

TOWN OF POLK

LAND DIVISION ORDINANCE

TITLE XI OF THE MUNICIPAL CODE OF
THE TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN

March 12, 1985

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ASSISTANCE PROVIDED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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TITLE XI

TOWN OF POLK LAND DIVISION ORDINANCE

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Polk, Washington County, Wisconsin do ordain as follows:

1.02 PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the Town of Polk, Washington County, Wisconsin in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town.

1.03 INTENT

It is the general intent of this Ordinance to regulate the division of land so as to:

- a. Obtain the Wise Use, conservation, protection, and proper development of the Town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- b. Lessen Congestion in the streets and highways.
- c. Further the Orderly layout and appropriate use of land.
- d. Secure Safety from fire, panic, and other dangers.
- e. Provide Adequate Light and air.
- f. Facilitate Adequate Provision for housing, transportation, water supply, storm water, waste water, schools, parks, playgrounds, and other public facilities and services.
- g. Secure Safety from flooding, water pollution, disease, and other hazards.
- h. Prevent Flood Damage to persons and properties and minimize expenditures for flood relief and flood control projects.
- i. Prevent and Control Erosion, sedimentation, and other pollution of surface and subsurface waters.
- j. Preserve Natural Vegetation and Cover and promote the natural beauty of the Town.
- k. Restrict Building Sites on areas covered by poor soils or in other areas poorly suited for development.
- l. Facilitate the Further Division of larger tracts into smaller parcels of land.
- m. Ensure Adequate legal description and proper survey monumentation of subdivided land.
- n. Provide for the Administration and enforcement of this Ordinance;
- o. Provide Penalties for its violation.
- p. Implement those town, county, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, County shoreland-floodplain zoning ordinance, Town zoning ordinance, and Town building ordinance of the Town of Polk, Washington County, Wisconsin.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.05 INTERPRETATION

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

1.06 SEVERABILITY AND NON-LIABILITY

- a. If Any Section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not, thereby, be affected.
- b. The Town Does Not Guarantee, warrant, or represent that only those soils listed as being unsuited for specific uses are the only unsuited soils within the Town and, thereby, asserts that there is no liability on the part of the Town Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Ordinance.

1.07 REPEAL

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

1.08 TITLE

Title XI of the Municipal Code of the Town of Polk, Washington County, Wisconsin may be referred to or cited as the "TOWN OF POLK LAND DIVISION ORDINANCE." Individual sections may be cited by Section of this title, such as "Section 3.06 of Title XI of the Municipal Code of the Town of Polk, Washington County, Wisconsin."

SECTION 2.00 GENERAL PROVISIONS

2.01 JURISDICTION

Jurisdiction of these regulations shall include all lands within the limits of the Town of Polk, Washington County, Wisconsin. The provisions of this Ordinance as it applies to divisions of tracts of land into four (4) or less parcels shall not apply to:

- a. Transfers of Interest 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 lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws, codes, ordinances.
- d. Cemetery Plats made under Wisconsin Statutes 157.07.
- e. Assessors' Plats made under Wisconsin Statutes 70.27 but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

2.02 COMPLIANCE

No person, firm, or corporation shall divide any land located within the limits of the Town of Polk, Washington County, Wisconsin which results in a subdivision, minor land division or a replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents:

- a. Chapter 236, Wisconsin Statutes.
- b. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- c. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or a connecting highway.
- d. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodlands, wetland, and shoreland areas.
- e. Duly Approved Comprehensive Plan or comprehensive plan component of the Town of Polk, Washington County, Wisconsin.
- f. The Washington County Shoreland/Floodplain Zoning Ordinance, the Town of Polk Zoning Ordinance, and all other applicable local and county ordinances.
 - g. Rules of the Washington County Highway Department relating to safety of access if the land owned or controlled by the subdivider abuts on a county trunk highway.

2.03 DEDICATION AND RESERVATION OF LANDS

Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainageway, or other public way which has been designated on a duly adopted Town, County, or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by this subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 7.00 of this Ordinance.

2.04 IMPROVEMENTS

Before final approval of any plat or certified survey map located within the limits of the Town, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat or certified survey map is submitted for approval, the subdivider shall, before the recording of the plat or certified survey map, enter into a contract or development agreement with the Town agreeing to install the required improvements and shall file with said contract a certified check in an amount equal to the estimated cost of the improvements plus 10 percent, said estimate to be made by the Town Board after review and recommendation by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one (1) year from the date of recording of the final plat or certified survey map and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. The Town shall retain the interest accumulated on the certified check. In addition:

- a. Contractors and Subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way as well as the contracts and contract specifications for such construction shall be subject to the

- approval of the Town Board.
- b. Governing Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
 - c. Survey Monuments. Before final approval of any plat or certified survey map within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer or County Surveyor.

2.05 VARIANCES

Where, in the judgment of the Town Board it would be inappropriate to apply literally the provisions of Sections 7.00 and 8.00 of this Ordinance because exceptional or undue hardship would result, the Town Board, upon recommendation of the Town Plan Commission, may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Ordinance shall be granted unless the Town Board makes a specific finding based on documented evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a. Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed).
- b. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- c. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this code or the public interest.

A majority vote of the Town Board shall be required to grant any modification of this Ordinance.

The Town Board may waive the placing of monuments, required under Section 236.15(b), (c), and (d) of the Wisconsin Statutes, for a reasonable time on condition that the subdivider execute a cash bond to ensure the placing of such monuments within the required time limits established by the Town Board.

2.06 LAND SUITABILITY

No land shall be divided or subdivided which is determined to be unsuitable for such use by the Town Plan Commission for reason of flooding, inadequate drainage, adverse soil conditions or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Town.

- a. Floodlands. No lot served by public sanitary sewerage facilities shall have less

than 50 percent of its required lot area above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record. No lot of one (1) acre or less in area shall include floodplain. All lots more than one (1) acre shall contain not less than 40,000 square feet of land which is at an elevation above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.

- b. Lands Made, Altered, or Filled with nonearth materials within the preceding 20 years shall not be divided into building sites.
- c. Land Made, Altered, or Filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by onsite soil absorption sanitary sewage disposal systems.
- d. Lots Proposed to be Served by onsite soil absorption sanitary sewage disposal systems shall have not less than 20,000 square feet in slopes of 12 percent or less.
- e. Lands Having Bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- f. Lands Having Groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- g. Lands Covered by Soils Having a Percolation Rate slower than 60 minutes per inch shall not be divided into building sites to be served by soil absorption sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- h. The Soil Types Shown on Table 1, identified by both their numerical and alphabetical symbols as used by the Southeastern Wisconsin Regional Planning Commission and the U. S. Natural Resources Conservation Service (formerly U. S. Soil Conservation Service), respectively, are soils which have very severe limitations for residential development served by on-site soil absorption sanitary sewage disposal systems, and shall not be divided into building sites.
- i. Lands Artificially Drained by farm drainage tile or farm ditch systems for the purpose of lowering the water table shall not be divided into building sites to be served by onsite soil absorption sanitary sewage disposal systems.
- j. The Town Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires or he may present engineering plans indicating how the unsuitable condition will be resolved. Thereafter, the Town Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

2.07 VIOLATIONS

It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm, or

corporation shall be issued a building permit by the Town of Polk authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town Board may institute appropriate action or proceeding to enjoin violations of this code or the applicable Wisconsin Statutes.

2.08 PENALTIES

Any person, firm, or corporation who violates or fails to comply with the provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense, plus any legal fees incurred by the Town including the drafting of contracts and other documents, and any actions or proceedings required to enforce the Ordinance. The penalty for default of payment of such forfeiture and costs shall be imprisonment in the County jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

Violations and concomitant penalties shall include:

- a. Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- b. Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- c. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

In addition, an assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Town Board at the expense of the subdivider when a subdivision as defined herein is created by successive divisions.

Table 1

SOILS HAVING VERY SEVERE LIMITATIONS FOR INSTALLATION AND OPERATION OF ONSITE SOIL ABSORPTION SANITARY SEWAGE DISPOSAL SYSTEMS IN THE TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN

Soil Type		Soil Type		Soil Type	
SEWRPC ^a	S.C.S. Equivalent ^b	SEWRPC ^a	S.C.S. Equivalent ^b	SEWRPC ^a	S.C.S. Equivalent ^b
2	Am	11W	Ww	455	Pc
4	Mf	13	RaA	456	Od
7	Am	218	Py	457	Od
7W	Am	451	Hu	458	Rw
10	Am	452	Ak	459	Rw
10W	Ww	453	Ak	460	Rw
11	Am	454	Pc	461	Mzg

^aAs shown in SEWRPC Planning Report No. 8, *Soils of Southeastern Wisconsin*, and on SEWRPC 1” = 1000’ and 1” = 2000’ soil photo maps.

^bAs shown in USDA, Soil Conservation Service, *Soil Survey of Washington County, Wisconsin*, published in June 1971. The Soil Conservation Service is now known as the Natural Resources Conservation Service.

2.09 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Section 236.13(5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

SECTION 3.00 LAND DIVISION PROCEDURE

3.01 PRE-APPLICATION

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Town Plan Commission and/or its staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the Town. The subdivider will also gain a better understanding of the subsequent required procedures.

3.02 PRELIMINARY PLAT REVIEW

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat along with a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies of the Plat and the application with the Town Clerk at least 15 days prior to the meeting of the Town Plan Commission at which first consideration is desired. In addition:

a. The Town Clerk shall, within two (2) normal working days after filing, transmit:

1. Four (4) copies of the preliminary plat to the Washington County Planning, Conservation, and Parks Committee.
2. Two (2) copies of the preliminary plat to the Wisconsin Department of Administration, Division of Plat Review.
3. Additional copies of the preliminary plat to the Wisconsin Department of Administration, Division of Plat Review for retransmission of:
 - (a) Two (2) copies to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting highway.
 - (b) Two (2) copies to the Wisconsin Department of Commerce, if the

subdivision is not served by public sewer and provision for such service has not been made.

- (c) Two (2) copies to the Wisconsin Department of Natural Resources, if the proposed subdivision is located within 500 feet of the ordinary high water mark of any navigable water, or if any shoreland areas are located within the plat.

The Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Commerce shall hereafter be referred to as OBJECTING AGENCIES.

- b. In Lieu of the procedure set forth in paragraph (a) above, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the preliminary plat directly to the Director of Plat Review of the Wisconsin Department of Administration who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit the additional copies required herein by Section 3.02, paragraphs (c) and (d).
- c. The Town Clerk shall also transmit four (4) copies of the preliminary plat to the Town Plan Commission for their review and recommendation. The Plan Commission shall review the plat for conformance with this Ordinance and all other Town ordinances, rules, regulations, and duly adopted Town plans.
- d. The Town Clerk shall also transmit two (2) copies each of the preliminary plat to the following agencies and companies for review and comment concerning matters within their jurisdiction:
 1. The Washington County Highway Department, if the land owned or controlled by the subdivider abuts a county trunk highway.
 2. The Washington County Land Conservation Department.
 3. The Southeastern Wisconsin Regional Planning Commission.
 4. The appropriate school district.
 5. The appropriate natural gas company, electric power company, and telephone company.

The agencies and companies listed above shall submit their recommendations to the Town Plan Commission within 30 days from the date the plat is filed.

- e. Status of Reviewing Agencies
 1. The Following Agencies are Approving Agencies: the Town Board, the Washington County Planning, Conservation, and Parks Committee, and, when the area lies within the extraterritorial plat review jurisdiction of the City of Hartford or the Village of Slinger, the Common Council and the Village Board, respectively.
 2. The Following Agencies are Objecting Agencies: the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Commerce.
 3. The Following Agencies are Advisory Agencies: the Wisconsin Department of Natural Resources, the Washington County Highway and Land Conservation Departments, the Southeastern Wisconsin Regional Planning Commission, the utility companies, and the school board.

3.03 PRELIMINARY PLAT APPROVAL

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 the copy of the Plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat. In addition:

- a. The Town Plan Commission shall, within 90 days of the date of filing of a Preliminary Plat with the Town Clerk, approve, approve conditionally, or reject such Plat unless an extension of the review period is mutually agreed upon in writing. One (1) copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Plan Commission meeting minutes setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy each of the Plat and letter shall be placed in the Town Plan Commission's permanent file.
- b. Failure of the Town Plan Commission to act within 90 days shall constitute an approval of the Plat as filed unless the review period is extended by mutual consent.
- c. Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within 24 months of the Preliminary Plat and conforms substantially to the Preliminary Plat as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Town Plan Commission at the time of its submission. The subdivider may elect, or the Plan Commission may direct, that the Final Plat be prepared as two (2) or more phases of the approved Preliminary Plat.

3.04 FINAL PLAT REVIEW

The subdivider shall submit a Final Plat and a letter of application, together with appropriate fees, in accordance with this Ordinance and shall file an adequate number of copies of the Plat and the application with the Town Clerk at least 15 days prior to the meeting of the Town Plan Commission at which review is desired. In addition:

- a. The Town Clerk shall within two (2) normal working days after filing, transmit:
 1. Four (4) copies of the Final Plat to the Washington County Planning, Conservation, and Parks Committee.
 2. Two (2) copies of the Final Plat to the Wisconsin Department of Administration.
 3. Additional copies of the Final Plat to the Wisconsin Department of Administration for retransmission of:

- (a) Two (2) copies to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting highway.
 - (b) Two (2) copies to the Wisconsin Department of Commerce, if the subdivision is not served by public sewer and provision for such service has not been made.
 - (c) Two (2) copies to the Wisconsin Department of Natural Resources, if the proposed subdivision is located within 500 feet of the ordinary high water mark of any navigable water, or if any shoreland areas are located within the plat.
4. The original Final Plat and an adequate number of copies for review to the Town Plan Commission.
- b. In Lieu of the procedure set forth in paragraph (a) above, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the final plat directly to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it is the responsibility of the subdivider to submit the additional copies required herein by Section 3.04, paragraphs (c) and (d).
 - c. The Town Clerk shall also transmit two (2) copies of the final plat to the Washington County Highway Department for review and comment concerning safety of access to highways if the land owned or controlled by the subdivider abuts a county trunk highway.
 - d. The Town Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Ordinance and all other ordinances, rules, regulations, and duly adopted Town plans which may affect it and shall recommend approval, or rejection of the Plat to the Town Board.
 - e. Partial Platting. If permitted by the Town Board, the approved Preliminary Plat may be final platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a phase of the approved Preliminary Plat.

3.05 FINAL PLAT APPROVAL

The objecting agencies shall, within 20 days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat.

- a. Submission. If the Final Plat is not submitted within 24 months of the last required approval of the Preliminary Plat, the Town Board may reject the final plat, in writing, with reasons given.
- b. The Town Plan Commission shall, within 45 days of the date of filing of the Final

Plat with the Town Clerk, recommend approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.

- c. Notification. The Town Plan Commission shall, at the time it recommends approval or rejection of a Plat to the Town Board, and at least 10 days prior to any action of the Town Board, give notice of its recommendation to the Clerk of any municipality or town within 1,000 feet of the Plat.
- d. The Town Board shall, within 60 days of the date of filing the original Final Plat with the Town Clerk, approve or reject such 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 copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. The Town Board may not approve the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.
- e. Failure of the Town Board to take action on the Plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, shall constitute an approval of the Plat as filed.
- f. Recordation. After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat to be forwarded to the County Register of Deeds for recording. The Register of Deeds shall not record the plat unless it is offered within six (6) months after the last approval and within 24 months after the date of the first approval.
- g. Copies. The subdivider shall file six (6) copies of the Final Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

3.06 MINOR LAND DIVISION (CERTIFIED SURVEY MAP)

When it is proposed to divide land within the Town of Polk into not more than four (4) parcels or building sites, any one of which is 20 acres or less in area, or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the boundaries of said block, lot, or outlot, the subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land 20 acres or less in area and may, at the owners discretion, include any other parcels containing more than 20 acres. The subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and shall file an adequate number of copies of the Map and the letter of application with the Town Clerk at least seven (7) days prior to the meeting of the Town Plan Commission at which first consideration is desired.

- a. A Pre-Application Conference similar to the consultation suggested in Section 3.01 of this Ordinance is recommended.
- b. The Town Clerk shall receive the formal filing of a Certified Survey Map,

including review and recording fees, and transmit copies of the Map to the Town Plan Commission.

- c. The Town Plan Commission shall review the Map for conformance with this Ordinance and all other Town ordinances, rules, regulations, comprehensive plans, and comprehensive plan components.
- d. The Town Plan Commission shall, within 60 days from the date of filing of the Certified Survey Map, recommend approval, conditional approval, or rejection of the Certified Survey Map, and shall transmit the Certified Survey Map along with its recommendations to the Town Board.
- e. The Town Board shall approve, approve conditionally and, thereby, require resubmission of a corrected map, or reject such Certified Survey Map within 90 days from the date of filing of the Certified Survey Map unless the time is extended by mutual written agreement with the subdivider. If the Certified Survey Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Certified Survey Map.
- f. Recordation. The Town Clerk shall cause to be recorded the approved Certified Survey Map with the County Register of Deeds within six (6) months after the date of the last approval and within 24 months after the date of the first approval. The subdivider shall be responsible for the recording fees.

3.07 REPLAT

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or persons wishing to replat shall then proceed as specified in Sections 3.01 through 3.06 of this Ordinance.

3.08 MINOR LAND DIVISIONS NOT REQUIRING A CERTIFIED SURVEY MAP

Divisions of land creating lots or parcels greater than 20 acres shall not be required to submit a plat or certified survey map, but shall be required to present the proposed land division to the Town Plan Commission for approval recorded in the minutes of the meeting, with the exception of sales or exchanges of parcels of land between owners of adjoining property which do not create additional lots or result in the reduction of any lot below the minimum size required by these regulations, the zoning ordinance, or other applicable laws, codes or ordinances.

SECTION 4.00 PRELIMINARY PLAT

4.01 GENERAL

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey prepared by a registered land surveyor and the plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- a. Title or name under which the proposed subdivision is to be recorded.
- b. Proper Location of the proposed subdivision by: government lot, quarter-section, township, range, county, and state.
- c. General Location Sketch showing the location of the subdivision within the U.S. Public Land Survey section.
- d. Date, Graphic Scale, and North Point.
- e. Names and Addresses of the owner, subdivider, and land surveyor preparing the plat.
- f. The Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.

4.02 PLAT DATA

All Preliminary Plats shall show the following:

- a. Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- b. Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10 percent, and of not more than four (4) feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level).
- c. Water Elevation of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum (NGVD).
- d. Floodplain Limits of the 100-year recurrence interval flood, or where such data is not available, a line lying a vertical distance of five (5) feet above the elevation of the maximum flood of record.
- e. Location, Right-of-way Width, and Names of all existing streets, alleys, or other public ways, private road, easements, road reservations, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- f. Type, Width, and Elevation of any existing street pavements within the exterior

boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to National Geodetic Vertical Datum (NGVD).

- g. Location and Names of Any Adjacent Subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- h. Location, Size, and Invert Elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.
- i. Locations of All Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto.
- j. Location, Width, and Names of all proposed streets and public rights-of-way such as alleys and easements.
- k. Approximate Dimensions of All Lots together with proposed lot and block numbers.
- l. Location and Approximate Dimensions and Size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, schools, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting.
- m. Approximate Radii of All Curves.
- n. Existing Zoning on and adjacent to the proposed subdivision.
- o. Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- p. Any Proposed Lake and Stream improvement or relocation.
- q. Soil Type, Slope and Boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Natural Resources Conservation Service.
- r. Location of Soil Boring Tests, where required by Section Comm 85.06 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. Two (2) copies of all test results shall accompany the Preliminary Plat.
- s. Location of Soil Percolation Tests where required by Section Comm 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. Two (2) copies of all test results shall accompany the Preliminary Plat.

4.03 STREET PLANS AND PROFILES

The Town Plan Commission, upon recommendation of the Town Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD) and plans and profiles shall meet the approval of the Town Engineer.

4.04 TESTING

The Town Plan Commission, upon recommendation of the Town Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapters Comm 83 and Comm 85 of the Wisconsin Administrative Code shall be complied with; and the appropriate data shall be submitted with the preliminary plat. Where soil mottling or saturated conditions are observed in the soil profile, the Plan Commission may prohibit the construction of principal buildings.

4.05 SOIL AND WATER CONSERVATION

The Town Plan Commission, upon determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth-moving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the *U. S. Conservation Service Technical Guide*, adopted by the Washington County Planning, Conservation, and Parks Committee, and shall be in accordance with standards set forth in Section 8.10 of this Ordinance.

4.06 COVENANTS

The Town Plan Commission may require submission of a draft of protective covenants, whereby, the subdivider shows existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

4.07 AFFIDAVIT

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

SECTION 5.00 FINAL PLAT

5.01 GENERAL

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

5.02 ADDITIONAL INFORMATION

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- a. Exact Length and Bearing of the centerline of all streets.
- b. Exact Street Width along the line of any obliquely intersecting street.
- c. Railroad Rights-of-Way within and abutting the plat.
- d. Setbacks or Building Lines if required by the Town Plan Commission in accordance with the guidelines set forth in Section 7.07 of this Ordinance.
- e. Utility and drainage easements.
- f. All Lands Dedicated for Public Use, reserved for future public acquisition or reserved for the common use of property owners within the Plat.
- g. Special Restrictions required by the Town Plan Commission relating to access control along public ways, delineation of floodplain limits, or to the provision of planting strips.

5.03 DEED RESTRICTIONS

The Town Plan Commission may require that deed restrictions be filed with the Final Plat.

5.04 PLAT RESTRICTIONS

The Town Plan Commission may require that plat restrictions intended to reflect Town plans and ordinances be placed on the face of the plat.

5.05 SURVEY ACCURACY

The Town Engineer shall examine all Final Plats within the Town and, where appropriate, make field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- a. Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of 1:10,000, nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- b. All Street, Block and Lot Dimensions shall be computed as closed geometric

figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of 1:5,000, or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

- c. The Town Board shall receive the results of the Town Engineer's examination prior to approving the Final Plat.

5.06 SURVEYING AND MONUMENTING

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

5.07 STATE PLANE COORDINATE SYSTEM

Where the Plat is located within a U.S. Public Land Survey one-quarter section, the corners of which have been relocated, monumented, and coordinated by Washington County, the Town of Polk, or the Southeastern Wisconsin Regional Planning Commission, the Plat shall be tied directly to two of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such ties shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County's control survey.

5.08 CERTIFICATES

All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

5.09 RECORDATION

The Final Plat shall only be recorded with the County Register of Deeds by the subdivider after the certifications of the Director of Plat Review, Wisconsin Department of Administration, of the Town Board, of the surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the Plat. The Plat shall be recorded within six (6) months after the date of the last approval and within 24 months after the date of the first approval.

SECTION 6.00 CERTIFIED SURVEY MAP

6.01 GENERAL

A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00 of this Ordinance.

6.02 ADDITIONAL INFORMATION

The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- a. All Existing Buildings, watercourses, drainage ditches, and other features pertinent to proper land division.
- b. Setbacks or Building Lines if required by the Town Plan Commission in accordance with the guidelines set forth in Section 7.07 of this Ordinance.
- c. Utility and drainage easements.
- d. All Lands Dedicated for Public Use or reserved for future acquisition.
- e. Date of the Certified Survey Map.
- f. Graphic Scale and North Point.
- g. Name and Address of the owner, subdivider and surveyor.
- h. Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10 percent, and of not more than four (4) feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level). This requirement may be waived if the parcel or parcels created are fully developed.
- i. All Proposed Streets, roads, or highways within 300 feet of the boundaries of the parcels created by the minor land division.
- j. Floodplain Limits of the 100-year recurrence interval flood, or where such data is not available, a line lying a vertical distance of five (5) feet above the elevation of the maximum flood of record.
- k. Location of Soil Boring Tests. The Town Plan Commission, upon recommendation of the Town Engineer, may require that borings and tests be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table. Where the land division will not be served by public sanitary sewer service, the requirements of Chapters Comm 83 and Comm 85 of the Wisconsin Administrative Code for soil borings shall be met. The location of all soil borings shall be shown on the certified survey map and two (2) copies of all test results shall accompany the map. Where soil mottling or saturated conditions are observed in the soil profile, the Plan Commission may prohibit the future construction of principal buildings.
- l. Location of Soil Percolation Tests where required by Section Comm 85.06 of

the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

- m. The Entire Area contiguous to the proposed certified survey map owned or controlled by the subdivider shall be included on the certified survey map even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this code and severe hardship would result from strict application thereof.

6.03 STATE PLANE COORDINATE SYSTEM

Where the Certified Survey Map is located within a U.S. Public Land Survey one-quarter section, the corners of which have been relocated, monumented, and coordinated by Washington County, Town of Polk, or the Southeastern Wisconsin Regional Planning Commission, the Certified Survey Map shall be tied directly to two of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such ties shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corners to which the Certified Survey Map is tied shall be indicated on the Certified Survey Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County's control survey.

6.04 CERTIFICATES

The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Ordinance. The Town Plan Commission and Town Board, after a recommendation by the reviewing agencies, shall each certify its approval on the face of the Certified Survey Map. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2) (a) of the Wisconsin Statutes.

6.05 RECORDATION

The Town Clerk shall cause the Certified Survey Map to be recorded with the County Register of Deeds only after the certificates of the Town Plan Commission and Town Board and the surveyor are placed on the face of the Certified Survey Map and after all applicable fees have been paid in accordance with Section 10.00 of this Ordinance.

SECTION 7.00 DESIGN STANDARDS

7.01 STREET ARRANGEMENT

In any new subdivision the street layout shall conform to the arrangement, width, and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan or plan component of the Town of Polk, Washington County, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, to existing or planned utilities, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

- a. Arterial Streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, 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 arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- b. Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, and shopping centers, and other concentrations of population and to the arterial streets to which they connect.
- c. Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, where applicable to permit the design of efficient storm drainage, water supply, and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- d. Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.
- e. Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to an arterial 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

nonaccess reservation along the rear property line, or by the use of frontage streets.

- f. Stream or Lake Shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than one-half (0.5) mile as required by Section 236.16(3) of the Wisconsin Statutes.
- g. Reserve Strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Plan Commission.
- h. Alleys shall be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the Town Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street or highway.
- i. Street Names shall not duplicate or be similar to existing street names elsewhere in the Town and existing street names shall be projected wherever possible.

7.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT

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

- a. When Lots Within the Proposed Subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- b. Commercial and Industrial Properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 200 feet.
- c. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting an arterial street or highway, or a collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. 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.
- d. Minor Streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

7.03 STREET AND OTHER PUBLIC WAY DESIGN STANDARDS

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development plan; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as set forth in Table 2.

Table 2

**MINIMUM LOCAL STREET CROSS SECTIONS
IN THE TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN**

Type of Street or Public Way	Minimum Rural Right-of-Way To Be Dedicated	Minimum Rural Street Section Dimensions
Minor Land Access Street	66 feet	* 22-foot pavement * 6-foot shoulders * 16-foot roadside ditches
Cul-de-Sac (turn-around with center island)	75-foot radius	* 28-foot radius median radius * 22-foot circumferential pavement. * 5-foot shoulders * 20-foot roadside ditches
Pedestrian Ways	20-foot average	* As required by the Town Engineer

Cross-sections for freeways, expressways, arterials and parkways should be based upon detailed engineering studies. In addition:

- a. Cul-de-Sac Streets designed to have one end permanently closed shall not exceed the length limitation determined by the Town Board on a case by case basis in order to protect the intent of the Land Division Ordinance as set forth in Section 1.03, above. All cul-de- sac streets designed to have one end permanently closed shall terminate in a circular teardrop shape turn-around having a center island and a minimum right-of-way radius of 75 feet. The center island shall have a minimum radius of 28 feet.
- b. Temporary Termination of streets at the boundary of a subdivision intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above.
- c. Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:
 1. Arterial highways shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
 2. Collectors and local streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.
- d. New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.1 foot above the peak stage for the 100-year recurrence interval flood, as established in the adopted federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage

potential upstream or downstream of the proposed structure provided that flooding easements have been acquired from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

- e. Street Grades. Unless necessitated by exceptional topography, as determined by the Town Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
1. Arterial streets: six (6) percent.
 2. Collector streets: eight (8) percent.
 3. Minor streets, alleys, and frontage streets: 12 percent.
 4. Pedestrian ways: 12 percent unless steps or stairs of acceptable design are provided.
 5. In addition, the grade of any street shall in no case exceed 12 percent or be less than 0.6 of one (1) percent.

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. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial and collector streets, and one-half (0.5) this minimum for all other streets.

- f. Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
1. Arterial streets and highways: 500 feet.
 2. Collector streets: 300 feet.
 3. Minor streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

- g. Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- h. Private Streets. The Town may require or permit, at the Town Board's discretion, that minor land access streets be privately owned and reserved for possible future Town street purposes. Any such private street shall be designed and built to Town street standards pursuant to this Ordinance. In addition, any such private street

shall be subject to a private street agreement that contains the following provisions:

1. Irrevocable reservation of the street for future Town street purposes, which may be acceptable by the Town, at its option, at any time.
2. Non-lapsing ownership of the street by owners of the lots served thereby.
3. Mechanism for repairs and maintenance by benefiting owners.
4. Reservation of special charges and special assessment rights to the Town.
5. Indemnification of the Town by the owners of the private street, for any claims arising from injury or loss occurring on or related to the private street.
6. As a condition of the final approval of a private street intended to provide access to more than one (1) parcel, there shall be provided to the Town Board a Private Street Agreement, which:
 - a (a) Identifies the owner(s) of the private street.
 - (b) Demonstrates that the owners of each parcel having access to the private street accept the responsibility for the maintenance of the private street.
 - b (c) Acknowledges that the Town has no responsibility for the construction and maintenance of the street.
 - c (d) Creates a requirement that the entire street be paved by a developer of a private street with three (3) inches of asphaltic concrete prior to the Town's approval of the final plat.
- d 7. Lots of record prior to January 2, 2006, having a minimum of 300 feet of public road frontage may be divided into no more than two (2) lots which will be served by an easement private road rather than by a private road outlot created by reservation, subject to the following requirements:
 - (a) The creation of such lots with easement access shall be subject to a written determination by the Town Board that extraordinary circumstances or documented hardship justify the granting of the exception to the requirement that a private road be created by reservation.
 - (b) The certified survey map creating the lots by easement shall bear the statement that lots one and two of this certified survey map are not further divisible under any circumstance.
 - (c) The owners certificate for the certified survey map shall have a statement that the owner recognizes and accepts the restriction that the lots one and two are not further divisible under any circumstance.
 - (d) A private road easement document shall be created and recorded that identifies the benefiting properties, specifies maintenance and repair responsibilities between the benefiting parties, and requires binding arbitration of any disputes that may arise.
 - (e) Private roads created by easement may be built to driveway standards and need not be built to town road standards provided that the driveway shall be at least 24 feet wide for one and two

family dwellings.

- (f) Parcels created after January 1, 2006 shall not be eligible for further division using the provisions of this section under any circumstance.
- 8. Cash bond is required from the developer in an amount to be determined by the Town's Road Engineer, taking into consideration the then current cost of asphaltting, if asphaltting has not been done.
- 9. The Private Street Agreement shall be in recordable form and shall be subject to review and approval by the Town as part of the Land Division review procedure.

7.04 STREET INTERSECTIONS

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- a. The Number of Streets Converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
- b. The Number of Intersections along arterial streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1200 feet.
- c. Property Lines at Street Intersections shall be founded with a minimum radius of 15 feet or of a greater radius when required by the Town Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- d. Land Access and Collector Streets shall not necessarily continue across arterial streets. If the distance between the centerline intersections of any street with any other intersecting street is less than 250 feet, measured along the centerline of the intersecting street, then the location shall be so adjusted that the distance is increased or the adjoinment across the intersecting street is continuous and a jog is avoided.
- e. On All Streets Where Sidewalks are required, ramps or openings to accommodate disabled individuals or vehicles shall be provided in accordance with Section 66.0909 of Wisconsin Statutes.

7.05 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. In addition:

- a. The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- b. Pedestrian Ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.
- c. The Width of Blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or designated 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 restrictions for such use.
- d. All Telephone and Electric Power lines shall, where practical, be placed on mid-block easements of not less than 20 feet centered on the property line, and where possible, along rear lot lines for underground construction.

7.06 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 aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- a. Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- b. Double Frontage or "Through" Lots shall be prohibited except where necessary to provide separation of residential development from arterial traffic or to overcome specific disadvantages of topography and orientation.
- c. Access. Every lot shall front or abut for a distance of at least 66 feet on a public or private road.
- d. Area and Dimensions of all lots shall conform to the requirements of the Town of Polk Zoning Ordinance for all land divisions within the Town. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of a private onsite waste treatment system designed in accordance with Chapter Comm 83 of the Wisconsin Administrative Code.
- e. Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use

- contemplated.
- f. The Width of Lots within the interior of a block shall conform to the requirements of the Town Zoning Ordinance, or other applicable ordinance.
 - g. Corner Lots shall have an additional width of 15 feet to permit adequate building setbacks from side streets.
 - h. Shape of Lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line, however, the creation of “flag” or “pan-handle” lots shall be avoided.
 - i. Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge will be dedicated to the public in any plat abutting a lake or stream, at the discretion of the Town Plan Commission.
 - j. Width of Lots. In no case shall a lot have a minimum lot width at the building setback line of less than that which is required by the applicable zoning ordinance.
 - k. In Exceptional Cases where the exterior boundaries of the parcel prevent radial or right-angle lot lines, the Town Plan Commission may allow irregularly-shaped lots if the boundaries are clearly marked in the field with continuous fences, tree plantings, or concrete monuments at all lot corners at least four (4) feet in depth, extending one (1) foot above ground and at least four (4) inches in diameter.

7.07 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Town Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

7.08 EASEMENTS

The Town Plan Commission may require utility easements of widths deemed adequate for the intended purpose but not less than 10 feet on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication wires and conduits; storm and sanitary sewers; and gas, water, and other utility lines. Where a subdivision is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as may be required by the Town Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.

SECTION 8.00 REQUIRED IMPROVEMENTS

8.01 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

8.02 GRADING

- a. After the Installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.
- b. Cut and Filled lands outside of street right-of-way shall be graded to a maximum slope of one (1) on four (4) or the soil's angle of repose, whichever is the lesser. All graded lands with the exception of the roadbeds of streets should be treated for sediment and erosion control purposes as set forth in Section 9.05.

8.03 SURFACING

- a. After the Installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the Town.
- b. All Roadways shall be surfaced with a three (3) inch hot mix bituminous concrete pavement, made up of a two (2) inch binder course and a one (1) inch surface course, placed on a 12-inch thick base consisting of an eight (8) inch deep layer of No. 2 stone with a four (4) inch deep layer of one (1) inch crushed road gravel on top. The preceding roadway base specifications may be modified or waived if the Town Engineer certifies in writing that adequate surface base exists at the location of the proposed roadway.
- c. Said Surfacing shall be done in accordance with plans and standard specifications as illustrated in the Standard Cross Section for Town Roads, Town of Polk, Washington County, dated January 2, 1990.
- d. The Subdivider shall be responsible for any defects due to faulty materials or workmanship which appear within a period of one (1) year from the date of acceptance by the Town and shall pay any damages resulting therefrom to Town property.

8.04 CURB AND GUTTER

In all subdivisions as defined herein the Town Board may require the subdivider to construct concrete curb and gutters in accordance with the plans and standard specifications approved by the Town Engineer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

8.05 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Town Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Engineer and as set forth in Section 9.05.

8.06 PUBLIC SANITARY SEWERAGE AND PRIVATE ONSITE WASTE TREATMENT SYSTEMS

When public sanitary sewerage facilities are available to the subdivision such facilities shall be designed and constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- a. The Town Board may require the installation of sewer laterals to the street lot line.
- b. The Size, Type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Engineer.
- c. Where a Sanitary District has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall be further subject to approval by the Sanitary District Commission and the Town Board.
- d. The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight (8) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town or Sanitary District wherein the subdivision plat is located a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
- e. The Subdivider Shall Install sanitary sewers in accordance with this Ordinance and specifications of the Town Engineer when it is determined that the proposed subdivision lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed subdivision within six (6) years. Until such time as the public sewers within the subdivision can be connected to the community public sewer system, they shall be temporarily capped. No private or public use shall be connected to the sewers within the subdivision until such sewers are connected to the larger community system. The subdivider shall indicate on the face of the plat that the owner of private uses within the subdivision shall connect such uses to the sewers in the subdivision at the time such sewers are connected to the community sewer system, and that the Town and/or the Town Sanitary District is held harmless for any damages or costs incurred to disconnect and abandon any private onsite waste treatment system then in place, and any costs associated with connection to the public sewer mains.

8.07 STORM WATER DRAINAGE FACILITIES

The subdivider shall construct storm water drainage facilities adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and from within the subdivision and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

- a. Unpaved Road Ditches and back slopes shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.
- b. Drainage Facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades, and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Engineer.
- c. Where a Sanitary District has been created pursuant to Section 60.30 of Wisconsin Statutes for the purpose of providing and constructing surface drainage facilities, storm sewers, or other drainage improvements, such plans and standard specifications shall be further subject to approval by the Sanitary District Commission.
- d. The Subdivider Shall Assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than 24 inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town or Sanitary District wherein the subdivision is located a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

8.08 OTHER FACILITIES

The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No electrical or telephone service shall be located on overhead poles unless otherwise allowed by the Plan Commission due to exceptional topography or other physical barrier. Plans indicating the proposed location of all electrical power, and telephone distribution and transmission lines required to service the plat shall be approved by the Town Engineer.

8.09 STREET SIGNS

At the direction of the Town Board, the subdivider shall install at the intersection of all streets proposed to be dedicated a street sign of a design as approved by the Town Engineer.

8.10 SEDIMENT CONTROL

The subdivider shall plant those grasses, trees, and vines, a species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. The Town Plan Commission may require the subdivider to provide or install certain protection and rehabilitation measures such as fencing, slopes, seeding, trees, shrubs, riprap, wells, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures. In addition:

- a. Tree Cutting and Shrubbery Clearing shall not exceed 30 percent of the lot or tract, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users.
- b. Paths and Trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Town Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
- c. Earth Moving such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction, or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regiment, and topography (see Sections 9.04 and 9.05 of this Ordinance).
- d. Review of the Conduct of All Cutting, Clearing, and Moving shall be requested of the County Soil and Water Conservation District Supervisors and may be requested of the State District Fish and Game Managers, and the State District Forester by the Town Engineer or Town Plan Commission as they deem appropriate.

8.11 OPTIONAL PROVISION OF PUBLIC UTILITIES AND FACILITIES

If for any reason the subdivider fails to install public utilities or facilities as prescribed herein or as ordered by the Town Board pursuant to this Ordinance, the Town Board may install such improvements and assess the full cost of such installations against the subdivider or property owner as set forth in Section 66.0703 of the Wisconsin Statutes. Also, the Town and subdivider may agree to have public improvements installed by the Town pursuant to Section 66.0703 of the Wisconsin Statutes.

SECTION 9.00 CONSTRUCTION

9.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat or Certified Survey Map has been approved and the Town Board has given written authorization for such commencement. Inspection fees shall be required as specified in Section 10.00 of this Ordinance.

9.02 BUILDING PERMITS

No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

9.03 OCCUPANCY PERMIT

No occupancy permit shall be issued until all requirements of this Ordinance are met to the satisfaction of the Building Inspector.

9.04 PLANS

The following plans and accompanying construction specifications may be required by the Town Engineer before authorization of construction or installation of improvements:

- a. Street Plans and Profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
- b. Sanitary Sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities.
- c. Storm Water plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- d. Water Main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- e. Erosion and Sedimentation Control Plans showing those structures required to retard the rate of runoff water, those grading and excavating practices that will prevent erosion and sedimentation, the time span that soil will be exposed, and plans to protect existing vegetation, such as fences or tree wells, shall be prepared. Such plans shall follow the guidelines and standards set forth in the publication, *U. S. Soil Conservation Service Technical Guide* adopted by the Washington County Planning, Conservation, and Parks Committee, as amended.
- f. Planting Plans showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
- g. Additional special plans or information as required.

9.05 EROSION CONTROL

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land disturbances to be mulched, seeded, sodded, or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented in accordance with the plans and specifications and at such times as approved by the Town Engineer. Such erosion control may include but is not limited to the following measures:

- a. Sod Laid in Strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- b. Temporary Vegetation and mulching provided to protect critical areas, with permanent vegetation installed as soon as practical.
- c. Construction at any given time being confined to the smallest practical area and for the shortest practical period of time.
- d. Sediment Basins installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

9.06 EXISTING FLORA

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Any such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of wells or islands or retaining walls whenever abutting grades are altered.

9.07 INSPECTION

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

SECTION 10.00 FEES

10.01 GENERAL

The subdivider shall pay the Town all fees as hereinafter required and at the times herein specified before being entitled to recording of a Plat or Certified Survey Map.

10.02 PRELIMINARY PLAT AND CERTIFIED SURVEY MAP REVIEW FEE

The subdivider shall pay a fee as set forth in the Town fee schedule to the Town Treasurer at the time of first application for approval of any preliminary plat or certified survey map to assist in defraying the cost of review. A reapplication fee as set forth in the Town fee schedule shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat or certified survey map which has previously been reviewed.

10.03 IMPROVEMENT REVIEW FEE

The subdivider shall pay a fee equal to one (1) percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town of checking and reviewing such plans and specifications. The fee may be recomputed, upon demand of the subdivider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Town Engineer.

10.04 INSPECTION FEE

The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the Town or any other governmental authority.

10.05 FINAL PLAT REVIEW FEE

The subdivider shall pay a fee as set forth in the Town fee schedule to the Town Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review. A reapplication fee as set forth in the Town fee schedule shall be paid to the Town Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed

10.06 ENGINEERING FEE

The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The Town Engineer may permit the subdivider to furnish all, some, or part of the required construction plans and specifications in which case no engineering fees shall be levied for such plans and specifications. Inspection, checking, and reviewing of work by the Town Engineer requires fees as provided in Section 10.03 and 10.04.

10.07 LEGAL FEE

The subdivider shall pay a fee equal to the cost of any legal work which may be undertaken by the Town in connection with the plat. Legal work shall include the drafting of contracts between the Town and the subdivider, and any actions or proceedings to enforce this Ordinance, together with expenses and disbursements.

SECTION 11.00 DEFINITIONS

11.01 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word “shall” is mandatory and not directory, and the word “may” is permissive.

11.02 SPECIFIC WORDS AND PHRASES

- a. Advisory Agency

Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town of Polk Town Board or on the Plan Commission. Examples of advisory agencies include the Wisconsin Department of Natural Resources, the Washington County Highway Department, the Washington County Land Conservation Department, the Southeastern Wisconsin Regional Planning Commission, local school boards, and local utility companies.

- b. Alley
A special public way affording only secondary access to abutting properties.
- c. Arterial Street
A street used, or intended to be used, primarily for fast or heavy, inter-neighborhood or inter-community through traffic. Arterial street shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.
- d. Building Line
Lines generally parallel to a lot line and at a distance from the lot line, as specified in the Town or County Zoning Ordinance and which delineates the buildable area of the lot or parcel.
- e. Collector Street
An urban street used, or intended to be used, to carry traffic from land access streets to arterial street systems including the principal entrance streets to urban residential subdivisions.

- f. Community
A town, incorporated municipality, or a group of adjacent towns and/or incorporated municipalities having common social, economic, or physical interests or characteristics.

- g. Comprehensive Plan
An extensively developed plan, also called a master plan, adopted by the Town Plan Commission and certified to the Town Board pursuant to Section 62.23 or Section 66.1001 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment, utilities, and public facilities. Devices such as zoning, official map, land division, and building line ordinances and capital improvement programs are used to implement the comprehensive plan.

- h. Cul-de-Sac Street
A land access street closed at one end with a turn-around provided for vehicles.

- i. Development (Urban)
Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to full- or part-time municipal police and fire protection and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities; public water supply facilities and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Historically, in southeastern Wisconsin, urban development occurs when residential development is concentrated in densities in excess of 0.2 dwelling units per gross acre (or one (1) dwelling unit per five (5) acres).

- j. Development (Rural)
Agricultural, residential, recreational, and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Historically, in southeastern Wisconsin, when residential development densities are less than 0.2 dwelling units per gross acre (or one (1) dwelling unit per five (5) acres), such traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore, less impact on the natural environment.

- k. Extraterritorial Plat Approval Jurisdiction
The unincorporated area within one-and-one-half (1.5) miles of a fourth class city or a village and within three (3) miles of all other cities which have established a subdivision control ordinance pursuant to Section 236.45 of the Wisconsin Statutes.
- l. Face of Curb
The vertical portion of the curb facing the pavement on a nonmountable curb. On mountable curbs, the curb face is computed to be at a point seven (7) inches from the outside edge of the curb.
- m. Final Plat
A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
- n. Floodlands
Those lands, including the floodplains, floodways, and channels subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.
- o. Frontage Street
A minor street auxiliary to and located adjacent to an arterial street and used to control access to the arterial street and to provide access and service to the abutting properties.
- p. High Ground Water Elevation
The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled, giving a multi-colored effect.
- q. Land Access
A street used, or intended to be used, primarily for access to abutting properties.
- r. Letter of Credit
An irrevocable letter of credit constituting an engagement by a commercial bank made at the request of the subdivider whereby the issuers will honor drafts or other demands for payment upon compliance with the conditions specified in the credit.
- s. Lot

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in the Town of Polk Zoning Ordinance.

t. 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 135 degrees or less, measured on the lot side.

u. Lot, Double Frontage

A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

v. Minor Land Division

Any division of land not defined as a “subdivision.” Minor land divisions include the division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels of building sites, any one of which is 20 acres or less; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a Certified Survey Map.

w. Municipality

An incorporated village or city, or a town.

x. National Map Accuracy Standards

Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, *Horizontal and Vertical Survey Control in Southeastern Wisconsin*.

y. Navigable Stream

Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.

z. Objecting Agency

An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town of Polk may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of

Commerce.

aa. Ordinary High Water Mark

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

bb. Outlot

A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

cc. Preliminary Plat

A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

dd. Public Way

Any public road, street, highway, walkway, drainageway, or part thereof.

ee. Replat

The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

ff. Sanitary Sewer Service Area

The area within and surrounding a city, village, or other community that is planned to be served with public sanitary sewerage facilities as specified in the sanitary sewer service area plan adopted by the community and approved by the Department of Natural Resources.

gg. Service Street

A minor street, sometimes in private ownership, which is auxiliary to a business or industrial use, such as a service street behind a store where merchandise to be sold is delivered.

- hh. Shorelands
Those lands in the unincorporated areas of Washington County lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and flowages; or 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.
- ii. Soil Mapping Unit
Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Natural Resources Conservation Service (formerly U. S. Soil Conservation Service).
- jj. Subdivider
Any person, firm, or corporation or any agent thereof dividing or proposing to divide land resulting in a subdivision, minor subdivision, or replat.
- kk. Subdivision
The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one-and-one-half (1.5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of one-and-one-half (1.5) acres each or less in area by successive division within a period of five (5) years.
- ll. Surety Bond
A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- mm. Wetlands
Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- nn. Wisconsin Administrative Code
The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

SECTION 12.00 ADOPTION AND EFFECTIVE DATE

12.01 PUBLIC HEARING

The Town Board of Supervisors of the Town of Polk held a public hearing on this proposed Land Division Ordinance on the 5th of March, 1985.

12.02 PLAN COMMISSION RECOMMENDATION

The Town Plan Commission recommended the adoption of this Land Division Ordinance at a meeting held on the 5th of March, 1985.

12.03 TOWN BOARD APPROVAL

The Town Board of Supervisors of the Town of Polk concurred with the recommendations of the Plan Commission and proceeded to adopt the Land Division Ordinance at a meeting held on the 12th of March, 1985.

12.04 EFFECTIVE DATE

This Land Division Ordinance shall, in accordance with Section 60.80 (2) of the Wisconsin Statutes, take effect on the day after the Ordinance adopting Title XI of the Municipal Code of the Town of Polk is published as a Class I notice under Chapter 985 of the Wisconsin Statutes.

Date of Posting or Publication: April 16, 1985

Effective Date: April 17, 1985

Town Board Chairman : //ss// Willard Heppe
(Signature)

ATTESTED:

//ss// Marilyn H. Merten
Town Clerk

APPENDICES

Town Hall

**Appendix A – Refer to
Printed Ordinance at**

Appendix B-1

**TOWN OF POLK
WASHINGTON COUNTY, WISCONSIN**

PLAN COMMISSION CHECK LIST FOR DISTRIBUTION OF PRELIMINARY PLATS

(Numbered items of this form to be filled out by the subdivider or subdivider's agent.)

1. _____
(Name of Subdivision)

2. The subdivision is located within the Town of Polk. Yes No

3. The subdivision abuts or adjoins a state trunk highway
or connecting highway. Yes No

4. The subdivision will be served by private onsite waste
treatment systems. Yes No

5. The subdivision abuts a county park or parkway. Yes No

6. Submitted by: _____
(Signature)

Address: _____

Plat Copies Required by the Town of Polk	Number of Copies	To be Sent by Town Clerk to:
All Plats	2	Town of Polk Plan Commission
All Plats	—	Town Committees, Commissions, and Departments (2 copies for each jurisdiction)

Total number of copies required for Town of Polk review: _____

Plat Copies Required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to:
All Plats	2	Wisconsin Department of Administration
Subdivision abuts or adjoins a state trunk highway or connecting highway	2	Wisconsin Department of Transportation
Subdivision not served by public sewer and no provision has been made	2	Wisconsin Department of Commerce

Total number of copies required for objecting agency review: _____

Plat Copies Required by Advisory Agencies	Number of Copies	To be Sent by Town Clerk to:
All Plats	4	Washington County Planning, Conservation, and Parks Committee
All Plats	2	Washington County Land Conservation Department
All Plats	2	Washington County Highway Department, if land abuts a county trunk highway
All Plats	2	_____ Electric Company
All Plats	2	_____ Telephone Company
All Plats	2	_____ School District
All Plats	1	Southeastern Wisconsin Regional Planning

Commission

Subdivision is located within 500 feet
of a navigable water

1

Wisconsin Department of Natural Resources

Total number of copies required for advisory agency review: _____

Number of copies received _____

Date copies received _____

Date copies transmitted _____

I hereby certify that I received _____ copies of the Preliminary Plat of _____

_____ and transmitted the required copies as indicated above.

(Name of Subdivision)

Polk Town Clerk

Date

Appendix B-2

**TOWN OF POLK
WASHINGTON COUNTY, WISCONSIN**

PLAN COMMISSION CHECK LIST FOR DISTRIBUTION OF FINAL PLATS

(Numbered items of this form to be filled out by the subdivider or his agent.)

1. _____

(Name of Subdivision)

2. The subdivision is located within the Town of Polk. Yes No
3. The subdivision abuts or adjoins a state trunk highway or connecting highway. Yes No
4. The subdivision will be served by private onsite waste treatment systems. Yes No
5. The subdivision abuts a county park or parkway. Yes No

6. Submitted by: _____
(Signature)

Address: _____

Plat Copies Required by the Town of Polk	Number of Copies	To be Sent by Town Clerk to:
All Plats	2	Town of Polk Plan Commission

Total number of copies required for Town of Polk review: 2

Plat Copies Required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to:
All Plats	2	Wisconsin Department of Administration
Subdivision abuts or adjoins a state trunk highway or connecting highway	2	Wisconsin Department of Transportation
Subdivision not proposed to be served by public sewer	2	Wisconsin Department of Commerce

Total number of copies required for objecting agency review: _____

Plat Copies Required by Advisory Agencies	Number of Copies	To be Sent by Town Clerk to:
---	------------------	------------------------------

All Plats	4	Washington County Planning, Conservation, and Parks Committee
All Plats	2	Washington County Highway Department, if land abuts a county trunk highway

Total number of copies required for advisory agency review: _____

Number of copies received _____

Date copies received _____

Date copies transmitted _____

I hereby certify that I received _____ copies of the Final Plat of _____

_____ and transmitted the required copies as indicated above.

(Name of Subdivision)

Polk Town Clerk

Date

Appendix B-3

**TOWN OF POLK
WASHINGTON COUNTY, WISCONSIN**

PRELIMINARY PLAT AND CERTIFIED SURVEY MAP CHECKLIST

Owner _____

Address

City, State _____

Location: ___¹/₄ of the ___¹/₄; Section _____, T 10 N, R 19 E

Date Fees Paid to this Office: _____ Date of Inspection: _____

Check or fill in all information that applies to the plat or map:

1. Map Review Fee Paid. _____
2. Maps transmitted to Required Parties. _____
3. Adequate Drainage. _____
4. No Flooding Potential. _____
5. No Major Erosion Potential. _____
6. No Adverse Soil Type(s). _____
7. No Bedrock Problem. _____

- 8. No Groundwater Problem. _____
- 9. Public Water Supply. _____
- 10. Monuments Installed. _____
- 11. Percent of Slope: 0-10% ____ 11-15% ____ 16-20% ____ Over 20% ____
- 12. Range of Proposed Lot Sizes:

13. Zoning District(s): _____; Minimum Area Required: _____;

Minimum Lot Width: _____

- 14. Name and address of owner(s), seller, purchaser (if known), subdivider and surveyor, including his registration number, shown. _____
- 15. Location and size of lands reserved for future dedication shown. _____
- 16. Graphic scale--not more than 100 feet to an inch for plats or 500 feet to an inch for Certified Survey Maps. _____
- 17. All lands owned by the subdivider and contiguous to the proposed plat are shown. _____
- 18. General location sketch shown. _____
- 19. Location of all existing buildings, watercourses, drainage ditches, percolation test sites, boring holes, and other significant site characteristics shown. _____
- 20. Existing and proposed contours shown. _____
- 21. Water elevations of adjoining lakes and streams (if applicable) shown. _____
- 22. Floodplain limits (if applicable) shown. _____
- 23. Location, width and names of existing rights-of-way shown. _____
- 24. Type, width and elevation of any existing street pavements within the plat or certified survey map shown. _____

25. Location and names of any adjacent subdivisions shown. _____
26. Location, size and invert elevations of existing sanitary or storm sewers shown. _____
27. Location of all existing property boundary lines shown. _____
28. Location, width and names of all proposed streets and public rights-of-way shown. _____
29. Approximate dimensions of all lots shown. _____
30. Approximate radii of all curves shown. _____
31. Existing zoning on and adjacent to land division shown. _____
32. Any proposed lake and stream improvement or access shown. _____
33. Exact length and bearing of the centerline of all streets shown. _____
34. Setbacks or building lines shown. _____
35. Utility and drainage easements shown. _____
36. Erosion control measures shown. _____
37. Certification by surveyor of his compliance with all provisions of the Town Land Division Ordinance and Chapter 236 of the Wisconsin Statutes. _____
38. Owner's and mortgagee's certificate of dedication of streets and other public areas in the form required by Section 236.21(2)(a) of the Wisconsin Statutes. _____
39. Certification of taxes paid in both Town and County. _____
40. Monuments placed in accordance with Section 236.15 of the Wisconsin Statutes. _____
41. Comments: _____

Appendix C-1

**SAMPLE LETTER OF TRANSMITTAL OF
PRELIMINARY PLAT TO OBJECTING STATE AGENCIES**

Date

Ms. Renee Powers, Supervisor
Plat Review Unit
Wisconsin Department of Administration
17 S. Fairchild Street, 7th Floor
Madison, WI 53703-3219

Dear Ms. Powers:

Enclosed please find _____ copies of the preliminary plat of _____, located in U.S. Public Land Survey Section _____ in Township 10 North, Range 19 East, Town of Polk, Wisconsin. The preliminary plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Town of Polk Plan Commission. Please note that the Town Plan Commission is scheduled to meet to review objections and comments, and to discuss the preliminary plat, on _____, 20____.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

Town Clerk

Enclosures

Appendix C-2

SAMPLE LETTER OF TRANSMITTAL OF

PRELIMINARY PLAT TO ADVISORY AGENCIES

Date

Mr. Philip C. Evenson, Executive Director
Southeastern Wisconsin Regional Planning Commission
N239 W1812 Rockwood Drive
P. O. Box 1607
Waukesha, WI 53187-1607

Dear Mr. Evenson:

Enclosed please find one copy of the preliminary plat of _____, located in U.S. Public Land Survey Section _____ in Township 10 North, Range 19 East, Town of Polk, Wisconsin. The preliminary plat is being transmitted to you for your review and comment prior to action by the Town of Polk Plan Commission. Please note that the Town Plan Commission is scheduled to meet to review objections and comments, and to discuss the preliminary plat, on _____, 20____. It is assumed that if no correspondence regarding the plat is received in this office within 20 days of your receipt of the plat, that you have no comments regarding the plat.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

Town Clerk

Enclosures

Appendix C-3

**SAMPLE LETTER OF TRANSMITTAL OF
FINAL PLAT TO OBJECTING STATE AGENCIES**

Date

Ms. Renee Powers, Supervisor
Plat Review Unit
Wisconsin Department of Administration
17 S. Fairchild Street, 7th Floor
Madison, WI 53703-3219

Dear Ms. Powers:

Enclosed please find _____ copies of the final plat of _____, located in U.S. Public Land Survey Section _____ in Township 10 North, Range 19 East, Town of Polk, Wisconsin. The final plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Town of Polk Plan Commission. Please note that the Town Plan Commission is scheduled to meet to review objections and comments, and to discuss the final plat, on _____, 20____.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

Town Clerk

Enclosures

#127847 v1 - POLK LDO - COMPLETE
NMA/lgh
05/16/07;03/16/06