

CHAPTER 18  
SUBDIVISION AND PLANNING

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**18.01 PURPOSE.** The purpose of this chapter is to promote the public health, safety and general welfare of the Town, and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Town with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the Town.

**18.02 GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND.**

**(1) PLATTING REQUIREMENTS.** Any division of land within the Town which results in a subdivision as defined herein shall be surveyed and a plat thereof approved and recorded under this chapter and Ch. 236, Wis. Stats.

**(2) CERTIFIED SURVEY.** Any division of land within the Town which results in the creation of 2 or more parcels, other than a division of land for which a plat is required under the terms of this chapter, shall be surveyed and a certified survey of the land division shall be submitted to the Town Board for approval prior to the conveyance of any parcel created by such land division.

**(3) COMBINATION OF PARCELS.** The combination of 2 or more parcels of land within the Town so as to create one or more larger parcels shall be accomplished by

certified survey in which survey shall be submitted to and approved by the Town Board before the conveyance of any parcel or parcels created by the combination of individual parcels.

**18.03 DEFINITIONS.** For the purpose of the chapter, the following terms shall have the meanings indicated.

1. **Approving Authority.** Any municipal, County or State agency authorized to approve or disapprove of plats within the Town as provided in Ch. 236, Wis. Stats.
2. **Plan Commission.** The Town Plan Commission.
3. **Plat.** A map of a subdivision.
4. **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to all approving authorities for purposes of preliminary consideration.
5. **Recording a Plat.** The filing of the original of the final plat with the Register of Deeds.
6. **Street.** A way for vehicular traffic, other than an alley.

**(a)** Major streets and highways are those which serve as the principal artery of through traffic.

**(b)** Collector streets are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

**(c)** Minor streets are those which are used primarily for access to the abutting properties.

**(d)** Marginal access streets or "frontage" streets are minor streets which are parallel to and adjacent to major streets and highways; and which provide access to abutting properties and protection from through traffic.

1. **Subdivider.** The owner or owners of land which is being divided pursuant to this chapter.

2. **Subdivision.** A division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of sale or of building development, where:

**(e)** The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or

**(f)** Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.

**18.04 PROCEDURE. (1) PRELIMINARY PLAT. (a)** Before submitting a final plat for approval, the subdivider shall submit a preliminary plat to the Plan Commission in order that general agreement may be reached on layout and

arrangements of streets and lots before a final plat is prepared.

(b) No preliminary plat shall be considered by the Plan Commission until the same has been submitted to all other approving authorities required by Ch. 236, Wis. Stats., and their approval obtained for such preliminary plat. The Plan Commission shall not consider such preliminary plat until the Town Engineer has examined such plat and filed a Written report with the Plan Commission concerning such proposed plat. The subdivider shall be required to furnish all technical data and other information required by approving authorities under the provisions of Ch. 236, Wis. Stats., and as required by the Town Engineer in accordance with this chapter at his own cost and expense.

(c) The subdivider shall furnish the Plan Commission with satisfactory proof that the rules of the State Department of Industry, Labor and Human Relations relating to lot size and lot elevation have been complied with if the subdivision is not served by a public sewer and provision for such service has not been made.

(d) Percolation tests shall be submitted according to the procedure designated under the rules of the State Department of Industry, Labor and Human Relations applicable to subdivisions.

(e) The subdivider shall furnish satisfactory proof to the Plan Commission of the approval of the proposed subdivision by the State Department of Transportation, if the proposed subdivision or any lot contained therein abuts on a State trunk highway or connecting street.

**(2) PRELIMINARY CONSULTATION.** Before a subdivider submits a preliminary plat to the Plan Commission, the subdivider shall furnish to the Town Engineer the following engineering data pertaining to utilities and improvements in the proposed plat as is pertinent and as requested by the Engineer, including the following:

(a) Plan and profile showing existing and proposed grades for all streets, alleys, public rights-of-way and proposed buildings.

(b) Plan and profile of all storm sewers, culverts and surface water drainage facilities.

(c) Any other data and information required by the Town Engineer to consider the engineering aspects of such proposed plat.

**18.05 REQUIREMENTS FOR PRELIMINARY PLAT.**

The preliminary plat shall be drawn with waterproof nonfading black ink, or legibly drawn with pencil, on tracing cloth or tracing paper of good quality to a scale of 100' to an inch and shall show clearly on its face:

1. The date, scale and north point.

2. The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Waukesha County.

3. The name and address of the owner, the subdivider and the engineer or surveyor preparing the plat.

4. Location of the subdivision by government lot, quarter-quarter section, section, township, range and county.

5. A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.

6. The exact length and bearing of the exterior boundaries of the subdivision.

7. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

8. Zoning on and adjacent to the subdivision.

9. Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-ways, parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges and other pertinent data as determined-by the Plan Commission.

10. The water elevations of any adjoining watercourses, streams or rivers at the date of the survey and the estimated high and low water elevations of such watercourses, streams or rivers.

11. If the subdivision borders any stream, watercourse or river, the distances and bearings of a meander line established not less than 20' back from the ordinary high-water mark of the stream, water course or river.

12. Layout, width and approximate grades of all new streets and right-of-ways, such as alleys, highways, easements for drainage and other public utilities.

13. Approximate dimensions of and areas of lots.

14. Proposed building lines.

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

16. Approximate location and area of property proposed to be dedicated for public use or reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

17. Contours at 2' vertical intervals or at less frequent intervals as allowed by the Plan Commission for land of unusual terrain characteristics. All pertinent elevation should be shown and based on location datum.

**18.06 OFFICIAL APPROVAL OF PRELIMINARY PLAT.**

**(1) TIME FOR APPROVAL.** The Plan Commission shall, within 40 days of the official filing, approve, approve conditionally or reject the preliminary plat. The subdivider shall be notified in writing of any conditions of approval or reasons for rejection. No approval shall be granted until it has been certified to the Plan Commission that there is no objection to the preliminary plat by any approving agency under Ch. 236, Wis. Stats., authorized to object to such preliminary plat. Upon agreement between the subdivider and the Plan Commission, the time may be extended for the Plan Commission to act on the preliminary plat. The preliminary plat shall not be considered as officially filed with the Commission until the report from the Town Engineer required by this chapter is on file with the Commission and the other approving authorities under Ch. 236, Wis. Stats., have acted on such preliminary plat.

**(2) EFFECTS OF APPROVAL.** Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by the plat if the final plat conforms substantially to such layout and conditions of approval have been met.

**(3) SANITARY SEWER AND WATER MAINS.**

**(a)** At the time of filing a preliminary plat or certified survey with the Town Clerk for action by the Plan Commission and Town Board, plans for the proposed installation of sanitary sewer and/or water mains in such area shall be filed with the Commissioners of the Sanitary District where such land is located by the owner or developer of such property.

**(b)** The certified survey map or final plat of the area proposed to be developed shall not be approved by the Town Board until an agreement has been reached by the Sanitary District Commissioners and the owner or developer of such property for the installation of sanitary sewer and water mains within the area and notice thereof has been given by the Sanitary District Commissioners to the Town Clerk.

**18.07 PUBLIC SITES AND OPEN SPACES.**

**(1) PURPOSE AND DEFINITIONS.** It is the purpose of this section to require that new subdivisions shall provide for such public sites and open spaces as shall be necessitated primarily for the future residents of the subdivision. Public sites and open spaces are defined to include suitable sites for public buildings of all types under the jurisdiction of present and proposed departments of Town government, parks, recreational areas, sewage treatment plants, water wells and reservoirs, and all other public uses related to the operation of the Town government. The exceptionally rapid population growth of the Town not only leads to an equally rapid increase in the need for public sites and open spaces, but also to an increasing difficulty in acquiring vacant land

for such purposes. It is, therefore, regarded as imperative that the Town, by this section and other means, adopt a long range plan assuring that land be acquired for public use prior to its loss through private development. It is considered fair and equitable that the purchasers of new homes make some contribution toward the cost of acquiring public sites which will be required primarily to serve them.

**(2) DEDICATION.** The subdivider shall dedicate, without cost to the Town, such public sites and open spaces from within his subdivision as may be required by the Plan Commission to be determined primarily for the use and benefit of the future residents of the subdivision. For the administrative convenience of the land developers and Plan Commission, and on the basis of a prior determination by the Plan Commission, it shall be presumed that the quantity of land so required shall be one acre for each 20 lots within the proposed subdivision.

**(3) APPEAL PROCEDURES AS TO DEDICATION.** Any subdivider may, at least 5 days before submitting his proposed preliminary plat to the Town Clerk, but not thereafter, petition the Plan Commission for an actual determination of the quantity of land required as public sites and open spaces primarily for the future residents of his particular subdivision. The Plan Commission's determination shall then be binding upon the subdivider and the Town, whether larger or smaller than the quantity of land presumed to be required according to sub. (2).

**(4) PAYMENT IN LIEU OF DEDICATION.**

**(a)** Where a land dedication is not required in the public interest as determined by the Plan Commission and Town Board, the subdivider shall, prior to final approval of his plat or certified survey map, pay into the public site reserve fund the amount of \$200 per residential lot, which the Town Board hereby determines is a reasonable payment in lieu of a land dedication.

**(b)** Where a multi-family development is to occur on any land included in a plat or certified survey map and the Plan Commission and Town Board determine that a land dedication is not in the public interest, the subdivider shall, prior to final approval of his plat or certified survey map, pay into the public site reserve fund an amount equal to \$200 per family unit to be included in such multi-family development, which amount the Town Board determines to be a reasonable payment in lieu of a land dedication for such subdivider.

**(c)** Where housing for the elderly is to be constructed within any plat or certified survey map and the Plan Commission and Town Board determine that a land dedication is not in the public interest, the subdivider shall, prior to final approval of his plat or certified survey map, pay into the public site reserve fund an

amount equal to \$100 per family unit within such housing development, which amount the Town Board determines to be a reasonable payment in lieu of a land dedication for such subdivider.

(d) Where housing for the elderly, as provided for in the Zoning Code, is to be constructed within any plat or certified survey map, the developer shall as a condition for approval of the certified survey map or plat, pay into a reserve fund established by the Town Board an amount equal to \$500 per unit, which fund shall be established and maintained by the Town Board for the purpose of deferring capital expenditures incurred by the Town Fire Department in establishing and maintaining emergency response vehicles and equipment, including emergency medical services.

(5) **RESERVATION OF LAND.** Where the public sites and open spaces located within the subdivision are larger than the quantity of land to be dedicated, in accordance with sub. (2), a subdivider shall, nevertheless, dedicate the land as herein provided or pay to the Town for the Public Site Reserve Fund such amount as the Town Plan Commission may determine in lieu of such dedication.

(6) **SPECIAL SITE RESERVE FUND.** All funds paid by a subdivider or developer of land as above provided shall be paid to the Town Clerk and deposited in a special fund designated as the Town Special Site Reserve Fund, which shall be used exclusively for the purchase, improvement and development of park land and shall be administered by the Town Board acting upon the advice of the Town Plan Commission. This provision shall apply to all current and future funds in the Special Site Reserve Fund. ,

**18.08 FINAL PLAT.** (1) **WHEN FILED.** The final plat and such copies thereof as shall be required shall be submitted to the Town Clerk within 6 months of approval of the preliminary plat. The Plan Commission may waive failure to comply with this requirement.

(2) **FORWARDING.** Upon official filing, the Town Clerk shall forward the final plat to the Plan Commission and the Plan Commission shall refer the final plat with its recommendations to the Town Board within 30 days of its submission, unless the Town Board extends the time.

**18.09 GENERAL REQUIREMENTS AND DESIGN STANDARDS.** (1) **GENERAL.** The proposed subdivision shall conform to:

- (a) The provisions of Ch. 236, Wis. Stats.
- (b) All applicable ordinances of the Town.
- (c) Design and construction standards as established by the Town.

(2) **STREETS.** (a) **GENERAL CONSIDERATIONS.**

1. **Design Criteria.** The streets shall be designed and located in relation to existing and planned

streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

2. **Construction Standards.** All streets to be constructed shall be surfaced with 3" of No.2 or No.3 crushed stone on top of which shall be 7" of 3/4" crushed gravel. If any street bed has been filled in, such street bed shall be surfaced with 6" of NO.20 [No.3 crushed stone on top of which shall be 7" of 3/4" crushed gravel. All streets shall be surfaced as herein provided to a width of 28', unless the Plan Commission and the Town Board shall otherwise determine. If exceptional circumstances exist due to terrain or low areas, the Town Board may require surfacing of such streets to the same extent as required on streets built where the road bed has been filled as herein provided. Such streets shall be graded and turnpiked for a distance of 40' between ditch centers. The Town Engineer shall approve the established grade of each street before any work is done on such street. The sub grading upon each street shall be approved by the Town Engineer before the furnish surface is applied to the street as provided by this chapter. When the furnish surface of a street is complete, the Town Engineer shall be promptly notified by the subdivider, and the approval of the Town Engineer to such finish surface shall be required.

(b) **CONFORM TO OFFICIAL A AND ESTABLISHED WIDTHS.** The arrangement, width, grade and location of all streets shall conform to the official map and to the street and highway widths established by ordinance.

(c) **ARRANGEMENT.**

1. Major streets shall, be properly integrated with the existing and proposed system of major streets and highways.

2. Collector streets shall be properly related to mass transit routes, special traffic generating from facilities such as schools, churches and shopping centers, population densities and the major streets into which they feed.

3. Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems and require the minimum amount of street necessary to provide convenient, safe access to property.

(d) **CONTROLLED ACCESS.** Where a subdivision borders on or contains an existing or proposed major street, the Plan. Commission may require that marginal

access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in a nonaccess reservation along the real property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic.

(f) The right-of-way of all streets shall be of the width specified by Town ordinance and the highway width ordinance of Waukesha County.

(g) **GRADES.** The grade of major and collector streets shall not exceed 6% and the grade of all other streets shall not exceed 10%, unless necessitated by exceptional topography and approved by the Plan Commission. The minimum grade of all streets shall be no less than 2% and such minimum shall not be permitted for long sustained distances.

(h) **HORIZONTAL CURVES.** A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least 300' on major streets, 200' for collector streets and 100' on minor streets.

(i) **VERTICAL CURVES.** All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 15 times the algebraic difference in the rate of grade for major streets and collector streets and 2 of this minimum length for all other streets.

(j) **TANGENTS.** A tangent at least 100' long shall be introduced between reverse curves on major and collector streets.

(k) **STREET NAMES.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and names shall bear the name of the existing streets.

(l) **CUL-DE-SAC OR DEAD END STREETS.** Streets designed to have one end permanently closed shall not normally exceed 500' in length and shall terminate with a turnaround of not less than 120' in diameter of right-of-way and a roadway of not less than 90' in diameter.

(m) **RESERVE STRIPS.** Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Plan Commission.

(n) **EXISTING HALF STREETS.** Where a half street exists adjacent to the subdivision, the subdivider shall dedicate the other half of the street. Platting of new half streets along property lines shall not be permitted except by approval of the Plan Commission.

(3) **INTERSECTIONS.** (a) **RIGHT ANGLE.** Streets shall intersect as nearly as possible at right angles and not more than 2 streets shall intersect at one point unless approved by the Plan Commission.

(b) **ROUNDED.** Property lines at street intersections shall be rounded with a radius of 15' or of a greater radius where the Plan Commission considers it necessary.

(c) Street jogs with centerline offsets of less than 125' shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(4) **PARKING AND SERVICE AREAS.** In all commercial and industrial districts, provision shall be made for service access, such as off street loading and unloading, consistent with and adequate for the uses proposed.

(5) **ALLEYS.** (a) **RESIDENTIAL.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

(b) Alleys shall be no less than 30' wide.

(c) **DEAD END.** Dead end alleys are prohibited except under very unusual circumstances and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

(6) **EASEMENTS.** (a) **UTILITY.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the Plan Commission and shall be at least 10' wide.

(b) **DRAINAGE.** Where a watercourse, drainage way, traverses a subdivision channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(7) **BLOCKS.** (a) **SHAPE AND SIZE.** The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.

(b) **CROSSWALKS.** Pedestrian crosswalks not less than 15' wide may be required by the Plan Commission where deemed desirable to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(8) **LOTS.** (a) **IN GENERAL.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and the type of development and use contemplated.

(9) **LOT DIMENSIONS.**

1. Lot dimensions shall conform to the requirements of Ch. 17, Zoning Code, of this General Code.

2. Residential lots to be served by private sewerage disposal facilities shall comply with the rules of the State Department of Health and Social Services as well as with any local ordinance appropriate thereto.

3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.

4. Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between buildings and such traffic ways.

5. Lots shall be designed with a suitable proportion between width and depth. Neither long narrow nor wide shallow lots are normally desirable. Normal depth should not exceed 2Y2 times the width, nor be less than 150'.

(c) **COMER LOTS.** Comer lots should be designed to permit full set back on both streets as required by the applicable zoning district requirements.

(d) **ACCESS TO PUBLIC STREETS.** Every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval.

(e) **LOTS AT RIGHT ANGLES.** Lots at right angles to each other should be avoided wherever possible, especially in residential areas.

(f) **LOT LINES.** Side lot lines shall be substantially at right angles or radial to street lines.

(g) **LARGE LOTS.** Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area.

(h) **MUNICIPAL BOUNDARIES.** Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

(i) **DOUBLE FRONTAGE.** Double frontage and reversed frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation.

#### 18.10 **REQUIRED IMPROVEMENTS.**

(1) **MONUMENTS.** The subdivisions shall be monumented as required by §236.15, Wis. Stats., which is hereby adopted by reference.

(2) **REQUIRED INSTALLATIONS.** Before the final plat of a subdivision located in the Town will be approved, the subdivider will provide and dedicate the following

facilities and improvements, all of which shall be installed or constructed within the time required by the Town Board, but in no event to exceed 2 years:

(a) Streets graded and surfaced according to the provisions of this chapter.

(b) Drainage channels, culverts and such other facilities necessary to provide adequately for surface water drainage according to the established standards of the Town. All drainage ditches where steep grades or sand conditions exist shall be oiled with liquid asphalt as the Town Board shall deem necessary. All drainage ditches shall be rip-rap and sodded as directed by the Town Board. When culverts are required, corrugated metal or reinforced concrete culverts shall be installed prior to acceptance of streets. The diameter of such culverts shall be computed by the subdivider and approved by the Town Board. Culverts in excess of 18" shall be arch culverts. Intersection culverts shall be 44' long. If the Town Board determines that the open ends of any culvert requires protection in order to prevent damage thereto so as to interfere with the free flow of water therein, the Town Board may require that the open ends of such culvert be protected by stone or masonry construction so as to prevent any damage to the open ends of such culverts.

(c) Where municipal water is not provided and where deemed necessary for the public safety, fire cisterns may be required to be provided by the subdivider at his own cost and expense, the number, size and location of which shall be determined by the Plan Commission and the Town Board upon recommendation of the Fire Chief. A paved roadway providing reasonable access to such cistern, in accordance with standards established by the Town, shall also be provided by the subdivider-

(d) Guide boards, street intersection signs and such other signs regulating or directing traffic as the Plan Commission and the Town Board shall deem necessary shall be installed by the subdivider, the total cost of which shall be paid by the subdivider. All signs shall be of a standard design used by the Town Board and shall be erected by the Town.

(e) All open cuts of ground shall be returned in a satisfactory manner. Sod shall be provided for any open cut subject to excessive erosion, which sod shall be laid in strips at intervals and at right angles to the flow of water in order to prevent erosion.

(f) Specifications for sanitary sewers and water distribution systems in subdivisions.

1. If the sanitary sewers or water distribution systems are constructed in any subdivision in the Town as the result of any orders of the State Department of Health and Social Services, or at the option of the subdivider, the subdivider shall - install

such sanitary sewer facilities and water distribution systems in accordance with rules and regulations of the State Department of Health and Social Services.

2. All water distribution systems installed shall be adequate to supply water for all needs within the area to be served by such system. Water mains shall be a minimum of 6" in diameter, and where larger mains are required to serve the area involved, in the judgment of the Town Board or the State Department of Health and Social Services, the Town Board may elect to participate in the cost thereof. Such water distribution systems shall meet with the approval of the State Department of Health and Social Services and with the specifications contained herein.

3. At the time of construction of sanitary sewers or water distribution systems, the house connections for both sanitary sewers and water systems shall run to the lot lines.

4. All water mains, sanitary sewers and public utility underground installations shall be placed as shown on the road dimension and utility placement map prepared by the Town Engineer, which is on file in the office of the Town Clerk.

5. All water distribution systems shall be served by a well or wells of adequate and sufficient water production to be determined by the Town Board after consultation with and upon recommendation by the State Department of Health and Social Services. If the area proposed to be served by a water distribution system shall be of such size, in the opinion of the Town Board, to require additional sources of water supply, the Town Board may require the construction of an additional well or wells to serve such area. The number of wells, their capacity and the depth thereof shall be determined by the Town Board after consultation with and upon recommendation by the State Department of Health and Social Services, at the time an application is made to the Town Board to approve the construction of a proposed well or wells and the water distribution system as provided in this chapter.

6. Sanitary sewers shall be installed in accordance with the Milwaukee Metropolitan Sewage Commission specifications for sanitary sewers.

7. All water mains shall be cast iron Class 250 (250 psi) and shall meet the latest specifications of the A. W. W. A. for cast iron for water.

8. Fire hydrants shall be installed at such points and locations upon the water distribution systems required in order to obtain the highest fire insurance rating from Fire Underwriters. Such hydrants shall be installed at the cost and expense of the subdivider. All hydrants shall be of a standard well-known

manufacture, equal in all respects to the 5" hydrants manufactured by the Waterous Company or the Eddy Company. The hydrants shall have two 2 1/2" nozzle connections and one 4 1/2" pumper connection.

9. All materials used in the construction of the water distribution systems shall meet the latest specifications of the A. W. W. A. All component parts of the pumping system shall be manufactured by well-known manufacturers and meet the latest specifications. The pump-well capacities shall meet the standards set by the State Department of Health and Social Services.

**(3) MAINTENANCE OF IMPROVEMENTS.** The subdivider shall maintain all streets, drainage channels, culverts and ditches for surface water drainage for a period of one year following acceptance and approval thereof by the Town Board, as required by the Town Board and in accordance with the provisions of this chapter or any other ordinance of the Town. All costs and expenses for maintenance of all streets, drainage channels, culverts and ditches for surface water drainage for a period of one year following acceptance and approval thereof by the Town Board shall be furnished and paid for by the subdivider.

**(4) FINANCIAL GUARANTIES TO COMPLETE CONSTRUCTION OF IMPROVEMENTS IN SUBDIVISION.** If the above facilities and improvements have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Town Clerk a surety bond or other satisfactory financial guarantee approved by the Town Attorney to amply cover the cost of completing the facilities and improvements in such amount as the Town Board shall determine to be adequate, which surety bond shall be executed by the subdivider as principal and a responsible bonding company, licensed and authorized to do business in Wisconsin, as surety, the same to be payable to the Town and conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this chapter.

**(5) FINANCIAL GUARANTEE TO MAINTAIN IMPROVEMENTS IN SUBDIVISION.** The subdivider shall file with the Town Clerk a surety bond or other satisfactory financial guarantee approved by the Town Attorney guaranteeing the maintenance of streets, drainage channels, culverts and ditches for surface water drainage for a period of one year following the acceptance and approval of the same by the Town Board, such surety bond or financial guarantee to be in an amount to be determined by the Town Board. If a surety bond is filed, it shall be executed by the subdivider as principal and a responsible bonding company, licensed and authorized to do business in Wisconsin, as surety, the same to be payable to the Town and conditioned upon the faithful

performance of the subdivider in maintaining streets, drainage channels, culverts and ditches for surface water drainage as directed by the Town Board, this chapter or any other ordinance of the Town for a period of one year following the acceptance and approval of the Town Board as provided by this chapter. If the subdivider does not comply with these provisions with reference to maintaining such streets, drainage channels, culverts and ditches for surface water drainage for a period of one year as directed by the Town Board, the Board may, in its discretion, have the work done and charge the cost and expense thereof to the subdivider, deduct the same from any cash deposit made by the subdivider or compel payment by the surety on the bond of the subdivider filed as provided in this chapter.

**(6) ENGINEER'S APPROVAL.** The adequacy of such facilities and approval of the Town Board and the Town Engineer prior to approval of the final plat of the subdivision is required.

**(7) STAGE DEVELOPMENT.** In all instances where it appears to the satisfaction of the Town Board that the whole of a platted subdivision cannot immediately be fully improved with respect to installation of required improvements by reason of unavoidable delay in acquisition of land necessary for such improvements, unavoidable delay in obtaining necessary engineering data and information or other good reason or cause, the Town Board may, in its sole discretion, authorize the subdivider to proceed with installation of improvements required under this chapter on a portion or part of the subdivision and the requirements of this chapter shall apply to that portion or part thereof authorized for immediate improvement.

**18.11 PREPARATION OF FINAL PLAT.** **(1) COMPLIANCE.** The final plat of subdivided land shall comply with the requirements of §236.20, Wis. Stats., which is hereby adopted by reference.

**(2) LEGIBILITY OF AFFIDAVITS.** The affidavits and certificates required by Ch. 236, Wis. Stats., shall be lettered or printed legibly with black durable ink or typed legibly with black ribbon on the final plat.

**(3) DUPLICATE TRACING.** A duplicate tracing and a muslin-backed copy of the final plat shall be filed with the Plan Commission.

**18.12 EXISTING SUBSTANDARD LOTS.**

**(1) CONVEYANCE RESTRICTED.** If a lot of record at the time of the passage of this chapter does not conform to the zoning regulations of the Town and adjoins along a side lot line property held in the same ownership, the lot shall not be conveyed to another owner nor a building permit issued for a structure on the lot except as follows:

**(a) PETITION FOR DETERMINATION.** The owner of such substandard lot may, at any time prior to the

proposed conveyance of such lot or request for building permit, petition the Town Board for determination as to the status of such lot.

**(b) REFERRED TO PLAN COMMISSION.** Such petition shall be referred to the Plan Commission for a study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity to the zoning regulations of the Town.

**(c) TIME LIMIT.** The Plan Commission shall make its recommendation, to the Town Board within 40 days of the date the petition was received and the Town Board shall act within 20 days to give the petitioner a determination.

**(d) CRITERIA.** The Plan Commission in making its recommendation and the Town Board in making its determination, shall consider the following factors, among others:

1. **Compatibility.** The size, quality, and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.

2. **Sewage Disposal.** Where public sewer is not available, the lot size necessary to insure safe sewage disposal.

3. **Practicability.** The economic and engineering practicability of any possible redivision.

4. **Hardship.** The degree of practical hardship which may be imposed upon the owner.

**(e) METHOD OF REDIVISION.** Such redivision may be accomplished as is most appropriate by:

1. Vacation and replatting of all or part of a recorded plat.

2. Combining of lots or parts of lots.

3. Redefining of lot lines by a plat of "other divisions" as provided by this chapter.

**(2) DETERMINATION OF OWNERSHIP.** For the purposes of this section, lots and property shall be considered in the same ownership when owned by the same individual or corporation; an individual and another in joint tenancy or as tenants in common and either of the joint or common tenants owns other lots individually or as joint tenant or tenant in common with another; an individual and other lots are owned by his spouse, parents, grandparents, children, grandchildren or spouse of any child or grandchild or a brother or sister or spouse of a brother or sister of such person; and when any of such lots are owned by an individual and other lots are owned by a corporation in which such individual is an officer, director or controlling stockholder.

**18.13 FEES AND CHARGES TO BE PAID TO THE TOWN.****(1) FEE FOR CHECKING AND REVIEW OF PROPOSED SUBDIVISION PLATS, CERTIFIED SURVEY MAPS AND OTHER PROPOSED DEVELOPMENT PLANS.**

**(a)** Not less than 60 days before submitting a final plat, certified survey map or other plan for development of land in the Town to the Plan Commission, the developer shall submit a copy of the proposed final plat, certified survey map or plan for development to the Town Engineer, together with a copy of the proposed plans and specifications for the improvements therein, which shall include plan and profile showing existing and proposed streets, alleys, public rights-of-way and their existing and proposed grades; plan and profile for all water mains, sanitary sewers, storm sewers, culverts and surface water drainage facilities; and any other data or information required by the Town Engineer for considering the engineering aspects of such proposed development.

**(b)** Upon information submitted as herein provided and upon any other information available to him, the Town Engineer shall make a written report of his estimates of the total costs of the improvements required in such proposed development of the proposed subdivision, certified survey map areas or other development of land in the Town as submitted and file a copy thereof in the office of the Town Clerk and a copy shall be furnished to the developer. The Town Engineer shall make such report prior to the time that such final plat, certified survey map or other development is submitted to the Plan Commission for its review.

**(d)** The developer shall pay to the Town a fee equal to 1% of the estimated costs of such improvements as determined by the Town Engineer to cover the cost to the Town of checking and reviewing such plans and specifications. The developer shall pay such fee at the time such final plat, certified survey map or other development of land in the Town is approved by the Plan Commission and the payment of such fee shall be one of the conditions of approval.

**(e)** At the time the developer files the proposed final plat, certified survey map or plan of development with the Town Clerk for referral to the Plan Commission, the developer shall file a copy of the proposed plans and specifications for the improvements, which shall be similar to the plans, and specifications submitted to the Town Engineer for his review.

**(f)** The Town Engineer shall file his report with the Town Clerk within 60 days after a copy of the proposed final plat, certified survey map or other development plan and the plans and specifications for the improvements therein as hereinabove set forth are submitted to him by the developer for computation of the fee due the Town for review of the plans and

specifications for the improvements in such proposed final plat, certified survey map or other plan of development of land in the Town.

**(2) INSPECTION AND MISCELLANEOUS COSTS TO BE PAID TO THE TOWN.**

**(a)** From time to time the Town shall bill the developer for the actual costs of such inspection as the Town Engineer deems necessary to assure that the construction of the required public improvements in the plat area, certified survey map area and other development is in compliance with the plans and specifications and ordinances of the Town and any other competent governmental authority.

**(b)** The Town Clerk shall bill the developer upon receipt of the bill from the Town Engineer for services rendered in connection with the inspection of the improvements in the plat area, certified survey map area and other development in the Town. Such bill shall be paid within 60 days from the date of billing. If the bill is not paid within such period, the unpaid amount shall bear interest at the rate of 12% per annum, commencing from the date services were rendered by the Town Engineer, and the total amount of the bill, together with interest, shall be placed on the next tax roll of the Town as a special charge against any real estate owned by the developer and paid the same as other real estate taxes are paid.

**(3) REIMBURSEMENT TO THE TOWN FOR MISCELLANEOUS SERVICES RENDERED.**

**(a)** The Town shall be reimbursed for the costs and expenses for the services rendered by any official or employee of the Town in connection with any assistance given to any person relating to Town matters.

**(b)** The Town Clerk shall bill all such charges to the person requesting the service and the procedure with reference to payment of such charges will be the same as provided in sub. (2) above.

**(4) FILING FEE.** A filing fee for any proposed plat or certified survey map shall be paid to the Town Clerk at the time such final plat or proposed certified survey map is filed with the Town Clerk. The amount of such filing fee shall be determined from time to time by resolution of the Town Board. The developer shall also pay the costs of installation of street signs, traffic signs and the recording fees for the documents involved at the time of final approval of the final plat and certified survey map of the area involved. Such fee shall be determined from time to time by resolution of the Town Board.

**(5) CAPITAL IMPROVEMENT FUND.** **(a) PURPOSE.** The purpose of this section is to require developers of business, commercial, manufacturing or industrial properties in the Town to contribute to a capital improvement fund monies which are to be used for the purpose of paying for additional traffic control signals and

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signs, and additional roadway improvements that are necessitated by such business, commercial, manufacturing or industrial developments.

**(b) PAYMENT OF FEE.** The developer of any business, commercial, manufacturing or industrial property shall pay to the Town Clerk at such time as final development plans are approved, a capital improvement fund payment to be computed as follows:

1. For each acre or fraction thereof within the total development plan approved, \$1,000.
2. For each parking space required for the development under the terms of the Town Code, \$20.
3. A sum computed by multiplying the number of square feet contained in the improvements on the final plan by \$0.10.
4. Where applicable, as to any building shown on the final plan which permits drive-up or drive through retail service, the sum of \$10,000.

**(c) USE OF FUND.** All fees paid under this section shall be maintained by the Town Treasurer in a capital improvement fund. The expenditure of such funds shall be approved by the Board, from time to time and shall be expended for the purposes in this subsection.

**18.14 COMPLIANCE.** No building or occupancy permit shall be issued for a new building on a lot which- did not exist as a described and recorded parcel prior to the date of this chapter, or was not created by recorded subdivision pursuant to State Statute or by a recorded plat pursuant to provisions of this chapter.

**18.15 VARIANCES.** When, in the judgment of the Plan Commission or the Town Board, it would be inappropriate to apply literally a provision of this chapter because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat or survey map be waived.

**18.20 PENALTIES AND REMEDIES.** Except as otherwise provided, any person who fails to comply with the provisions of this chapter shall be subject to a penalty as provided in §25.04 of this General Code. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by §§236.30 and 236.31, Wis. Stats., shall be available to the Town.