Clerk's office). The lot split shall be reviewed by the Plan Commission with recommendation to the Town Board. If the Town Board approves the lot split, the CSM may then be recorded as specified in Sec. 15.07. If land is split without benefit of Town review, those involved in the illegal lot split will be given thirty days to comply with this section.

15.10 FEES AND ESCROW.

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

(B) **FEES FOR REVIEW AND ADMINISTRATION.**

(1) **FEES REQUIRED.** Every applicant shall pay, in addition to any applicable application fee, all of the following fees. Any such fees not paid to the Town shall be paid by the applicant within thirty (30) days of the date of an invoice from the Town. In the event fees are not paid in a timely manner, the Town shall not be required to take any further action with respect to the development approval. Non-payment of fees shall be deemed sufficient cause for rejection of the application.

(2) **ENGINEERING FEE.** The applicant shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the development approval, including any required inspections. The applicant shall pay a fee equal to the actual cost to the Town of engineering services deemed necessary by the Town to ensure that the design and construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority with jurisdiction over the improvement.

(3) ADMINISTRATIVE REVIEW FEES. The applicant shall pay a fee equal to the cost of any Town administrative, legal or financial work that may be undertaken by the Town in connection with the development approval. Administrative costs shall include the cost of Town employees' time while engaged in activities related to the development approval request based on the hourly rate paid to the employee multiplied by a factor not to exceed 2.0 determined by the Town Clerk/Treasurer to represent the Town's total cost for wages, statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits.

(4) TRAFFIC IMPACT ANALYSIS. In any case where the Town Engineer determines that the proposed development within a land division is likely to cause a significant impact on traffic on streets or highways beyond the proposed land division, the applicant shall pay the fees of a traffic engineer to be retained by the Town to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation District One guidelines. An estimate of the fees as determined by the Town Engineer shall be paid into the escrow account established under sub. (C) within 10 days after notice of the determination by the Town Engineer. If the required escrow deposit is not made, the application may be denied. Where the report of the analysis concludes that the proposed development will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Town may deny the application, require a size or density reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.

(C) FEE ESCROWS. Except as provided in sub. (J), at such time as the applicant submits an application for a development approval, the applicant shall deposit with the Town, in escrow, the escrow amount established from time to time by the Town Board by ordinance or resolution. No application shall be deemed complete until the required escrow deposit is made.

(D) ESCROW REPLACEMENT. In the event that escrow deposit falls below twenty-five percent (25%) of the original amount required to be deposited; the Town Board shall have the option to require the applicant to restore the escrow balance to the original amount required hereunder.

(E) ESCROW REFUNDS. In the event that funds remains in escrow over and above the Town's fees after withdrawal, approval or final denial of the application, or otherwise as provided in sub. (J), the remaining balance shall be refunded to the applicant. Notwithstanding the foregoing, the applicant may elect to apply any remaining balance to any escrow deposit required as part of a subsequent application for a development approval for the same project.

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

(G) WITHDRAWALS FROM ESCROW. The Town Clerk/Treasurer shall draw upon the escrowed funds to reimburse the Town for the fees it has incurred in reviewing the development approval on a monthly basis.

(H) ACCOUNTING. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the applicant within thirty (30) days after each withdrawal. Any dispute with respect to the propriety or amount of any withdrawal shall be subject to appeal to the Town Board within thirty (30) days after the date of the accounting showing the withdrawal.

(I) DEFAULT. In the event that the subdivider defaults in restoring the escrow account, the Town shall not be required to act further upon the request. Failure to replenish the escrow account shall be sufficient cause to reject the application for development approval.

(J) EXCEPTION. No escrow deposit shall be required if the fees required by sub. (B) are guaranteed by the applicant, with adequate security, pursuant to a subdivider's or development agreement with the Town. At the time of execution of such an agreement, the Clerk/Treasurer shall refund any remaining escrow balance to the applicant.

15.11 WAIVERS AND MODIFICATIONS. Where, in the judgment of the Town Board, the literal application of the provisions of this ordinance to a particular land division or development is unnecessary to achieve the goals of this ordinance and would result in unnecessary hardship to the subdivider, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted only upon a finding by the Board that the waiver or modification will not result in any significant detriment to the public good or conflict with the intent and purpose of this ordinance or the desirable general development of the community in accordance with the master plan or a master plan component of the Town. A 3/4 vote of the Board shall be required to grant any modification to such requirements.

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

15.13 PENALTIES.

(A) Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each violation and, in default of payment of such forfeiture and costs,

shall be imprisoned in the county jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense.

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

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

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

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

SUBCHAPTER II – CERTIFIED SURVEY MAPS.

15.15 CERTIFIED SURVEY MAP REQUIRED.

(A) GENERAL. Except where a plat is required pursuant to Sec. 15.18, land divisions or combinations creating any lot or parcel which is less than 35 acres in size, and any division or combination of an existing block, lot or outlot within a recorded subdivision into not more than 3 parcels or lots without changing the boundaries of said block, lot or outlot, shall be accomplished by the recording of a certified survey map approved in accordance with Sec. 15.17.

(B) PRELIMINARY CERTIFIED SURVEY MAP REQUIRED. A preliminary certified survey map shall be required for all land divisions and combinations to be accomplished by certified survey map pursuant to sub. (A). A preliminary certified survey map shall meet the technical requirements provided in sec. Sec. 15.16.

15.16 TECHNICAL REQUIREMENTS.

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

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

15.17 PROCEDURE FOR APPROVAL.

(A) PRELIMINARY CERTIFIED SURVEY MAP APPROVAL.

(1) **PRE-APPLICATION.** Prior to the filing of an application for approval of a preliminary certified survey map, the subdivider shall consult with Town Staff and the Plan Commission in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan of the Town and to otherwise assist the subdivider in planning the proposed development. The applicant shall file an application for preliminary certified survey map approval and 10 copies of the certified survey map in the office of the Clerk/Treasurer. The subdivider shall also provide copies of the certified survey map to the Town Engineer for comments and recommendations on the plat.

(2) **APPLICATION.** The subdivider shall file an application for approval along with the proposed map with the Clerk/Treasurer. The application shall be accompanied by the applicable review fees as provided in Sec. 15.10.

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

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

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

(B) FINAL CERTIFIED SURVEY MAP.

(1) **Technical Review.** Prior to the filing of an application for approval of a final certified survey map, the subdivider shall meet with Town Staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the consistency of the final certified survey map with the conditions of approval of the preliminary certified survey map. The applicant shall file an application for final certified survey map approval and 10 copies of the final certified survey map in the office of the Clerk/Treasurer.

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

(3) **Town Board Approval.** The Town Board shall approve, approve conditionally or reject such map within 90 days from the date of filing of the application unless the time is extended by agreement with the subdivider. The failure of the Town Board to act within such 90 day period or any extension thereof shall constitute approval of the map, provided, however, that if the Board fails to act because the subdivider has violated the escrow deposit requirements of Sec. 15.10, the map shall be deemed rejected. If the map is rejected or conditionally approved, the reasons for rejection or conditions on approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Clerk/Treasurer shall so certify on the face of the original map and return the map to the subdivider. If the map is conditionally approved, the Clerk/Treasurer shall certify the approval only upon satisfaction of any conditions precedent to the approval.

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

SUBDIVISION PLATS.

15.18 PLATS REQUIRED.

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

(B) PRELIMINARY PLAT REQUIRED. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a scale of not more than 100 feet to the inch and shall satisfy all of the requirements of Sec. 15.19.

15.19 TECHNICAL REQUIREMENTS.

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

- (1) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (2) The title under which the proposed subdivision is to be recorded.
- (3) A complete legal description of the exterior boundaries of the proposed subdivision in metes and bounds, referenced to a corner established in a U. S. Public Land Survey and the total acreage encompassed thereby.
- (4) Date, scale and north point.
- (5) Contours at vertical intervals of not more than 2 feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929.
- (6) Location and names of any adjacent subdivisions, parks, cemeteries and historic sites and owners of record of abutting unplatted lands.
- (7) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (8) Railroad rights of way within and abutting the plat.
- (9) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum of 1929.
- (10) Any proposed lake, stream or drainageway access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

- (11) Any proposed lake, stream or drainageway improvement or relocation.
- (12) The location, right of way width and names of all existing streets, pedestrian paths, alleys or other public ways, easements, railroad and utility rights of way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (13) The location, width and names of all proposed streets and public rights of way such as alleys, pedestrian paths and easements.
- (14) The proposed length of right of way lines, and proposed names for all proposed new streets or extensions of existing streets.
- (15) Exact street widths along the line of any obliquely intersecting street.
- (16) The exact location and description of all utility easements.
- (17) A description of the types of proposed uses of all lots created by the subdivision.
- (18) The location, size and approximate dimensions of any sites to be:
- i. reserved or dedicated for parks, playgrounds, drainageways or other public use;
 - ii. used for group housing, shopping centers, church sites or other nonpublic uses; or
 - iii. reserved for the common use of property owners within the plat.
- (19) The location of all access points to public ways, a reference to any prior Town approval granted for such access points and any restrictions imposed as a condition to such approval.
- (20) The approximate dimensions of all lots and outlots together with proposed lot and block numbers. All lots shall be consecutively numbered.
- (21) Approximate centerline radii of all curves.
- (22) Existing zoning on and adjacent to the proposed subdivision.
- (23) Corporate limits lines.
- (24) Certification on the face of the plat by the surveyor preparing the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this ordinance.

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

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

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

(2) All building setback lines required by the applicable Zoning Code. If rezoning is pending, only the setback lines required by the proposed district regulations for each lot shall be shown.

15.20 PROCEDURE FOR APPROVAL.

(A) PRELIMINARY PLAT APPROVAL.

(1) **PRE-APPLICATION.** Prior to the filing of an application for approval of a preliminary plat, the subdivider shall consult with Town Staff, and the Plan Commission in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan of the Town and to otherwise assist the subdivider in planning the proposed development. The applicant shall file an application for Preliminary Plat approval and 10 copies of the Preliminary Plat in the office of the Clerk/Treasurer. The subdivider shall also provide copies of the plat to the Town Engineer and Town Administrator for their comments and recommendations on the plat.

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

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

Failure of the Town Board to act within 90 days shall constitute an approval unless the time is extended by mutual agreement with the subdivider.

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

(B) FINAL PLAT APPROVAL WITHIN THE TOWN.

(1) Prior to the filing of an application for approval of a final plat, the subdivider shall meet with Town Staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the consistency of the final plat with the conditional approval of the preliminary plat. The applicant shall file an application for final plat approval and 10 copies of the final plat in the office of the Clerk/Treasurer.

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

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

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

(C) REPLATS. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§236.40

through 236.44, *Wis. Stats.* The subdivider, or person wishing to replat, shall then proceed as specified in subs. (1) and (2).

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

15.22 COPIES OF RECORDED PLAT. Within one month of the final plat being recorded by the La Crosse County Register of Deeds, the subdivider shall provide two (2) copies of the plat to the Clerk/Treasurer.

PUBLIC IMPROVEMENT STANDARDS.

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

(A) STREET ARRANGEMENT.

(1) General Provisions. Street layouts shall conform to the arrangement, width and location as shown in the neighborhood development plans contained in the Town's land use plan or comprehensive plan. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to existing and proposed utilities, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision or land division shall be designed so as to provide each lot with satisfactory access to a public street.

(2) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly oriented to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

(3) Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems where such sewers are proposed, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(4) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not

necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

(5) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is granted to the Town under conditions approved by the Town Board.

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

(7) Street Names. Street names shall not duplicate or be similar to the names of any other existing street in the Town and existing street names shall be projected to extensions of the same street wherever possible. All proposed street names shall be subject to approval by the Town Board in its discretion.

(B) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHTS OF WAY. Whenever a proposed subdivision or land division contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:

(1) When lots within a proposed commercial subdivision or land division back upon the right of way of an existing or proposed limited access highway or a railroad right of way, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad. Such planting strip shall be a part of the platted lots, but shall be in addition to the required minimum lot depth. Planting strips shall be labeled on the face of the plat with the following restriction: "This strip reserved for the planting of trees and shrubs. No structures are permitted."

(2) When lots within a proposed residential subdivision or land division back upon the right of way of an existing or proposed limited access highway or railroad right of way, a low-maintenance landscaped berm shall be designed and constructed at the subdivider's expense according to plans approved by the Town Plan Commission. Required landscaping berms shall extend at least five (5) feet above the elevation of the centerline of the adjacent right of way and not less than thirty (30) feet in width along the entire frontage adjacent to such right of way.

(3) Streets parallel to a limited access highway or railroad right of way, at the point of their intersection with a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right of way.

(4) Minor streets parallel to railroad rights of way shall be located such that the centerline not less than fifty feet (50') from such right of way. Minor streets in residential areas which are parallel to arterial streets or controlled access

highways shall be located such that the rights of way are separated by not less than 150 feet.

(C) STREET DESIGN STANDARDS. The minimum right of way and roadway width of all proposed streets and alleys shall be as specified by the Town comprehensive plan. If no width is specified therein, the minimum widths shall be as follows:

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

<u>Type of Street</u>	<u>R.O.W. Width To Be Dedicated</u>	<u>Pavement Width</u>
Arterial Streets	80+ feet	40-56 feet
Collector Streets	66 to 70 feet	36-40 feet
Minor Streets	60 to 66 feet	20-22 feet
Alleys	20 feet	10 to 20 feet
Pedestrian Ways	10 feet	8 feet

(2) Cul-de-sacs. Cul-de-sac streets shall not be allowed except when necessitated by exceptional topography, to minimize environmental impact or other limiting factors of good design as approved by the Town Plan Commission. When allowed, cul-de-sac streets shall terminate in a circular turn-around having a minimum right of way radius of 60 feet and a minimum inside curb radius of 45 feet and shall not exceed 1000 feet in length.

(3) Temporary Dead-ends or Cul-de-sacs. Temporary dead-ends or cul-de-sacs shall be permitted where a street intersects with the boundary of a plat or certified survey map or the boundary of a planned phase of development within a subdivision. Temporary dead ends or cul-de-sacs shall meet all of the following standards:

a. A temporary turnaround is required if the street serves more than one lot on either side of the street.

b. A temporary “T” turnaround is required if the distance from the centerline of the nearest street intersection to the farthest lot line of the last lot of the applicable construction phase is 400 feet or less. The “T” turnaround shall have a minimum width of 24 feet, a minimum transverse length of 60 feet, a minimum radius of 10 feet and be surfaced with 2 inches of bituminous asphalt over a 10 inch stone base.

- c. Either a temporary "T" or temporary circular turnaround shall be required as determined by the Town Engineer when the closed end of a dead-end street is not visible from the nearest intersection or when the distance from the centerline of the nearest intersecting street to the farthest lot line of the last lot in the construction phase is greater than 400 feet. A temporary "T" turnaround shall be constructed as specified in par.
- d. Circular turnarounds shall have a minimum radius of 40 feet and be surfaced with 2 inches of bituminous asphalt over a 10 inch stone base.

(4) Street Grades. Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover the tree growth, and general leveling of the topography. Unless a greater grade is determined necessary by the Town Engineer due to exceptional topography, the maximum centerline grade of any street or public way shall not exceed the following:

- a. Collector Streets. 6-8%
- b. Minor Streets, Alleys and Frontage Streets. 10%
- c. Pedestrian Ways. 12:1 unless landings of acceptable design are provided. Conformance with ADA requirements is required unless accessibility cannot reasonably be achieved, in which case proper signage shall be provided.

The grade of a street shall in no case exceed 12% or be less than 1/2 of one percent (0.5%).

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

(D) STREET INTERSECTIONS.

(1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, and all intersections shall be designed to provide adequate visibility and safety for motorists, bicyclists and pedestrians using such streets.

(2) The number of streets converging at one intersection shall not exceed 2 unless otherwise approved by the Town Board.

(3) The number of intersections along arterial streets shall be held to the minimum practicable. The distance between such intersections shall not be less than 600 feet unless necessitated by exceptional topography or other limiting factors of good design.

(4) Property lines at street intersections shall be rounded with a minimum radius

of 15 feet or of a greater radius when deemed necessary by the Town Plan Commission to provide for safe and efficient traffic movements.

(5) Minor streets need not continue across arterial or collector streets, but if the centerline of two minor streets approach the major streets from opposite sides within 150 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted such that the alignment across the major or collector street is continuous, and a jog is avoided.

15.24 BLOCKS.

(A) GENERAL PROVISIONS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, the applicable zoning requirements, the need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.

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

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

(D) WIDTH. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. The width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

15.25 LOTS.

(A) GENERAL PROVISIONS. The size, shape and orientation of lots shall comply with all of the dimensional standards set forth in the applicable Zoning Code and shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The clustering of building sites and lots is encouraged where feasible to maximize the area of the contiguous open space adjacent to developed areas.

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

(C) **DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(D) **ACCESS.** Every lot shall front or abut on a public street, unless the Town Board shall approve the use of private streets for such access. Private streets shall not be permitted unless adequate provisions are made for permanent public street access to and from all units to be served by such street and for adequate maintenance and repair of the improvements within the right of way of such street. In any case where more than one lot or occupancy unit is served by a private street, the Town shall have full regulatory authority to control of traffic and parking on and adjacent thereto to the same extent as if the street were dedicated to the public.

(E) **CORNER LOTS.** Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

(F) **REMNANTS.** All remnants of lots which do not meet the minimum size for lots as required by the applicable Zoning Code after a larger tract is subdivided shall be added to adjacent lots unless other provisions are made and approved by the Town Board to convert such remnants into usable parcels.

15.26 EASEMENTS.

(A) **UTILITY EASEMENTS.** The subdivider shall provide utility easements of widths deemed adequate by the Town Engineer for the intended purpose where necessary or advisable for electric power and communication poles, wires and conduits; storm and sanitary sewers; and gas, water and other utility lines.

(B) **DRAINAGE EASEMENTS.** Where a subdivision or land division is traversed by a watercourse, drainageway channel or stream, or low area, an adequate easement or drainage right of way shall be provided substantially conforming to the lines of such watercourse; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate a 100-year frequency storm event. A buffer area of at least 75' in width along both sides of the drainage easement shall be shown on the plat or certified survey map and shall be maintained in an undeveloped state. Design details for drainage facilities shall be subject to review and approval by the Town Plan Commission.

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

15.27 PUBLIC SITES AND OPEN SPACES. In the design of the plat or certified survey map, suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes shall be reserved if designated in the Town comprehensive plan. Such areas shall be designated on the plat or map. If not so designated, the location of such sites shall assure, to the extent practicable, the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourse, watersheds and ravines.

15.28 REQUIRED IMPROVEMENTS.

(A) SURVEY MONUMENTS. The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, *Wis. Stats.*, and as may be required by the Town Board. The Town Board may waive the requirement for placing monuments required pursuant to §236.15(1)(b) – (d) for a reasonable time on the condition that the subdivider provide a letter of credit, surety bond or other adequate security to ensure that such monuments will be placed within the time required by the Board.

(B) GRADING. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Board, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board. The subdivider shall grade the roadbeds in the street rights of way to subgrade.

(C) ROADWAY SURFACING. After the installation of all utility and storm water drainage improvements, the subdivider shall provide for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by this ordinance and the comprehensive plan of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, and by the La Crosse County Highway Department where County approval is required.

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

(E) BICYCLE AND PEDESTRIAN TRAILS. In all cases where the Town's comprehensive plan includes a bicycle or pedestrian trail within a land division, the subdivider shall grade and surface the trail and dedicate the trail to the public. Plans and specifications for the improvement of the trail shall be established by the Town Plan Commission.

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

(G) PAVEMENT MARKINGS AND REGULATORY SIGNS. The subdivider shall

provide regulatory traffic signs and all markings of traffic lanes, bicycle lanes, restricted parking areas, crosswalks and other regulatory pavement markings as determined by the Town Plan Commission or Town Board. Regulatory traffic signs shall be designed and located according to the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices.

(H) STREET NAME SIGNS. The subdivider shall provide pole mounted street name signs of the style specified by the Town Plan Commission. Street name signs shall be mounted at all street intersections. The Town Plan Commission may approve the mounting of street name signs above regulatory signs whenever deemed appropriate by the Commission.

(I) SANITARY SEWERAGE. In all developments proposed for public sanitary sewer service in the Town's comprehensive plan, the subdivider shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town Plan Commission and the Town Engineer.

(J) STORM WATER DRAINAGE FACILITIES.

(1) General Requirements. The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels or other improvements necessary to comply with the provisions of the La Crosse County Ordinances regulating stormwater management. The storm events used in the design shall be the 10-year frequency storm event for storm sewers and a 100-year frequency storm event for overland drainage and detention pond design. Storm water drainage facilities shall be so designed as to present no unreasonable hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Plan Commission.

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

i. Spot elevations shown at all lot corners, high points, and at 100' maximum intervals, with drainage arrows representing the intended flow path shown along all lot lines. The finished ground elevations shall be shown as-built at all lot corners following the completion of construction. This plan shall be approved by the Town prior to the issuance of building permits. Copies of the as-built plan shall be provided to the Building Inspector and Town Engineer for their use during building construction.

ii. Where the use of swales is proposed, they shall have a minimum of 1% slope, unless otherwise approved by the Town Plan Commission.

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

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

(K) PUBLIC WATER SUPPLY FACILITIES.

(a) Public Water Supply. In all developments proposed for public water service in the Town's comprehensive plan, the subdivider shall provide water mains in such a manner as to make adequate water service available to each lot within the subdivision. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer, Town Plan Commission and Town Board.

(b) Private Water Supplies. In those areas not served by public water service, private water supply systems shall be provided in compliance with all applicable Town and state regulations. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with adequate separation distances for the zone of influence and sources of pollution.

(L) FIRE HYDRANTS. In and adjacent to developments to be served by a public water supply, the subdivider shall provide fire hydrants where determined reasonably necessary to provide appropriate fire protection by the Town Engineer. The manufacturer and model of fire hydrants shall be determined by the Town Engineer.

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

(N) STREET TREES. The subdivider shall prepare a landscaping plan providing for the planting of street trees, prairie grasses, wildflowers or other low maintenance vegetation within the public right-of-way along all streets with or adjacent to the land division. The plan shall be approved by the Town Plan Commission which shall consider the following:

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

DEDICATION REQUIREMENTS.

15.29 PARK AND PUBLIC LAND DEDICATIONS.

(A) GENERAL PROVISIONS.

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

(B) PARK DEDICATION.

(a) Required Dedication. The subdivider shall dedicate sufficient developable land area for park, recreation and open space needs of the development, that is suitable and readily developable to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for subdivision, land division, or development project in accordance with the standards outlined hereinafter.

(b) Designated Park Lands. Whenever a proposed public playground, park, trail or similar recreational facility (other than streets or drainage ways) designated in the comprehensive plan of the Town, is embraced, in whole or in part, in a tract of land to be subdivided, those proposed public lands as lie within the land division shall be made a part of the plat or certified survey map and shall be

dedicated to the public by the subdivider and credited toward the requirements of par. (a) or money in lieu of land.

(C) OTHER LAND DEDICATIONS. Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan or land use plan of the Town, that portion of the public way as lies within the proposed plat or certified survey map shall be made a part of the plat or map and dedicated to the public by the subdivider.

DEVELOPMENT REQUIREMENTS.

15.30 DEVELOPMENT REGULATIONS.

(A) COMMENCEMENT. No building permit shall be issued, and no construction or installation of improvements shall commence, in a proposed subdivision or land division until the final plat or certified survey map has been approved by the Town Board and a subdivider's agreement has been approved pursuant to Sec. 15.31, except that a subdivider's agreement shall not be required for a land division by certified survey map which does not require any public improvements.

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

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

(2) Where the land division is proposed in the Town comprehensive plan or land use plan to be served by public sanitary sewers, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

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

(4) Where the land division is proposed in the Town comprehensive plan or land use plan to be served by public water service, water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

(5) Erosion and sedimentation control plans meeting the requirements of the La Crosse County erosion control ordinance.

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

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

(C) PROTECTING EXISTING FLORA. The subdivider shall make every effort to protect and retain existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, septic drain fields, paths and trails. Such vegetation shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. The subdivider can remove vegetation consistent with the Town's trimming and brush removal policy.

(D) CULVERT REQUIREMENTS. The subdivider shall show all driveway culvert locations. A Town driveway permit must be obtained before installation of any culvert for storm water management purposes and shall comply with the standards set forth therein. Culverts shall be installed prior to any construction activity occurring on the site.

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

15.31 SUBDIVIDER'S AGREEMENT.

(A) AGREEMENT REQUIRED. The subdivider shall, prior to the commencement of work on any improvements in an approved subdivision or on lands divided by certified survey map if such development includes any public improvements, enter into a subdivision agreement with the Town of Campbell. Said agreement shall be in a form approved by the Town Board and shall bind the subdivider to comply with the requirements of this Code and any specification, plans or conditions imposed or approved pursuant thereto.

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

(1) Approval by the Town of all contractors performing work on public improvements;

(2) Specifying the public improvements required for the land division and requiring their construction according to approved plans and specifications;

(3) Providing adequate supervision and regulation of construction schedules and methods;

- (4) Outlining the requirements for acceptance of public improvements by the Town;
- (5) Requiring that contractors engaged in work on public improvements be adequately insured for liability including workers' compensation liability and assuring that such insurance coverage will indemnify the Town in the event of a claim;
- (6) Assuring that the subdivider and all contractors agree to indemnify the Town for any liability arising out of the construction of public improvements;
- (7) Providing for guarantees by the subdivider of all public improvements for not less than one (1) year following final acceptance by the Town, and an additional one (1) year after each replacement of any guaranteed work;
- (8) Providing for the payment of required fees and the dedication of required lands and improvements;
- (9) Providing for the reimbursement of the Town for staff time, professional consultant's fees and other costs incurred in connection with the development of the property to the extent not paid from any escrow required by Sec. 15.10.
- (10) Providing for a letter of credit or other surety to guaranty completion of the public improvements and the other obligations of the subdivider under the agreement or this Code;
- (11) Requiring the subdivider to provide "as built" plans in formats compatible with the Town's record management systems; "As built" information shall include the horizontal and vertical locations of all public infrastructure including but not limited to any sanitary sewer system or water distribution system infrastructure included within the development, stormwater management systems, regulatory signs, street name signs, and street lighting. Hard copies shall also be provided to the Clerk.
- (12) Requiring the subdivider's compliance with all other Town ordinances, conditions of approval and other applicable regulations;
- (13) Such other provisions as deemed necessary or appropriate by the Town Board to carry out the intent of this ordinance and other provisions of Town ordinances applicable to the development.

15.32 PLANNED DEVELOPMENTS.

(A) WAIVER OR MODIFICATION OF REQUIREMENTS AND STANDARDS. The requirements and standards of this chapter may be waived or modified by the Town for planned developments providing such proposed developments shall be planned as a

unit, shall be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, shall not conflict with other laws or requirements or with the purpose or intent of this chapter, and shall be approved by the Town Board. In addition, continued provision, maintenance and use of open space, recreation areas, services and amenities shall be assured in a manner acceptable to the Town.

(B) COVERAGE. It is the intent of this section to permit, in addition to other types of planned development, cluster or conservation subdivisions and planned unit developments with owner-occupied housing and with privately-owned common property comprising a major element of the development.

15.33 CONDOMINIUM PLATS

(A) GENERAL.

It is the intent of this section to regulate condominiums as it is related to zoning and for the division of land for the purpose of establishing a condominium plat.

(B) PRELIMINARY CONSULTATION

Prior to submitting an application for approval of a condominium plat the subdivider shall consult with the Town to become informed of the purpose and objectives of these regulations. In order to facilitate the consultation the subdivider shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

15.34 MINOR CONDOMINIUM PLATS

(A) SUBMITTAL.

Creation of a minor condominium plat shall be by certified survey map of less than 5 lots. The certified survey map shall be submitted to the Town following procedures as set forth under Sec. 15.17 of this ordinance and shall be prepared according to 236.34 and 703.11, Wis. Stats.

15.35 MAJOR CONDOMINIUM PLAT

(A) Preliminary Plat Submittal.

(1) The subdivider shall prepare a preliminary plat in accordance with this chapter. The applicant shall file a copy directly to the County and provide the Town eight copies of the preliminary plat, and the required number of copies for the County Zoning Department and any adjoining city or village, if in the extraterritorial plat approval jurisdiction.

(2) In addition, condominium plats shall comply with the jurisdictional authority granted to La Crosse County Zoning Ordinance.

(B) Fee.

(1) An application fee as set forth by the Town of Campbell fee schedule shall be paid in full at the time of submittal of the preliminary plat.

(2) Plats must be submitted simultaneously to all approving agencies and fees paid accordingly.

(C) Preliminary Plat Requirements.

Refer to the provisions of the typical Preliminary Plat requirements as found in Sections 15.18 of this chapter.

(D) Preliminary Plat Review and Approval.

(1) In order to facilitate public comment, the Town Board shall notify all property owners within 300 feet of the subject site with a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least 10 (ten) days prior to the date of such meeting. The Town Board shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, regulations that affect the Plat. At this meeting, the Town Board shall permit the public to comment on the proposed plat. The Town Board shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal. If the Town Board takes no actions within 90 days, the Condominium Plat is approved.

(2) Exception. Condominium plats which are located within the jurisdictional authority of the La Crosse County Zoning Ordinance.

(E) Surveying. All final plats shall meet all the surveying requirements of Sec. 703.11 Wisconsin Statutes.

(F) Certificates. All final plats shall provide the surveyor's certificate required by Sec. 703.11(4) Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for Town approval.

(G) Recordation. After the final plat has been approved by the Town and any other approving agencies, the subdivider shall record the plat with the La Crosse County Register of Deeds in accordance with Sec. 703.11 Wisconsin Statutes.

(H) Modifications. Modifications to either a condominium plat or declaration shall require review and approval by the Town. If the Town determines the modification to

substantially modify the original approval, it may require resubmittal for review and approval as if it were a new submittal according to the provisions of this section.

This ordinance shall be effective upon posting of the Ordinance as required by Sec. 60.80 of the Wisconsin State Statutes.

Dated this 10th day of March, 2015

TOWN OF CAMPBELL BY:

Scott Johnson, Town Chairman

Chadwick Hawkins, Clerk

Passed:
Approved:
Published: