

**COVER PAGE FOR LAND DIVISION, SUBDIVISION, AND
ALTERNATE DEVELOPMENT (CONSERVATION BY DESIGN)
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INTRODUCTION

34.01 AUTHORITY. The New Denmark Town Board, pursuant to the authority granted by Chapter 236.45, Wisconsin Statutes, adopts the provisions of this Chapter.

34.02 TITLE. This Chapter shall be known as, referred to or cited as the "Subdivision and Alternative Development Ordinance, Town of New Denmark, Wisconsin".

34.03 PURPOSE AND INTENT. The purpose of this Chapter is to regulate and control the residential division of land within the Town of New Denmark for the following purposes:

- A. To promote public health, safety and general welfare.
- B. To further the orderly layout and use of land.
- C. To prevent the overcrowding of land.
- D. To further the orderly flow of traffic to and from the streets and highways.
- E. To facilitate adequate provisions for public infrastructure.
- F. To facilitate enforcement of community development standards set forth herein and on the Official Map of the Town of New Denmark.
- G. To facilitate implementation of community development standards set forth in the Community's Comprehensive Plan.

34.04 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern. This Section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this Ordinance including injunctive relief.

34.05 INTERPRETATION. The provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

34.06 JURISDICTION. The jurisdiction of this Chapter shall include all lands within the Town of New Denmark after the effective date of this Ordinance. However, in no instance shall the provisions of this Chapter apply to:

- A. Transfer of interests in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages or easements.

C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, or other applicable laws or ordinances.

34.07 COMPLIANCE. All divisions of land resulting in lots less than ten acres shall comply with this Chapter.

- A. Applicable local ordinances.
- B. The provisions of Chapter 236, Wisconsin Statutes.

GENERAL PROVISIONS

34.08 RULES. In this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural, the singular.

The word "shall" is mandatory and not discretionary.

The words "may" and "should" are permissive.

The masculine gender includes the feminine and neuter.

Conservation by Design Subdivisions are optional.

34.09 DEFINITIONS. The following definitions shall apply in interpreting this Ordinance. Other definitions contained in the Brown County Subdivision and Platting Regulations, Chapter 21 of Brown County Ordinances, effective December 13, 2001 unless contrary to the definitions herein shall also be considered.

A. Active Recreation Facilities - Formal prescribed sites for leisure activities requiring some constructed facilities and organized activity.

B. Adjusted Tract Acreage – The resulting area of a parcel of land after the primary conservation areas (typically wetlands, floodways, and slopes exceeding 25%) are deducted.

C. Alley - A public or private right-of-way, which provides secondary access to abutting properties.

D. Arterial Street - A street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways and parkways.

E. Block - A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

F. Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

G. Building Setback Line - A line parallel to the street line or waterline, defined by the Town of New Denmark Zoning Ordinance, defining the area between the property line and the building setback line where buildings may not be erected.

H. Certified Survey Map - As defined in Chapter 236.34, Wisconsin Statutes, and may be referred to as a CSM.

I. Collector Street - A street intended to provide both land access service and traffic circulation. They also collect traffic from minor streets and channel it onto the arterial street system.

J. Conservation Subdivision - A land division or housing development that is characterized by compact lots that are surrounded by, or interspersed with, preserved open space, where the natural features of the land are preserved to the greatest extent possible.

K. County Plat - A map of a division of land prepared in the same manner as required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this Ordinance and where:

1. The act of division creates five (5) or more lots of which no more than four (4) lots are one and one half (1.5) acres or less in area; or

2. Five (5) or more lots, of which no more than four (4) lots one and one half (1.5) acres or less in area, are created by successive division within a period of five (5) years.

L. Cul De Sac - A short minor street having one end open to traffic and the other end terminated by a vehicular turnaround.

M. Development - The act of constructing buildings and/or site improvements.

N. Improvement, Public - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, trail, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.

O. Land Division - The dividing of land, which results in the creation of any new parcel or lot including but not limited to a subdivision, re-plat, county plat, or certified survey map.

P. Lot - A buildable parcel of land represented and identified in a land division as defined herein and in accordance with the Town of New Denmark Zoning Ordinance.

Q. Lot, Corner - A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.

R. Lot, Flag - A lot, which consists of a long narrow access area leading to a larger parcel of land. The access resembles a flagpole and its width is less than the minimum lot width for that specific zoning district and the larger buildable area resembles the flag.

S. Lot, Through - A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

T. Minor Street - a street used or intended to be used primarily for access to abutting properties.

U. Outlot - A parcel of land not intended for development and so designated on the plat, re-plat or certified survey map.

V. Parent Parcel - The existing parcels of record, as identified by individual tax parcel numbers. Effective on date of this Ordinance.

W. Preliminary Plat - A map showing the salient features of a proposed subdivision submitted to the Town Planning and Zoning Commission for purposes of preliminary consideration so described in Section 34.15 of this Chapter.

X. Primary Conservation Areas – Environmentally sensitive areas of a site that are restricted from development by reason of a federal, State, County law or regulation, or by the New Denmark Zoning Ordinance.

Y. Public Way - Any public road, street, highway, walkway, drainage way or part thereof.

Z. Replat - The process of changing the map or plat, which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a re-plat.

AA. State Plat – A map of a subdivision as defined within Section 236.02(12) of the Wisconsin Statutes and prepared in accordance with Chapter 236, Wisconsin Statutes.

BB. Subdivider - Any person, corporation, Limited Liability Corporation, partnership, Limited Liability Partnership, association, individual, firm, trust or agent acting on the seller's behalf thereof dividing or proposing to divide land resulting in a land division.

CC. Subdivision - The division of a lot, parcel or tract of land by a subdivider where the division creates more than four new parcels from the parent parcel.

DD. Surety Bond - A bond guaranteeing performance of a contract or obligation of a Developer. Possible forfeiture of bond can occur if such contract or obligation is unfulfilled by the subdivider.

EE. Town - Reference to Town shall mean the Town of New Denmark including the Town Board, Town Chairman, Town Clerk or any other designated Town committee.

FF. Town Chairman - The individual hired by the Town Board to act as the Town's Chief Administrative Officer.

34.10 DEDICATION AND RESERVATION OF LAND.

A. Whenever a tract to be subdivided includes a proposed street, highway, or parkway or a proposed site for a park, playground, school or other public use or facility as indicated on any officially adopted map or Area Development Plan, such space shall be suitably incorporated by the developer into his subdivision plat after the proper determination of its necessity by the Town Planning and Zoning Commission and/or the appropriate body or public agency involved in the acquisition and/or use of each site.

B. If potential public accesses are included within a plat, the Town Planning and Zoning Commission shall refer the plat to the public body concerned with the acquisition for its consideration and report. The Town Planning and Zoning Commission may propose alternate areas for such acquisition and shall allow the public body concerned 30 days for reply. The reply of the public body, if affirmative, shall include a map showing the boundaries and areas of the parcel to be acquired and an estimate of the time required to complete the acquisition.

C. Upon receipt of an affirmative report, the Town Planning and Zoning Commission shall notify the property owner and shall designate on the preliminary and final plat that area proposed to be acquired by the public body.

D. On preliminary and final plats in which land is designated for acquisition by a governmental unit or subdivision thereof, the land owner shall give written notice of its intent to develop such property to the governmental unit. Such notice to the governmental unit of intent shall be accomplished by a sketch plan of the proposed development and a tentative schedule of construction. The governmental unit shall have up to one year from the date of notice to obtain an accepted offer to purchase agreement from the property owner, or to initiate eminent domain acquisition. Otherwise, the designation of the property as "to be acquired for public purposes" shall be removed from the plat and the official map and the owner shall then be free to develop said property. Nothing herein shall prevent property on a plat as being designated as dedicated if accepted by the Town.

E. Whenever a preliminary plat includes a proposed dedication of land to public use and the Town Planning and Zoning Commission finds that such land is not required or not suitable for public use, the Town Planning and Zoning Commission or the Town Board may refuse to approve such dedication.

F. When a final plat of a subdivision has been approved by the Town Board and other required public bodies and the plat is recorded, that approval shall constitute acceptance for

the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street rights-of-way and common open space.

34.11 LAND SUITABILITY.

A. No land shall be divided for a use, which is determined to be unsuitable based upon Town, County, State and/or Federal Law. Staff for the Town of New Denmark shall make initial determinations of land suitability and shall require documentation relative to the suitability of land for development from the developer based on Town, County, State and/or Federal Law.

B. If determined to be unsuitable, the staff shall, in writing, state the facts upon which its conclusion is reach. Appeals of land suitability determinations shall be brought before the Town Board, which may affirm, modify, or withdraw the determination of unsuitability.

C. All lots proposed for development must have a minimum developable area as defined by the Planning and Zoning Commission and/or the Town Board.

D. Geotechnical Engineering Reports may be required at staff discretion for all structures to be built on, or within twenty (20) feet of, slopes twenty-five percent (25%) or greater. Such reports will include soil information and classification, conclusions regarding slope stability with structural surcharge, detailed slope stabilization practices if applicable and project erosion control practices. Engineering reports are required to be certified by a Professional Engineer licensed in the State of Wisconsin.

34.12 EROSION PREVENTION REQUIREMENTS. In addition to storm water drainage requirements contained elsewhere in this ordinance, when a proposed subdivision or certified survey map is located in an area having the potential to cause soil erosion and sedimentation problems, the Town may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading techniques, land division design, landscaping, vegetative cover, berms, sediment basins, and other storm drainage and surface water runoff measures to reduce erosion and sedimentation caused by surface water runoff.

Erosion and sediment control plans shall be submitted to Town Planning and Zoning Commission who shall transmit them, where appropriate, to the Brown County Planning Department for review and comment. Guidelines, standards and specifications which should provide a framework for the development, review and implementation of erosion control, are contained in the 'Wisconsin Construction Site Best Management and Practice Handbook'. The Town may require that some or all of the erosion and sediment control measures, including those recommended by Brown County, become a restrictive covenant on the final plat or certified survey map. In addition, a side and/or rear building setback limit may be added when a severe slope or unstable soil types exist on the proposed land-divisions.

CONSERVATION BY DESIGN SUBDIVISIONS

34.13 CONSERVATION SUBDIVISIONS.

Conservation by Design Subdivisions are optional.

A. Purpose. To conserve open space by grouping of lots with reduced individual lot sizes, provided that overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision provides open space and helps preserve the scenic and natural qualities of the land being divided, especially any applicable environmentally sensitive area. Grouping of residences will facilitate common water and sewage disposal systems and encourage the improved use of the land respecting the preservation of natural resources.

B. Applicability. Any subdivision or CSM where the total area of the land to be developed is at least 5 acres may follow Conservation Subdivision design. Other land divisions with less than 5 acres may be considered for Conservation Subdivision design with special approval of the Town.

C. Site Analysis Plan

1. As a part of the concept plan phase described under Section 34.14 of this ordinance, a study of existing site features shall be prepared and provided to the Town prior to the on-site inspection. This site analysis must include the following:

a. A topographic map, based on a U.S.G.S Quadrangle map or aerial topography at not less than two (2) foot contours;

b. Soil boundaries as shown on the Brown County Soil Survey maps published by the Soil Conservation Service; and

c. The location of significant features such as woodlands, tree-lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, easements, roads, tracks and trails; and

2. The Site Analysis Plan shall identify both Primary Conservation Areas (floodways, wetlands, and steep slopes, as defined in the process for computing "Adjusted Tract Acreage") and potential Secondary Conservation Areas. The Site Analysis Plan shall form the basis for the conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands.

D. General Requirements. Proposed Conservation Subdivisions shall be platted in accordance with the requirements and procedures of this Ordinance.

E. Density. The maximum permitted number of lots in such developments shall be determined by dividing the total adjusted tract acreage by the minimum lot size(s) required in the New Denmark Zoning Ordinance. As an alternate method, the total number of lots within a Conservation Subdivision may be based upon a yield plan showing how many lots could be attained if the land were platted using the standard lot size and lot width. Such yield plan shall be subject to Town approval and every lot shall be viable for development to be counted. Greater density may be permitted based upon subsection G. described below.

F. Water and Sewer. Water supply and sewage disposal shall meet the minimum standards of all State, County, or Town regulations.

G. Design. The Design Standards, as contained within this Ordinance, may, at the discretion of the Town Board, be relaxed as an incentive in developing Conservation Subdivisions. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, and road right-of-way width. However, the lots shall be of sufficient size to provide buildable room for reasonable development based on the intended use.

H. Trail Connections. If pedestrian trails are included within any Conservation Subdivision, such trails may, at the developers' discretion, be connected to any regional pedestrian trails established by the Town of New Denmark, Brown County, any adjacent community, or the State of Wisconsin, subject to approval by the owner of the trail.

I. Open Space Requirements.

1. Open space required for Conservation Subdivisions shall be based upon the contour, character, and aesthetics of the land being developed and may include both Primary and Secondary Conservation Areas.

2. Minimum Open Space. In order to receive relaxation of the design standards, as described in subsection G. above, permanent open space shall be designated on the plat and shall be at least twenty-five percent (25%) of the gross site area of the tract being divided. In addition, as an incentive for establishing greater open space, the number of lots within the subdivision may be increased above the number prescribed in subsection E., as follows:

a. The total amount of open space shall be at least thirty percent (30%) of the gross site area.

b. All of the primary conservation areas shall be included within the permanent open space to the extent practical.

c. Of the area gained as a result of reduced right-of-way widths or lots less than the normal minimum area, at least two-thirds (2/3) shall be included as additional open space. The remaining one-third (1/3) may be used for additional platted lots above the density prescribed in subsection E. above.

3. The minimum required open space may include storm water management facilities, active recreation facilities, and man-made ponds. However, not more than fifty percent (50%) of the required open space shall consist of active recreation facilities and permanent ponds.

4. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, subject to the requirements of the Brown County Private Sewage System Ordinance.

5. The required open space shall be designated as undivided open space and shall be protected by a permanent conservation easement, prohibiting further development and setting other standards safeguarding the site's special resources. Such conservation easement

shall be in a form acceptable to the Town of New Denmark and duly recorded with the Brown County Register of Deeds. A narrative describing the ownership, use, and maintenance responsibilities of the open space may be required by the Town.

6. Open space shall about the largest practical number of lots within the Conservation Subdivision. The Town may require safe and convenient pedestrian access to the open space from all lots not adjoining the open space.

7. The design of open space should be sufficient to allow for the intended use, such as agriculture, natural resource protection, recreation, storm water management, etc.

J. Evaluation Criteria: The Town Planning and Zoning Commission and Town Board shall evaluate proposed Conservation Subdivisions to determine whether the proposed conceptual preliminary plan effectively meets the following criteria:

1. The Conservation Subdivision design should identify and, to the extent possible, preserve all environmentally sensitive areas.

2. The design should create sufficient buffer areas to minimize conflicts between residential and other uses.

3. The development should be visually buffered from existing public roads, such as by placing lots at the far edges of fields or by a planting screen consisting of a variety of trees, shrubs, and wildflowers.

4. The Conservation Subdivision design should recognize and preserve where possible existing hedgerows and tree lines between fields or meadows, and should minimize impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. When any woodland is developed, great care shall be taken to situate all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent practicable.

5. The Conservation Subdivision design should leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be provided, to preserve existing vegetation.

6. The Conservation Subdivision design should respect and preserve sites of historic, archaeological, or cultural significance, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.

7. The Conservation Subdivision should protect rural roadside character and promote public safety and roadway carrying capacity by avoiding development fronting directly on or taking access onto collector or arterial roads.

8. If the Conservation Subdivision design includes a pedestrian circulation system, it should be designed to assure pedestrian safety, and consideration should be given to providing a connection to adjoining properties or pedestrian trail systems.

9. The Conservation Subdivision design should provide open space that is in a reasonably contiguous configuration. Fragmentation of open space should be minimized and not divided into numerous small parcels located in various parts of the development. To the greatest extent practical, open space should be designed as a single block with logical, smooth-flowing boundaries. Long thin strips of conservation land shall be avoided, unless the area needing conservation is linear or unless such configuration is necessary as a trail connection or similar corridor.

10. Wherever possible, the open space should generally abut or connect with existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land organizations). Such open space may be designed as part of a larger contiguous and integrated parkway or system of trails.

K. Ownership of Open Space:

1. Ownership Options. Different ownership and management options may apply to the permanently protected open space created by the development. The open space shall remain titled as undivided interest in ownership and may be owned and managed by any of the following options:

- a. Private individual or entity such as the original landowner.
- b. Duly established homeowners association or condominium association for the development, approved by the Town.
- c. Recognized land trust or organization approved and acceptable to the Town.
- d. The Town of New Denmark, Brown County, or other public entity or agency, subject to acceptance by the applicable unit of government.

L. Dedications and Easements. If open space is proposed to be dedicated to the public it shall first be offered to the Town of New Denmark, and if the Town does not accept, then to Brown County. The Town may, but shall not be required to, accept a dedication of open space. Such dedication shall take the form of a fee simple ownership and there shall be no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance. Land proposed for dedication shall be accessible to the residents of the Town.

The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land. The Town may require a public land dedication, easement, or combination thereof, through designated open space to facilitate trail connections.

M. Transfer of Ownership or Easement to a Private Organization. An owner may transfer open space lands or conservation easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the Town, and is a bona fide private organization with perpetual existence;
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. The developer and the organization enter into a maintenance agreement acceptable to the Town.

N. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Ordinance. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or easement holder, of any violation, directing the owner to remedy the same within thirty (30) days. In the event of repeated violations, the Town Board may determine it is necessary to take on maintenance responsibilities for any common open space established through this Ordinance and pursuant to Wisconsin Statutes levy a Special Assessment on the property for the costs associated with maintaining the open space.

PROCEDURES FOR DIVIDING LAND

34.14 PRELIMINARY CONSULTATION. Prior to filing an application for the approval of a land division, the subdivider shall consult with representatives of Town Planning staff, Brown County Planning and public utilities, including sewer and water, to assist the subdivider in planning the development. The consultation shall take place prior to all land division reviews and approval. A written confirmation that such consultation has occurred shall be provided to the Town at the time the Preliminary Plat is submitted. The procedure shall be:

A. The subdivider shall prepare a "concept" plan of the proposed land division. The plan should show the basic layout of the streets, lots, open space and any other proposed developments.

B. The subdivider shall then contact the Town Chairman to make an appointment to review the plan with Town staff and walk the site. The subdivider should send a copy of the concept plan to the Town Chairman as soon as possible after a meeting date has been established to give staff time to prepare for the meeting. Town Planning and Zoning Commission members will be invited to walk the site with the developer and the staff. During the on-site inspection the developer will provide a map showing existing natural features of the site.

C. Following the preliminary consultation meeting, the Town Chairman or his designee will prepare a written report outlining any comments, concerns and/or suggestions within ten (10) working days of the meeting. This report will be sent to the subdivider and surveyor with copies to the Town Planning and Zoning Commission, Town Board, Brown

County Planning Department and to any city or Town with extraterritorial plat review jurisdiction.

34.15 CERTIFIED SURVEY MAP PROCEDURES. A certified survey map (CSM) shall be submitted to the Town for review and approval only after the Preliminary Consultation has taken place as described herein. Copies of the proposed CSM shall be submitted to the Town Chairman.

A. Prior to action by the Town Board, the CSM shall be referred to the Town Planning and Zoning Commission for review and recommendation. The Town Planning and Zoning Commission shall submit a recommendation to the Town Board within forty (40) days of receipt of the proposed CSM.

B. Within sixty (60) days of filing the proposed CSM with the Town Chairman (unless such time limit is extended by mutual consent of the Town and applicant), the Town Board shall approve, conditionally approve, or reject the CSM. If conditionally approved or rejected, the applicant shall be notified in writing of the conditions of approval or reasons for rejection.

C. The review of the proposed CSM shall consider the requirements of this Chapter, the New Denmark zoning Ordinance, the New Denmark Comprehensive Plan, any comments on the concept plan received from the County or adjacent incorporated communities, and the County Trunk and State Highway Access Control regulations.

34.16 RECORDING OF CERTIFIED SURVEY MAP. After the Town Board has approved the certified survey map, the subdivider shall record the certified survey map with the County Register of Deeds in accordance with Section 236.34(2), Wisconsin Statutes.

34.17 PRELIMINARY PLAT PROCEDURES – STATE AND COUNTY PLAT. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with Section 34.18 of this Chapter. The subdivider shall file with the Town Chairman copies of the transmittal forms proving that the appropriate number of copies of the preliminary plat have been submitted to the appropriate state and local agencies, utilities and municipalities, along with a letter of application.

A. Approving agencies shall be the Town Board, Brown County Planning and Zoning Commission and any adjoining city or Town with extraterritorial plat approval jurisdiction.

B. Objecting agencies shall be the applicable County and State agencies.

34.18 PRELIMINARY PLAT APPROVAL – STATE AND COUNTY PLAT. The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of a plat and shall return that copy to the Town Planning and Zoning Commission staff. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.

A. The Town Planning and Zoning Commission and Town Board shall review the plat for conformance with this Chapter and all other ordinances, rules, regulations and adopted regional, County and local comprehensive plans or adopted plan components which affect the plat.

B. Prior to action by the Town Board, the preliminary plat shall be referred to the Town Planning and Zoning Commission for review and recommendation. The Town Planning and Zoning Commission shall submit a recommendation to the Town Board within sixty (60) days of the date of filing of the preliminary plat with the Town Chairman.

C. The Town Board shall, within ninety (90) days of the date of filing of the preliminary plat with the Town Chairman, approve conditionally or reject such plat unless the time is extended by agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reason for the rejection shall accompany the plat. One copy of the plat and letter shall be placed in the Town Planning and Zoning Commission's permanent file.

D. Failure of the Town Planning and Zoning Commission and Town Board to act within ninety (90) days of the filing date shall constitute an approval as provided in Section 236.11(1)(a), Wisconsin Statutes.

E. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, unless the final plat is submitted within six (6) months of the preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b), Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout.

34.19 FINAL PLAT PROCEDURES. The subdivider shall prepare a final plat in accordance with 34.32 of this Chapter and shall file copies of the transmittal forms indicating that the appropriate number of copies of the final plat have been submitted to the appropriate reviewing agencies as outlined in 34.17 of this Chapter, whichever is applicable, and a letter of application with the Town Chairman.

Partial Platting - The final plat may, if permitted by the Town Planning and Zoning Commission, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

34.20 FINAL PLAT APPROVAL. The objecting agencies shall, within twenty (20) days of the date of receiving their copy of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of the plat or by letter and shall return that copy to the Town Planning and Zoning Commission. If an objecting agency fails to act within the twenty (20) days, it shall be deemed to have no objection to the plat. (Under certain circumstances in accordance with Wis. Stats. Chapter 236, the Department of Commerce may have thirty (30) days to object.)

A. The Town Planning and Zoning Commission and Town Board shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of

the preliminary plat, this Chapter and all ordinances, rules, regulations, Town and County comprehensive plans or plan components which may affect the plat.

B. Prior to action by the Town Board, the final plat shall be referred to the Town Planning and Zoning Commission for review and recommendation. The Town Planning and Zoning Commission shall submit a recommendation to the Town Board within forty (40) days of the date of filing of the final plat with the Town Chairman.

C. The Town Board shall, within sixty (60) days of the date of filing of the final plat with the Town Chairman, approve, approve conditionally or reject the plat, unless the time is extended by 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. If the plat is approved, the Town Board shall not inscribe its approval on the face of the original final plat until the Town Chairman certifies that copies were forwarded as required by Section 34.19 of this Chapter, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been satisfied.

D. Failure of the Town Planning and Zoning Commission and Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved as provided in Section 236.11(1)(a), Wisconsin Statutes.

34.21 RECORDING. After the Town Board and any other approving agencies have approved the final plat, the subdivider shall record the plat with the County Register of Deeds in accordance with Section 236.25, Wisconsin Statutes.

34.22 REPLAT. In accordance with Section 236.36, Wisconsin Statutes, a re-plat of all or any part of a recorded subdivision, which does not alter areas previously dedicated to the public, may be made by complying with Sections 34.11 - 34.19 of this Chapter. When a proposed re-plat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded plat in accordance with Sections 236.40 through 236.44, Wisconsin Statutes.

34.23 ALL OTHER LAND DIVISIONS. All other Land Divisions as defined in Section 34.09(O) of this Ordinance which are not otherwise regulated by this Ordinance or Chapter 236 of the Wisconsin Statutes shall comply with the following procedures:

A. Land Divisions which create any new lot or parcel regardless of size shall be submitted to the Town Planning Commission for review with the fee as required in the fee schedule set under Section 34.47 of this Ordinance.

B. The Planning Commission with assistance from town staff shall prepare a report to the Town Board identifying any considerations and confirming the proposed division is consistent with applicable zoning under the Town of New Denmark Zoning Ordinance.

C. Any lot or parcel created or recorded via county or state plat, plat of survey or any other method of creation shall be in violation of this Ordinance and subject the creator to the penalties provided for in Section 34.49 of this Ordinance.

TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS

34.24 CERTIFIED SURVEY MAP REQUIREMENTS. A certified survey map (CSM) shall be required for all newly created parcels of land where the act of division will create up to and including four (4) new lots, parcels or tracts from the parent parcel. A CSM shall also be required for all public dedications. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

34.25 SPECIFICATIONS. A CSM shall comply with the requirements of Section 236.34, Wisconsin Statutes, and shall include the following information:

A. Every CSM shall show prominently near the top of the first page the quarter-quarter Section, government lot or private claim; Section, township and range; name of Town and county or, if part of a recorded subdivision or certified survey map, the name of the recorded subdivision or CSM volume and number, Town and county. If required by the Town in which the CSM is located, a certificate of approval by the Town shall appear on the CSM.

B. A north arrow, scale, legend and symbols, bearing and distance of each line, lot numbers and area in square feet and acres, and existing and proposed easements.

C. All tax parcel numbers shall be shown on the CSM in their approximate relationship.

D. All existing structures.

E. The location, right-of-way width and name of all existing and proposed highways, streets, alleys of other public ways.

F. Location of Section quarter, sixteenth, government or private claim lines that are within fifty (50) feet of the exterior boundary of the CSM.

G. Location and names of any subdivision, CSM, existing property lines and owners of record of abutting unplatted lands contained in or within fifty (50) feet of the exterior boundary of the CSM.

H. Locations of any corporate limit lines within fifty (50) feet of the exterior boundary of the CSM.

I. All existing driveways and access points. If the CSM abuts a controlled access highway and no driveway exists, a statement to that effect shall appear on the CSM.

J. When a CSM or Plat abuts a controlled access State Highway it shall conform to the requirements of Chapter Trans. 233 of the Wisconsin Administrative Code.

K. All streams and other water bodies located within the CSM boundary shall be shown. A building setback line and distance shall also be shown.

L. All wetland areas within the CSM shall be shown. All areas that have been designated floodplain shall also be shown and labeled. The source of the floodplain determination shall be stated on the CSM.

34.26 PRELIMINARY PLAT REQUIREMENTS. 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 reproducible material at a scale of not more than two hundred (200) feet to the inch and shall show correctly on its face the following information:

- A. Title under which the proposed subdivision is to be recorded.
- B. Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- C. Date, scale and north arrow.
- D. Names and addresses of the owners, subdivider and land surveyor preparing the plat.
- E. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of the area is proposed for immediate development. The Town Planning and Zoning Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- F. Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- G. Contours at vertical intervals of not more than two feet.
- H. Water elevations of adjoining lakes and streams at the date of the survey, approximate high and low water elevation, and FEMA's 100-year floodplain elevation, all referred to the same datum used for the contours.
- I. Location, right-of-way width and name of all existing and proposed streets, alleys or other public ways, easements, railroad and utility right-of-way and all Section and quarter Section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- J. Locations and names of any subdivisions, parks, schools and cemeteries and owners of record of abutting unplatted lands
- K. Location and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants and any existing water mains within the exterior boundaries of the plat or immediately adjacent thereto.
- L. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water which might be extended to serve the tract shall be indicated by

their direction and distance from the tract, size, and invert elevations.

M. Locations of all existing property boundary lines, structures, easements, 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.

N. Dimensions of all lots, together with proposed lot and block numbers.

O. Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use.

P. Radii of all curves.

Q. Existing zoning and proposed use on and adjacent to the proposed subdivision.

R. Corporate limit lines.

S. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

T. Wetlands.

U. Sewer service area boundary, when applicable.

34.27 FINAL PLAT. General - A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with and show correctly on its face, in addition to the information required by Section 236.20, Wisconsin Statutes, the following:

A. Exact street width along the line of any obliquely intersecting street.

B. Setbacks or building lines in accordance with the New Denmark & Brown County Zoning Ordinances.

C. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.

D. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provisions of planting strips.

E. The following certificates must be on all final plats:

1. Surveyor's Certificate,

2. Owner's Certificate, including all persons holding an interest in the fee of record or by being in possession,

3. The mortgagee of record if land is mortgaged,

4. Brown County Certificate,
5. Treasurer's Certificates of the Town and County
6. Town certificate to include Administrator and Clerk, and
7. Certificate of any municipality having extraterritorial jurisdiction.

34.28 DEED RESTRICTIONS AND/OR RESTRICTIVE COVENANTS. Any deed restrictions and/or restrictive covenants attached to the subdivision shall be filed with and/or placed on the final plat. Placing the Register of Deeds recording information on the face of the plat is acceptable.

34.29 SURVEYING AND MONUMENTING All final plats shall meet all of the surveying and monumenting requirements of Section 236.15, Wisconsin Statutes.

34.30 BROWN COUNTY COORDINATE SYSTEM All distances and bearings shall be referenced to the Brown County Coordinate System.

REQUIRED IMPROVEMENTS

34.31 GENERAL. The Town shall not commence to install any street or other improvements required by the Town until the Town Board has approved the certified survey map and plat or until the Town Board and Brown County Planning and Zoning Commission have approved the final plat. Before recording the final plat with the County Register of Deeds, the subdivider, shall enter into a contract with the Town agreeing to pay for the full cost to install all required improvements and shall file with such contract an irrevocable letter of credit meeting the approval of the Town Board and reviewed by the Town attorney as a guarantee that such improvements will be paid for by the subdivider within the time limit established by the Town Board. Such improvements shall include all or any of the following:

A. Grading and Surfacing - Grading and surfacing of all streets and trails proposed to be dedicated in accordance with the construction standards of the Town.

B. Storm Water Drainage Facilities:

1. Construction of storm water drainage facilities, which may include curb and gutters, catch basins and inlets, culverts, storm sewers, road ditches and open channels as may be required, to provide adequate surface drainage for the subdivision.

2. Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess water runoff in adjacent property. The Town Planning and Zoning Commission or Town Board may require that easements or drainageways of width sufficient to accommodate anticipated storm water runoff be provided.

All storm water facilities shall be constructed in accordance with plans and standard specifications approved by the Town Board.

C. Street Signs - Installation of street signs and traffic control signs meeting the approval of the Town Board at all intersections shall be installed by the Town at the subdivider's expense.

D. Street Lighting – Decorative or non-standard street lighting may only be installed if approved by the Town Board and the subdivider enters into an agreement with the Town to pay the costs of maintenance and power in perpetuity.

34.32 SURFACE WATER DRAINAGE RESTRICTIONS. No drainageway contained within a drainage easement shall be disturbed, except as provided in sub. C., in accordance with the following:

A. No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainage way.

B. Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainage ways.

C. Surface water shall not be regarded as unduly retained or diverted if:

1. The retention or diversion results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.

2. The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

3. The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the Town.

4. The retention or diversion has been allowed or required by the County Planning Department and noted on the approved drainage plan.

34.33 STORM WATER DETENTION. The intent of this Section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial and residential development.

A. Standards - Surface water runoff after development shall not exceed the peak rate of flow at pre-development conditions. The 25-year frequency storm shall be the basis to determine both pre-construction and post-construction surface water runoff. The following table of runoff numbers shall be used when calculating the runoff for the pre-development condition:

Hydrologic Soil Group Runoff Curve Number

1.	A	60
2.	B	60
3.	C	71
4.	D	78

B. Plan - A storm water detention plan shall be submitted as a condition of final plat and CSM approval. The plan shall be designed, stamped and signed by a registered professional engineer. The plan shall include, but not be limited to, the following:

1. Soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover and time response to runoff.

2. The plan shall be compatible with natural drainageways and existing man-made drainageways and easements.

3. The plan shall identify bridges, regional drainage patterns, water boundaries, pipes, culverts, catch basins, waterways, ditches, detention and retention basins, and indicate respective size, dimensions and grades of each.

4. All drainage ways and associated structures shall lie within maintenance easements and such easements shall be shown on the final plat or certified survey map.

5. Arrows shall show the direction of surface water flow.

6. The plan shall be designed in accordance with the United States Department of Agriculture Technical Release No. 55, Urban Hydrology for Small Watersheds.

7. The plan shall be accompanied by calculations showing pre-construction and post-construction surface water runoff.

8. A statement shall be included indicating how runoff resulting from construction will affect downstream areas and adjacent property owners.

9. The statement shall indicate methods that will be used to protect downstream areas and adjacent property owners from damage caused by increased surface water runoff. This may include the use of recorded easements, as determined by the Town Chairman.

10. A covenant shall be recorded with or placed on the final plat or certified survey map. The covenant shall state:

a. Maintenance of all drainageways and associated structures on private property within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.

b. Upon failure of the property owners to perform maintenance of the

drainageways and associated structures, the Town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can be specifically identified then the payment shall be assessed to specific property owner(s).

c. The design of storm water facilities shall implement the Wisconsin Construction Best Management Practices and shall address water quality as well as water quantity.

34.34 PUBLIC SANITARY SEWERAGE AND PRIVATE DISPOSAL SYSTEMS.

In areas that have a sanitary sewer system on or near the proposed land division, the subdivider shall make reasonable efforts to connect the proposed development with the sanitary sewer system. In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with Chapters Comm. 83 and Comm. 85, Wisconsin Administrative Code, indicate the systems will function adequately. Such systems must be in compliance with all Town, County and State regulations.

34.35 DEDICATION AND RESERVATION OF PARKLAND.

Whenever a tract of land to be subdivided embraces all or any part of a street or other public way which has been designated in adopted regional, County or Town of New Denmark comprehensive plans or adopted plan components, such public way shall be a part of the plat and either dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan as agreed to by the Town and Sub-divider at platting.

Whenever a proposed park, playground, public access, open space site or other public land other than streets which has been designated in adopted regional, County or Town of New Denmark comprehensive plans or adopted plan components is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or be reserved for acquisition at fair market value land costs for a period not to exceed 1 year from the date of recordation, unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

In order that adequate land be dedicated, reserved and preserved for the development of public parks, recreation and open space and to provide for the proper location such sites as the Town develops, the following provisions shall be established:

A. The number, size and location of all dedications shall be subject to approval by the Town Planning and Zoning Commission, who shall ascertain that the proposed sites are suitable for the proposed uses. Such Commission shall retain the right to refuse any dedication of land found to be unsuitable.

1. Where the dedication is incompatible or for other reasons is infeasible as determined by the Town Planning and Zoning Commission, the subdivider shall, in lieu thereof,

pay to the Town according to the zoning classification intended for each dwelling unit in the land division as specified by the Town Board.

B. The payment in lieu of dedication for multiple family and planned unit development shall be assessed at 10 units per acre at the time of final plat approval unless an approved site plan has a lesser or greater density. The exact amount shall be determined following completion of construction. Payment of the initial fee, as well as the balance, shall be made in accordance with subparagraph (C).

C. All in lieu payments received by the Town as a result of this Section shall be deposited in a segregated, non-lapsing fund to be used exclusively for new park and recreation area development, including site acquisition and related capital improvements. Disbursements from such fund shall be made only upon specific approval of the Town Board.

D. No payment shall be required for a lot created by the division of land under this Section on which a residential structure already exists or which is a residual parcel in excess of 10 acres and not intended for immediate sale and/or development.

E. After the final plat has been recorded, no lot or parcel shall be further divided by replat, certified survey map, or conveyance as defined in Section 706.01(3), Wisconsin Statutes, unless such further division shall have been approved by the Town Planning and Zoning Commission and payment of the appropriate per lot fee shall have been made for each additional lot or parcel created by such division.

F. The development of park and recreation facilities shall be located in the vicinity of the area from which such funds originated. Park and recreation facilities, which are created as a result of this Section, shall be owned, operated and maintained by the Town.

DESIGN STANDARDS

34.36 STREET ARRANGEMENTS. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, utilities, land uses and public convenience and safety. The land division shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed land divisions:

A. Arterial Streets - Arterial streets shall be arranged so as to provide ready access to centers of employment, high-density residential areas, centers of government activity, community shopping area, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.

B. Collector Streets - Collector streets shall be arranged so as to provide collection of traffic from residential areas and conveyance of this traffic to the major street and highway

system and shall be properly related to special traffic generators, such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

C. Minor Streets - Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.

D. Proposed Streets - Proposed streets shall extend to the boundary lines of the tract being divided, 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 land division or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turn-around of sixty-five (65) feet right-of-way radius and a roadway pavement of not less than forty-five (45) feet in radius.

E. Arterial Street and Highway Protection - Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

F. Reserve Strips - Reserve strips controlling access to streets or alleys shall be prohibited, except where their control is under the jurisdiction of Brown County Highway Department.

G. Alleys - Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions.

H. Street Names - Street names shall not duplicate or be similar to existing street names; existing street names shall be projected or continued wherever possible. Brown County Planning Department shall determine the acceptability of proposed street names.

34.37 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

A. When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be placed on the face of the plat or certified survey map: "Direct vehicular access to (name of road) from lots abutting such road is prohibited."

B. Commercial and industrial districts should provide on each side of the limited access highway or railroad a street approximately parallel to and at suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or

railroad, but not less than one hundred fifty (150) feet.

C. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

34.38 STREET DESIGN STANDARDS.

A. Minimum Right-Of-Way. The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the Town or, if no width is specified, the minimum right-of-way width shall be as follow:

<u>Type of Street</u>	<u>Minimum Right-Of-Way</u>
Arterial Streets	100 feet
Collector Streets	80 feet
Minor Streets	70 feet
Frontage Streets	50 feet in addition to the street it adjoins.

B. Minimum Roadway and Surface Widths. Minimum roadway width and surface width of all new roads shall comply with the Town road standards contained in Section 86.26, Wisconsin Statutes, unless adopted Town road standards require a greater width.

C. Cul-de-sacs. Cul-de-sacs designed to have one end permanently closed shall not normally exceed one thousand (1,000) feet in length. Such streets shall terminate in a circular turn-around having a minimum right-of-way radius of sixty-five (65) feet and a minimum roadway radius of forty-five (45) feet.

D. Street Grades:

1. Unless necessitated by exceptional topography subject to the approval of the Town Board, the minimum centerline grade of any street or public way shall not exceed the following:

- a. Arterial Street - 6%
- b. Collector Street - 8%
- c. Minor Street, and Frontage Street - 10%
- d. Pedestrian Ways - 12%, unless steps of acceptable design are provided.

e. Maximum Grade - The grade of any street shall in no case exceed 12% or be less than 0.5%.

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

E. Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

1. Arterial Streets and Highways - 300 feet.
2. Frontage and Collector Streets - 200 feet.
3. Minor Streets - 100 feet.

F. Tangents - A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

G. Half-Streets - Half streets shall be prohibited, except where the other half has already been dedicated or its alignment is shown on an officially adopted street plan.

34.39 STREET INTERSECTIONS. Streets shall intersect each other as nearly as possible at right angles and not more than two (2) streets shall intersect at one point, unless approved by the Town Board.

Number of intersections along major streets and highways shall be held to a minimum.

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be approved.

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

A. Length - Blocks in residential areas should not, as a general rule, be less than seven hundred fifty (750) feet nor more than one thousand five hundred (1,500) feet in length, unless otherwise dictated.

B. Pedestrian Ways - Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

C. Width - Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out

for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

D. Utility Easements - All utility lines for electric power, cable television, and telephone service shall be placed underground, except where lots abut a lake or stream or where such a location is deemed unfeasible for reasons of groundwater or soils by the utility companies involved.

34.41 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an architectural setting for the building contemplated.

A. Lot Lines - Side lot lines should 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.

B. Double and Reversed Frontage Lots - Double frontage and reversed 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.

C. Access - Every lot shall front or abut a public street and have direct vehicular access to that public street for a distance set by the minimum requirements of the Town's Zoning Code of Ordinances. Direct access does not include the use of easements.

D. Lot Area And Dimensions - Area and dimensions of lots shall conform to the Town of New Denmark Zoning Ordinance and in areas not served by public sewer shall, in addition, conform to the requirements of the State Division of Health. Whenever a tract is divided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-dividing of any such parcels into normal lots in accordance with the provisions of this Chapter. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of the Town Zoning, Shoreland and Floodplain Zoning ordinances.

E. Depth - Lots shall be designed with a suitable proportion between width and depth. Neither long, narrow nor wide, shallow lots are normally desirable. The use of "Flag Lots" shall be prohibited, except to overcome specific topographic or environmental restrictions.

F. Width of Lots - Width of lots shall conform to the requirements of the Town of New Denmark Zoning Ordinance.

G. Corner Lots - Corner lots shall be designed with extra width to permit adequate building setback from both streets.

34.42 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements established in the Town of New Denmark Zoning, Shoreland and Floodplain Zoning Ordinances. Setbacks stated on a recorded plat take precedence over any New Denmark Zoning Ordinance change put in place after the recorded date of the plat, except if there is a change of use in the property.

34.43 EASEMENTS. Where a land division is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to handle storm water runoff. The Town Planning and Zoning Commission shall approve the location, width, alignment and improvement of the drainageway or easement.

INSPECTIONS AND PERMITS

34.44 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed land division until the final plat or certified survey map has been approved by the Town and Brown County.

34.45 BUILDING PERMITS. No land use permit or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.

34.46 FEES. The subdivider shall pay the Town all required fees at the specified time. The schedule of fees shall be as adopted from time to time by resolution of the Town Board and is hereby adopted by reference as if fully set forth herein.

34.47 INSPECTION. The subdivider, prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to release of the sureties.

VIOLATIONS, PENALTIES, APPEALS AND VARIANCES

34.48 VIOLATIONS. No person shall build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit authorizing the building on or improvements of any land division within the jurisdiction of this Chapter and not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

34.49 PENALTIES. Any person that fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to a penalty of up to \$500 per day that the violation continues.

Recordation improperly made shall be subject to the penalties provided in Section 236.30, Wisconsin Statutes.

Conveyance of lots in unrecorded plats shall be subject to the penalties as provided for in Section 236.31, Wisconsin Statutes.

Monuments disturbed or not placed shall be subject to the penalties as provided for in Section 236.32, Wisconsin Statutes.

The County may order assessor's plat when a subdivision is created by successive divisions as provided for in Section 236.31(2), Wisconsin Statutes.

34.50 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal there from as provided for in Sections 236.13(5), Wisconsin Statutes.

34.51 VARIANCES. In any particular case where the subdivider can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this Chapter would cause practical difficulty or exceptional and undue hardship, the Board of Appeals may relax such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Chapter or the desirable general development of the County.

1/20/2010, as amended 10/26/2020