

|

# **CODE OF ORDINANCES OF THE TOWN OF RED RIVER**

## **CHAPTER 11: SUBDIVISION CONTROL ORDINANCE**

Adopted: October 1, 2010



**TABLE OF CONTENTS**

CHAPTER 11: SUBDIVISION CONTROL ORDINANCE ..... 11-1

11.0100 INTRODUCTION ..... 11-1

11.0101 Authority ..... 11-1

11.0102 Title ..... 11-1

11.0103 Purpose ..... 11-1

11.0104 Intent ..... 11-1

11.0105 Abrogation and Greater Restrictions ..... 11-1

11.0106 Interpretation ..... 11-1

11.0107 Severability ..... 11-2

11.0108 Repeal ..... 11-2

11.0109 Disclaimer of Liability ..... 11-2

11.0200 DEFINITIONS ..... 11-3

11.0201 General Definitions ..... 11-3

11.0202 Specific Words and Phrases ..... 11-3

11.0300 GENERAL PROVISIONS ..... 11-11

11.0301 Jurisdiction ..... 11-11

11.0302 Compliance ..... 11-11

11.0303 Dedication and Reservation of Lands ..... 11-12

11.0304 Improvements ..... 11-12

11.0305 Waivers/Modifications ..... 11-13

11.0306 Land Suitability ..... 11-14

11.0307 Violations ..... 11-15

11.0308 Penalties and Remedies ..... 11-15

11.0309 Appeals ..... 11-16

11.0400 LAND DIVISION PROCEDURES ..... 11-17

11.0401 Pre-Application Conference ..... 11-17

11.0402 Preliminary Plat Review ..... 11-17

11.0403 Preliminary Plat Approval ..... 11-18

11.0404 Final Plat Review ..... 11-19

11.0405 Final Plat Approval ..... 11-20

11.0406 Plats Within Extraterritorial Plat Approval Jurisdiction ..... 11-21

11.0407 Minor Land Division (Certified Survey Map Review and Approval) ..... 11-21

11.0408 Replat ..... 11-22

11.0409 Condominium Plats and Planned Unit Developments ..... 11-23

11.0500 PRELIMINARY PLAT ..... 11-24

11.0501 General ..... 11-24

11.0502 Plat Data ..... 11-24

11.0503 Street Plans and Profiles ..... 11-26

11.0504 Testing ..... 11-26

11.0600 SOIL AND WATER CONSERVATION ..... 11-27

11.0601 Covenants ..... 11-27

11.0602	Affidavit .....	11-27
11.0700	FINAL PLAT .....	11-28
11.0701	General .....	11-28
11.0702	Additional Information.....	11-28
11.0703	Deed Restrictions .....	11-28
11.0704	Survey Accuracy .....	11-28
11.0705	Surveying and Monumenting.....	11-29
11.0706	State Plane Coordinate System .....	11-29
11.0707	Certificates .....	11-29
11.0708	Recordation .....	11-30
11.0800	CERTIFIED SURVEY MAP (MINOR SUBDIVISION) .....	11-31
11.0801	General .....	11-31
11.0802	Required Information .....	11-31
11.0803	Additional Information.....	11-31
11.0804	State Plane Coordinate System .....	11-32
11.0805	Certificates .....	11-32
11.0806	Recordation .....	11-32
11.0900	DESIGN STANDARDS.....	11-33
11.0901	Street Arrangement .....	11-33
11.0902	Limited Access Highway Treatment.....	11-34
11.0903	Street and Pedestrian Way Design Standards .....	11-36
11.0904	Street Intersections .....	11-39
11.0905	Blocks.....	11-39
11.0906	Lots.....	11-40
11.0907	Building and Setback Lines.....	11-41
11.0908	Easements.....	11-41
11.0909	Public Sites and Open Spaces .....	11-42
11.0910	Private Access Points to Lakes And Streams.....	11-42
11.1000	REQUIRED IMPROVEMENTS.....	11-44
11.1001	Survey Monuments .....	11-44
11.1002	Grading.....	11-44
11.1003	Surfacing .....	11-44
11.1004	Curb and Gutter.....	11-44
11.1005	Rural Street Sections .....	11-44
11.1006	Sidewalks .....	11-44
11.1007	Public Sanitary Sewerage.....	11-45
11.1008	Storm Water Drainage Facilities .....	11-45
11.1100	WATER SUPPLY FACILITIES .....	11-47
11.1102	Other Utilities.....	11-47
11.1103	Street Lamps.....	11-47
11.1104	Street Name Signs .....	11-48
11.1105	Street Trees.....	11-48
11.1106	Sediment Control.....	11-48

11.1200	CONSTRUCTION .....	11-49
11.1201	Commencement.....	11-49
11.1202	Building Permits.....	11-49
11.1203	Plans .....	11-49
11.1204	Erosion and Sedimentation Control .....	11-49
11.1205	Existing Flora .....	11-50
11.1206	Inspection .....	11-50
11.1300	FEES .....	11-51
11.1301	General .....	11-51
11.1400	ADOPTION AND EFFECTIVE DATE .....	11-52
11.1401	Plan Commission Recommendation .....	11-52
11.1402	Public Hearing.....	11-52
11.1403	Town Board Approval.....	11-52
11.1404	Effective Date.....	11-52

**LIST OF TABLES**

Table 11.1:	Required Street Cross Sections in the Town of Red River.....	11-37
-------------	--------------------------------------------------------------	-------

**LIST OF ILLUSTRATIONS**

Illustration No. 11.1:	Lot Layout Description .....	11-6
Illustration No. 11.2:	Reversed - Frontage Lots For Limitation of Vehicular Access to Arterial Streets .....	11-35
Illustration No. 11.3:	Arterial Highway Access and Driveway and Street Intersections .....	11-36



## **CHAPTER 11: SUBDIVISION CONTROL ORDINANCE**

### **11.0100 INTRODUCTION**

#### **11.0101 Authority**

This ordinance is adopted pursuant to the authority granted to Red River under Section 236.45 of the Wisconsin Statutes.

#### **11.0102 Title**

This Ordinance shall be known as the SUBDIVISION CONTROL ORDINANCE, TOWN OF RED RIVER, KEWAUNEE COUNTY, WISCONSIN.

#### **11.0103 Purpose**

The purpose of this Ordinance is to regulate and control the division of land within the civil boundaries of the Town of Red River in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

#### **11.0104 Intent**

It is the intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards and Town goals as set forth in the Town's Comprehensive Plan, the comprehensive plan's components, zoning codes, building codes and official maps.

#### **11.0105 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 law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

#### **11.0106 Interpretation**

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

**11.0107 Severability**

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**11.0108 Repeal**

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

**11.0109 Disclaimer of Liability**

The Town does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.



**11.0200 DEFINITIONS****11.0201 General Definitions**

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory.

**11.0202 Specific Words and Phrases**

Administrative Officer. The governmental officer charged with administering development regulations.

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 suggest that certain changes be made to the plat or certified 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 Red River Town Board or on the Town Plan Commission. Examples of advisory agencies include the Kewaunee Land Conservation Committee, the Bay-Lake Regional Planning Commission, and local utility companies.

ADT. The average daily traffic – the average number of cars per day that pass over a given point.

Aggressive soils. Soils that may be corrosive to cast iron and ductile iron pipe. These soils represent approximately five percent of the soils found within the United States and include dump areas, swamps, marshes, alkaline soils, cinder beds, polluted river bottoms, etc., which are considered to be potentially corrosive.

Aisle. The traveled way by which cars enter and depart parking spaces.

Alley. A special public way affording only secondary access to abutting properties.

Applicant. A developer submitting an application for development.

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

Approving Authority. The Town of Red River Plan Commission, unless a different agency is designated by ordinance.

ASCE. American Society of Civil Engineers.

ASTM. American Society for Testing Materials.

Assessor's Plat. A recorded means of establishing a property's boundary as defined within the State Statutes 70.27.

AWWA. American Water Works Association.

Back Lot Development. The practice whereby a lot, out lot, or common open space is used for waterfront access by a large number of lots located away from the water body; also known as "lot pyramiding," "keyhole development," and "development funneling."

Basement. An area below the first floor, having a part but no more than one-half of its height above grade.

Barrier Curb. A steep faced curb intended to prevent encroachment.

Block. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, village or town boundaries.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continually the view of and/or sound from the site to adjacent sites or properties.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the building setback requirements of the Red River Zoning Ordinance.

Building Setback Line. See Building Line.

Certified Survey Map. A map of a land division, not a Subdivision, prepared in accordance with sec. 236.34, Stats., and in full compliance with the applicable provisions of this ordinance. A Certified Survey Map has the same legal force and effect as a subdivision plat.

Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets, including the principal entrance streets to residential developments.

Comprehensive Plan. The extensively developed community plan, also called a "master plan", adopted by the Town Board pursuant to Sections 66.0295, 61.35, and 62.23, of the Wisconsin Statutes.

Condominium. Property subject to a condominium declaration as defined, regulated, and established under Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership, and not a specific building type or style.

County Planning Agency. The Kewaunee County Zoning Committee, authorized by statute to plan land use within Kewaunee County.

Cul-de-sac Street. A local street with only one outlet and having an appropriate turn-around for vehicular traffic.

Density. The permitted number of dwelling units per gross acre of land to be developed.

Design Standards. Standards that set forth specific improvement requirements.

Development. A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extracting purposes.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes, the Kewaunee County Shoreland Subdivision Control Ordinance, The Town of Red River Comprehensive Plan, 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.

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.

Floor Area First. The square foot area of a dwelling unit on its lowest floor completely above grade, excluding the basement or cellar, measured from the exterior faces of the walls, including fully enclosed porches, but excluding open porches, breezeways, terraces, exterior stairways, and garages.

Floor Area Total. The sum of the areas of the several floors of a dwelling unit, as measured from the exterior faces of the walls, including fully enclosed porches, but excluding open porches, breezeways, terraces, exterior stairways, garages, basements, cellars, and attics.

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

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

High Groundwater 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 mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

Irrevocable Letter of Credit. An agreement guaranteeing payment for Subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the state of Wisconsin and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use sufficient in size to meet lot width, lot frontage, lot area, yard, parking area, and other open space provisions of the Red River Zoning Ordinance.

Lot, Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side (the angle formed by the streets). (See Illustration No. 1)

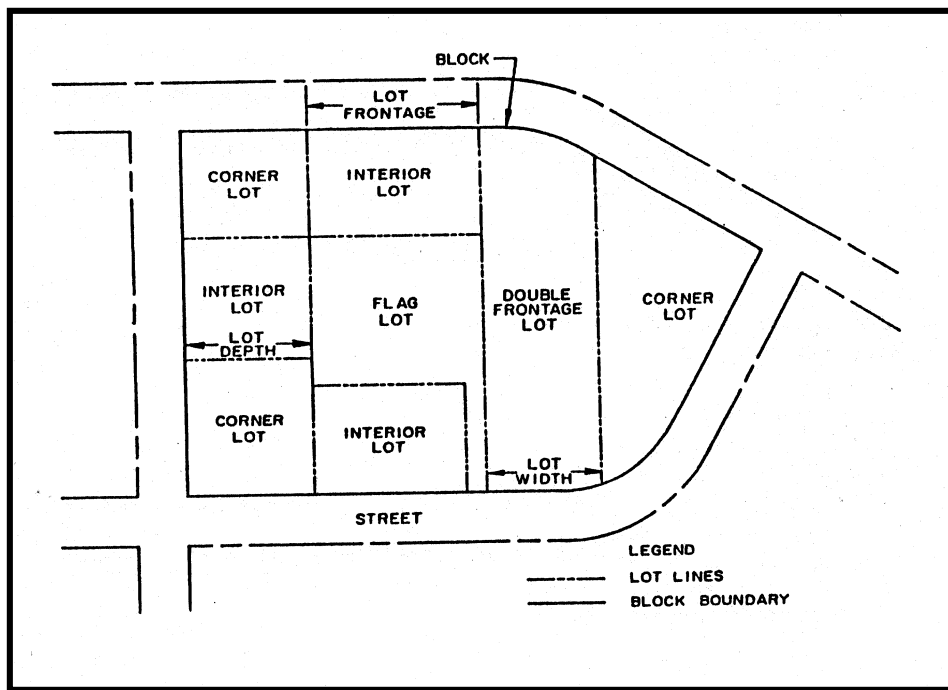
Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double 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. (See Illustration No. 1)

Lot, Flag. A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way, which is part of the lot. (See Illustration No. 1)

Lot, Frontage. The smallest dimension of a lot abutting a public street measured at the street right-of-way line. (See Illustration No. 1)

Lot, Interior. A lot other than a corner lot, with frontage on one street. (See Illustration No. 11.1)

Illustration No. 11.1: Lot Layout Description



Source: SEWRPC, 1998 and Bay-Lake Regional Planning Commission, 2000.

Lot, Reverse Frontage. A double frontage lot which is not accessible from one of the streets on which it fronts.

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

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

Mother Tract. A parcel of land that is, or at any time in the previous twenty (20) years was, in the same ownership \*. Contiguous parcels in the same ownership are considered to be one (1) parcel for purposes of this definition, even though the separate parcels may have separate tax identification numbers or were acquired at different times or from different persons.

\*Ownership, for the purpose of this Ordinance, lot, tracts, or parcels shall be considered in the same ownership when owned by: the same individual corporation; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as a joint tenant or tenet in common, together with another, an individual, and other lots are owned by one's spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or spouse of the brother or sister of such person; and, when any of said lots, tracts, or parcels are owned by the corporation in which said individual is an officer or director or controlling stockholder.

Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town of Red River may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies may include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, the Wisconsin Department of Transportation (WisDOT), the Wisconsin Department of Natural Resources (DNR), and the Kewaunee County Zoning Committee.

Out lot. A parcel of land, other than a buildable lot or block, so designated on the plat, but not of standard lot size, which can be either re-divided into lots or combined with one or more other adjacent out lots or lots in adjacent Subdivisions or Minor Subdivisions in the future for the purpose of creating buildable lots.

Plan Commission has the meaning given in Section 2.0401 of the Code of Ordinances of the Town of Red River, Wisconsin.

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.

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

Public Sanitary Sewerage. A waste water disposal system providing conveyance, treatment, and final disposal of wastes from users who all have equal rights to the benefits of the utility, which is owned and operated by a legally established governmental body; except that sanitary sewerage systems operated by a lake or sanitary district are intended to be used for remedial purposes and are not intended to be used of provide sanitary sewerage services to new land divisions.

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

Replat. The process of changing, or the plat or map that changes, the boundaries of a recorded subdivision plat, Certified Survey Map or part thereof. The division of a large block, lot, or out lot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or out lot is not a replat.

Restrictive Covenant. A restriction, also known as a deed restriction, on the use of land; usually set forth in the deed. A restrictive covenant usually runs with the land and is binding upon subsequent owners of the property.

Sanitary Sewer Service Area. The area within and surrounding a city, village, town or other municipality that is planned to be served with public sanitary sewerage facilities by a horizon year.

Shorelands. Those lands, in the unincorporated areas of Kewaunee County, lying within the following distances: 1,000 feet from the high water elevation of navigable lakes, ponds, and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Site Plan. A accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Sketch Plan. A rough plan of a proposed Subdivision or other development.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service.

Subdivide. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, or replat.

Subdivider. Any person, firm, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a Subdivision, Subdivision (Minor), or Replat.

Subdivider's Agreement. An agreement, by which the Town and the Subdivider agree in reasonable detail as to all of those matters that the provisions of these regulations permit to be covered by the Subdivider's Agreement. The Subdivider's Agreement shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the Town.

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or owner's agent, for the purpose of transfer of ownership or building development where the act of division creates:

Five (5) or more lots, parcels, or building sites of forty (40) acres each or less in area; or

Five (5) or more lots, parcels, or building sites of forty (40) acres each or less in area by successive divisions from the same **Mother Tract** within a period of five years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations. Such minor subdivisions may be made by a certified survey map.

Subdivision (Minor). The division of a lot, parcel, or tract of land by the owner thereof or owner's agent, for the purpose of transfer of ownership or building development where the act of division creates:

less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area; or

less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area by successive divisions from the same **Mother Tract** within a period of five years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations. **Such minor subdivisions shall be made by a certified survey map.**

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.

Town. A local unit of government in the State of Wisconsin. For the purposes of this Ordinance, the Town means the Town of Red River, Kewaunee County, Wisconsin.

Town Board has the meaning given in Section 2.0202 of the Code of Ordinances of the Town of Red River, Wisconsin.

Town Engineer. A professional engineer, registered in the state of Wisconsin, hired by the Town of Red River, to represent the Town's interests in matters relating to engineering and surveying activities of persons, companies, or corporations developing or dividing land within the Town.

Variance. A waiver from compliance with a specific provision of the zoning ordinance granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance. The granting of variances traditionally is the responsibility of the zoning board of appeals.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Also as defined by the WDNR, Corps, of Engineers and NRCS.

Wisconsin Administrative Code. The rules of administrative agencies having rule making authority in Wisconsin, including subsequent amendments to those rules.

Wisconsin Statutes. Shall refer to the 1999-2000 Wisconsin Statutes and all future modifications thereof, which shall be automatically deemed adopted and incorporated by reference. All definitions contained in the Wisconsin Statutes or in the Wisconsin Administrative Code, which are not inconsistent with the provisions of this Ordinance, are adopted by reference.

Working Days. Monday through Friday, excluding holidays



**11.0300 GENERAL PROVISIONS****11.0301 Jurisdiction**

- A. Jurisdiction of these regulations shall include all lands within the civil boundaries of the Town of Red River, Kewaunee County, Wisconsin. The provisions of this Ordinance as it applies to divisions of tracts of land into less than 5 parcels shall not apply to:
1. Transfers of interests in land by will or pursuant to court order;
  2. Leases for a term not to exceed 10 years, mortgages, or easements;
  3. Sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created, and the lots resulting are not reduced below the minimum sizes required by these regulations, the Red River Zoning Ordinance, or other applicable laws or ordinances;
  4. Cemetery Plats made under Wisconsin Statutes 157.07.
  5. Assessors' Plats made under Wisconsin Statutes 70.27, but such assessors plat shall comply with the Wisconsin Statutes, Sections 236.15 (1) (a) to (g) and 236.20 (1) and (2) (a) to (e).
- B. Any re-subdivision of a recorded "Minor Subdivision" that ultimately results in the creation of five (5) or more lots, parcels, or building sites from the same congressional forty in a successive five (5) year period, shall be considered to be a Subdivision and shall be accompanied by a subdivision plat and not additional Certified Survey Maps.
- C. Lots, tracts, or parcels which are bisected by an existing public road, by a railroad right-of-way, or by navigable waters, for the purpose and provisions of this ordinance as they apply to subsequent land divisions, shall be considered to be effectively divided into separate lot, tracts, or parcels. (See 77 Atty. Gen. 66, that notes that a public thoroughfare effectively splits land tracts that are not "susceptible to integration into a single unit of land.")
- D. Any conveyance of land to a governmental agency, public entity, or public utility, and any land conveyance within a pre-planned business park shall not be considered a division of land for the purposes of computing the number of parcels, but shall be accompanied by a certified survey map.

**11.0302 Compliance**

No person shall divide any land located within the jurisdictional limits of the Town which result in a Subdivision, Minor Subdivision, or a re-plat as defined herein; no such Subdivision, Minor Subdivision or Re-plat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance, and:

- A. Provisions of 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 connecting street.
- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- E. Red River Comprehensive Plan or components of such plan prepared for the Town of Red River.
- F. The Red River Zoning Ordinance.
- G. The Kewaunee County Shoreland Subdivision Control Ordinance.
- H. All Other applicable local and county ordinances.

### **11.0303 Dedication and Reservation of Lands**

- A. Streets, Highways, and Drainageway. Whenever a tract of land to be subdivided encompasses all or any part of an arterial or collector street, drainageway or other public way which has been designated on an adopted town, county, or regional comprehensive plan, comprehensive plan component, an official map, or on the highway width map of Kewaunee County, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the Town, County, or State of Wisconsin, by the Subdivider in the locations and dimensions indicated on said plan, component, or map and as set forth in Section 11.0800 of this Ordinance.
- B. Town Parks and Trails. (Reserved For Future Use)

### **11.0304 Improvements**

Before final approval of any plat located within the Town, the Subdivider shall install street and other improvements as hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval, the Subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a bond with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to the estimated cost of the improvements, said estimate to be made by the Town Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

- A. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town Board.
- B. Governmental 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 within the civil boundaries of the Town, the Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes, and as may be required by an engineer hired by the Town.

### **11.0305 Waivers/Modifications**

Where, in the judgment of the Town Plan Commission, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with the Town's adopted Comprehensive Plan or comprehensive plan component. No waiver or modification shall be granted unless the Town Plan Commission finds 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 Subdivision Control Ordinance should be changed.
- B. Preservation of Property Rights: That such waiver or modification 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 waiver or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- D. Absence of Conflict with County. That the waiver or modification is not in conflict with Kewaunee County requirements.
- E. A Simple Majority Vote of the Town Plan Commission shall be required to grant any waiver or modification of this Ordinance, and the reasons shall be entered into the minutes of the Commission.
- F. The Town Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wisconsin Statutes, for a reasonable time,

not to exceed one year, on condition that the Subdivider execute a surety bond equal to the estimated cost of installing the monuments to insure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

### **11.0306 Land Suitability**

No land shall be subdivided for residential use which is held unsuitable for such use by the Town Plan Commission, upon recommendation of the Town Engineer or other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed Subdivision, or the Town, or poses an undue threat to the environment, including surface or ground water. In addition:

- A. Floodlands. No lot served by public sanitary sewerage facilities shall have more than 20 percent of its required lot area below the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record. No lot one acre or less in area served by an onsite sanitary sewage disposal systems shall include floodlands. All lots more than one acre in area served by an onsite sanitary sewage disposal system shall contain not less than 40,000 square feet of land which is above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.
- B. Lands Made, Altered, or Filled with Non-earth Materials within the preceding 20 years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where, in the opinion of the Kewaunee County Sanitarian, soil tests clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. Lands Made, Altered or Filled with Earth within the preceding seven years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where, in the opinion of the Kewaunee County Sanitarian, soil tests clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent

conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- D. Lands Having a Slope of 12 percent or more may be required by the Town Board to be maintained in unbuilt open space use.
- E. Lands Having Bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- F. Lands Having Groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- G. Land Drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- H. The Town Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for residential use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if he so desires. The Town Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

### **11.0307 Violations**

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any Subdivision, Minor Subdivision or Replat within the jurisdiction of this Ordinance not of record as of November 15, 2000, until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

### **11.0308 Penalties and Remedies**

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than **\$100** plus any additional applicable costs incurred by the Town for each offense, and 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 the following:

- 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.

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the Subdivider, when a Subdivision is created by successive divisions.

### **11.0309 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 Sections 23 6.13 (5) and 62.23 (7)(e) 10 to 15 of the Wisconsin Statutes, within **30 Working Days** of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

## 11.0400 LAND DIVISION PROCEDURES

### 11.0401 Pre-Application Conference

It is recommended that, prior to the filing of an application for the approval of a preliminary plat or certified survey map, the Subdivider consult with the Town Plan Commission or its staff in order to obtain their advice and assistance. It is recommended that a conceptual plat of the proposed Subdivision or certified survey map be brought by the applicant to the meeting, but such conceptual plat is not required. This consultation is neither formal nor mandatory, but is intended to inform the Subdivider of the purpose and objectives of these regulations, any applicable 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 Town Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The Subdivider will gain a better understanding of the subsequent required procedures.

### 11.0402 Preliminary Plat Review

Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat and 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 **25 working days** prior to the meeting of the Plan Commission at which action is desired.

- A. The Town Clerk shall, within two (2) normal Working Days after filing, transmit:
1. **Four (4) copies** to the Kewaunee County Planning, Zoning and Sanitation Committee;
  2. **Two (2) copies** to the Director of Plat Review, Wisconsin Department of Administration;
  3. Additional copies to the Director of Plat Review, Wisconsin Department of Administration for re-transmission as follows:
    - (a) **Two (2) copies** to the Wisconsin Department of Transportation (WisDOT) if the Subdivision abuts or adjoins a state trunk highway or a connecting street;
    - (b) **Two (2) copies** to the Wisconsin Department of Commerce if the Subdivision is not served by a public sewer and provision for such service has not been made; and
    - (c) **Two (2) copies** to the Wisconsin Department of Natural Resources (WDNR) if shoreland areas are contained within the proposed Subdivision.

- B. The Town Clerk shall also transmit **two (2) copies** of the preliminary plat to the Town Plan Commission and additional copies of all affected Town committees for their review and recommendations concerning matters within their jurisdiction. The recommendations of Town committees and commissions shall be transmitted to the Town Plan Commission within **30 Working Days** from the date the plat is filed. The preliminary plat shall then be reviewed by the Town Plan Commission for conformance with this Ordinance, the Red River Zoning Ordinance, and all other Town ordinances, rules, regulations, comprehensive plans, and comprehensive plan components.
- C. The Town Clerk shall also transmit **one (1) copy** each of the preliminary plat to:
1. The Kewaunee County Land Conservation Committee;
  2. Applicable public or private utility companies;
  3. The applicable school district.
  4. The Bay-Lake Regional Planning Commission.
- for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within **30 Working Days from the date** the plat is filed.
- D. Status of Reviewing Agencies:
1. The Following Agencies are Approving Agencies: the Town Board, and the Kewaunee County Zoning.
  2. The Following Agencies are Objecting Agencies: the Wisconsin Department of Administration, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources.
  3. The Following, Agencies are Advisory Agencies: the Kewaunee County Land Conservation Committee, the Bay-Lake Regional Planning Commission, the affected utility companies, Wisconsin DNR, County Surveyor/Highway Engineer, and the school board.

### 11.0403 Preliminary Plat Approval

- A. The Objecting Agencies shall, within **30 Working 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 Plan Commission. If an objecting agency fails to act within **30 Working Days**, it shall be deemed to have no objection to the plat.
- B. The Town Plan Commission shall, within **90 days** of the date of filing of the preliminary plat with the Town Clerk, approve, approve conditionally,



or reject such plat. One copy of the plat shall thereupon be returned to the Subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Town Plan Commission's permanent file.

- C. 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.
- D. 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 six months of preliminary plat approval and conforms substantially to the preliminary plat provided in Section 236.11 (1) (b) of the Wisconsin Statutes, the final plat shall be entitled to approval.

#### **11.0404 Final Plat Review**

The Subdivider shall prepare a final plat and a letter of application 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 25 Working Days** prior to the meeting of the Town Plan Commission at which action is desired.

- A. The Town Clerk shall, **within 2 days** after filing, transmit:
  - 1. **Four (4) Copies** to the Kewaunee County Zoning Committee;
  - 2. **Two (2) Copies** to the Director of Plat Review, Wisconsin Department of Administration;
  - 3. **One (1) Copy** to affected utility companies;
  - 4. **Additional Copies** to the Director of Plat Review, Wisconsin Department of Administration, for retransmission as follows:
    - (a) **Two (2) copies** to the Wisconsin Department of Transportation (WisDOT) if the Subdivision abuts or adjoins a state trunk highway or a connecting street; and
    - (b) **Two (2) copies** to the Wisconsin Department of Commerce if the Subdivision is not served by a public sewer and provision for such service has not been made; and
    - (c) **Two (2) copies** to the Wisconsin Department of Natural Resources (WDNR) if shoreland or floodlands are contained within the proposed Subdivision; and
    - (d) **One (1) copy** to each of the affected public or private utilities; and the original final plat and 10 copies to the Town Plan Commission.
- B. The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; and conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations,

comprehensive plans and comprehensive plan components which may affect it and shall recommend approval or rejection of the plat to the Town Board.

- C. Partial Platting. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat which the Subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

### **11.0405 Final Plat Approval**

The objecting agencies, shall, **within 25 Working 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 25 Working Days**, it shall be deemed to have no objection to the plat.

- A. Submission. If the final plat is not submitted **within six months** of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
- B. The Town Plan Commission shall, **within 30 Working 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 recommendation to the Town Board.
- C. Notification. The Town Plan Commission shall, when it determines to recommend approval or rejection of a plat to the Town Board, give **at least 10 days** prior written notice of its recommendation to the clerk of any municipality **within 1,000 feet** of the plat.
- D. The Town Board shall, in accordance with Section 236.12 of the Wisconsin Statutes, **within 60 days** of the date of filing the original final plat with the Town Clerk, approve or reject such plat. The Town Board may act on the plat at the same meeting at which the Town Plan Commission makes its recommendation. **One copy** of the plat shall thereupon be returned to the Subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider. One copy each of the plat and letter shall be placed in the Town Board's permanent file. The Town Board shall not inscribe its approval on 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, with the date they were forwarded, and that no objections have been filed **within 25 Working Days** or, if filed, that they have been met.

- E. Failure of the Town Board to act **within 60 days**, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the Subdivider having been paid, shall constitute approval of the final plat.
- 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 returned to the Subdivider for recording with the Kewaunee County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for record **within 30 Working Days** from the date of the last approval and within six (6) **months** of the first approval, as required in Section 236.25(2)b of the Wisconsin Statutes.
- G. Copies. The Subdivider shall file **10 copies** of the recorded final plat with the Town Clerk for distribution to the Town Engineer, Town Attorney, Building Inspector, Assessor and other affected departments for their files.

#### **11.0406 Plats Within Extraterritorial Plat Approval Jurisdiction**

(RESERVED)

#### **11.0407 Minor Land Division (Certified Survey Map Review and Approval)**

A certified Survey Map prepared by a land surveyor registered in this State is required for all land divisions where the act of division creates:

less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area; or

less than five (5) lots, parcels, or building sites of forty (40) acres each or less in area by successive divisions from the same Mother Tract within a period of five years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations. The Subdivider shall prepare the certified survey map in accordance with this Ordinance and shall **file sufficient copies** of the map and the letter of application with the Town Clerk **at least 30 days prior** to the meeting of the Town Plan Commission at which action is desired.

- A. Pre-Application Conference similar to the consultation suggested in Section 11.0401 of this Ordinance is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public.

- B. The Town Clerk shall, **within two (2) normal Working Days** after filing, transmit the copies of the map and letter of application to each of the Town Plan Commission members.
- C. The Town Plan Commission shall transmit a copy of the map to all affected Town Boards and commissions for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the Kewaunee County Land Conservation Committee and to the Bay-Lake Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Town Plan Commission **within 25 Working Days** from the date the map is filed. The map shall be reviewed by the Town Plan Commission for conformance with this Ordinance, the Red River Zoning Ordinance, and all other ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and neighborhood plans, as may be applicable.
- D. The Town Plan Commission shall, **within 90 days** from the date of filing of the map, recommend approval, conditional approval or rejection of the Map, and shall transmit the 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 map **within 120 days** from the date of filing of the map unless the time is extended by agreement with the Subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map.
- F. Recordation. After the certified survey map has been approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the map attesting to such approval, and the Town Clerk shall return the map to the Subdivider for recording with the Kewaunee County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for record **within 30 Working Days** from the date of the last approval and within **six (6) months** of the date of first approval, in accordance with Section 236.25(2)b of the Wisconsin Statutes.
- G. Copies. The Subdivider shall file **10 copies** of the recorded certified survey map with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected officials for their files.

## 11.0408 Replat

- A. 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 person wishing to Replat, shall then proceed as specified in Sections 11.0401 through 11.0405 of this Ordinance.

- B. The Town Clerk shall schedule a public hearing before the Town Plan Commission when a preliminary plat of a Replat of lands within the Town is filed, and shall cause notices of the proposed Replat and public hearing to be published and mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties **within 500 feet** of the exterior boundaries of the proposed Replat.

#### **11.0409 Condominium Plats and Planned Unit Developments**

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, planned residential developments, planned unit developments, or any amendments or expansions thereof such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Sections 11.0401 through 11.0405 of this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply subdivision plats, including, but not limited to, those set forth in Sections 11.0900 and 11.1000 of this Ordinance.

**11.0500 PRELIMINARY PLAT****11.0501 General**

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

- A. Title or Name under which the proposed Subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- B. Location of proposed Subdivision by: government lot, quarter section, township, range, county, and state.
- C. Date, graphic scale, and north arrow.
- D. Names and addresses of the owner, Subdivider and land surveyor preparing the plat.
- E. Entire Area Contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

**11.0502 Plat Data**

All preliminary plats shall show the following:

- A. Exact Length and Bearing of the exterior boundaries of the proposed Subdivision referenced to two corners established in the U. S. Public Land Survey and the total acreage encompassed thereby.
- B. Existing and Proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than five feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours referenced to mean sea level (1929) datum.
- C. Water Elevations of all streams, ponds, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey and approximate high and low water elevations, referenced to mean sea level (1929) datum.
- D. Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.

- E. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- F. Location and Names of any adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- G. 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, referenced to mean sea level datum.
- H. Location Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the plat, and by their size, and invert elevations.
- I. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, wetlands, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or manmade 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, Approximate Dimensions, and Size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other non-public uses not requiring lotting.
- M. Approximate Radii of all curves.
- N. Existing Zoning on and adjacent to the proposed Subdivision.
- O. Civil Boundary Lines within the exterior boundary of the tract or immediately adjacent thereto.
- P. Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed Subdivision in relation to the access.
- Q. Any Proposed Lake and Stream Improvement or relocation, and notice of application for approval by the Director of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.

- R. Soil Type, Slope and Boundaries as shown on the "Kewaunee County Soil Survey," prepared by the Soil Conservation Service (SCS).
- S. Location and Results of Soil Boring Tests, where required by Section Comm 85.06 of the Wisconsin Administrative Code, made to a depth of six 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 test per three acres shall be made initially.
- T. Location and Results 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 test initially made shall not be less than one test per three acres or one test per lot, whichever is greater.

### **11.0503 Street Plans and Profiles**

The Town Plan Commission 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 mean sea level (1929) datum, and plans and profiles shall meet the approval of the Town Engineer.

### **11.0504 Testing**

- A. The Town Plan Commission, upon recommendation of the Town Engineer or Kewaunee County Sanitarian, 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. The Town does not guarantee, warrant, or represent that only those soils tested and shown to be 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 of Supervisors, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.
- B. Where the Subdivision will not be served by public sanitary sewer service, the provisions of Section Comm 85 of the Wisconsin Administrative Code and the location and results of such tests shall be shown on the preliminary plat. The results may be shown in a separate document, if necessary.



**11.0600 SOIL AND WATER CONSERVATION**

The Town Plan Commission, upon the recommendation of the Town Engineer, after 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 earthmoving 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 requirements set forth in Wisconsin's Best Management Practices, and shall be in accordance with standards set forth in Section 11.1204 of this Ordinance.

**11.0601 Covenants**

The Town Plan Commission may require submission of a draft of protective covenants, where a covenant is proposed, whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development. The covenants shall be subject to review and approval of the Town Attorney as to form.

**11.0602 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.

**11.0700 FINAL PLAT****11.0701 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.

**11.0702 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 center line 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 required by the Town Plan Commission in accordance with Section 11.0907 of this Ordinance.
- E. Additional Building Setback Lines required by the Town Board or by the County Park and Planning Commission, which are more restrictive than the zoning district in which the plat is located or which are proposed by the Subdivider and which are to be included in recorded protective covenants.
- F. Utility and drainage easements.
- G. All Lands Reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the Subdivision, provisions and plans for its use and maintenance shall be submitted with the plat.
- H. Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two feet above the elevation of the one hundred (100) recurrence interval flood or, where such data is not available, a vertical distance of five feet above the elevation of the maximum flood of record.
- I. Special Restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips, or shorelands or floodlands.

**11.0703 Deed Restrictions**

The Plan Commission may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

**11.0704 Survey Accuracy**

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, proper kind and location of monuments and liability 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 one part in 10,000, nor in azimuth, of 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 Dimension 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 one part in 5,000, or an error in measured angle greater than one 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 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 minutes of arc.
- C. The Town Board shall receive the results of the Town Engineer's examination prior to approving the final plat.

#### **11.0705 Surveying and Monumenting**

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

#### **11.0706 State Plane Coordinate System**

Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town of Red River, or Kewaunee County, the plat shall be tied directly to two (2) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, Central Zone, and adjusted to the Town's control survey. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the Subdivision.

#### **11.0707 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.

**11.0708 Recordation**

The final plat shall be recorded with the Kewaunee County Register of Deeds only after the certificates required above are placed on the face of the plat. Such recordation shall take place in accordance with Section 236.25(2)b of the Wisconsin Statutes.

**11.0800 CERTIFIED SURVEY MAP (MINOR SUBDIVISION)****11.0801 General**

A certified survey map prepared by a registered land surveyor shall be required for all Minor Subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The Minor Subdivision shall comply with the design standards and improvement requirements set forth in Sections 11.0900 and 11.1000 of this Ordinance.

**11.0802 Required Information**

The 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 structures, watercourses, drainage ditches, wetlands and other features pertinent to proper division.
- B. Setbacks or building lines if required by the Town Plan Commission in accordance with the guidelines set forth in Section 11.0907 of this Ordinance.
- C. All Lands reserved for future acquisition.
- D. Date of the map.
- E. Graphic scale and North arrow.
- F. Name and address of the owner, Subdivider and surveyor.
- G. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.
- H. Vicinity Sketch, A small drawing oriented on the sheet in the same direction as the main drawing of the section of the government Subdivision of the section in which the Subdivision lies with the location of the Subdivision indicated thereon.

**11.0803 Additional Information**

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

- A. Existing Contours at vertical intervals of not more than two feet where the slope of the ground surface is less 10 percent, and of not more than five feet where the slopes of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
- B. Soil Type, Slope, and Boundaries as shown on the detailed operational soil survey maps prepared by the U. S. Soil Conservation Service.

- C. Location of Soil Boring Tests, where required by Section Comm 85.06 of the Wisconsin Administrative Code, made to a minimum depth of six feet or to bedrock, whichever is greater. 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 test per three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- D. Location of Soil Analysis 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 test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.
- E. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the Subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development. If the Town determines that such a survey is not required, a sketch drawn to scale shall be submitted showing the developers entire contiguous holdings.

#### **11.0804 State Plane Coordinate System**

Where the map is located within a U.S. Public Land Survey quarter section the comers of which have been relocated, monumented and coordinated by the Town of Red River or Kewaunee County, the 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 tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the section or quarter corner to which the certified survey map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, Central Zone, and adjusted to the Town's control survey.

#### **11.0805 Certificates**

All Certified Survey Maps shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town Board shall certify its approval on the face of the map. In addition, the Surveyor shall certify that s/he has fully complied with all of the provisions of this Ordinance.

#### **11.0806 Recordation**

The Certified Survey Map shall be recorded with the County Register of Deeds only after the certificates of the Town Board, the County Zoning Office, and the surveyor are placed on the face of the map.

**11.0900 DESIGN STANDARDS****11.0901 Street Arrangement**

In any new Subdivision the street layout shall conform to the arrangement, width and location indicated on any applicable official map, Kewaunee County jurisdictional highway system plan, comprehensive plan or plan component, or neighborhood unit development plan of the Town. 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, and to the most advantageous development of adjoining areas. The Subdivision shall be designed so as to provide each lot with at least 30 feet of frontage on a public street. However, each lot shall have the required lot width of the applicable zoning ordinance as measured at the front yard setback.

- A. Arterial streets 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 major 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 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 arterial streets to which they connect.
- C. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, 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. Examples of where the Town would not require a street to extend to the property boundary would be when the Subdivision abuts a wetland or other unsuitable lands, or where a sewered Subdivision abuts lands not included in a sanitary sewer service area.

- 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 20-foot nonaccess reservation along the rear property line, or by the use of frontage streets.
- F. Stream or Lake Shores shall have 60 feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes.
- G. Access shall be provided in commercial and industrial districts for off-street loading and service unless otherwise required by the Town Plan Commission.
- H. 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.

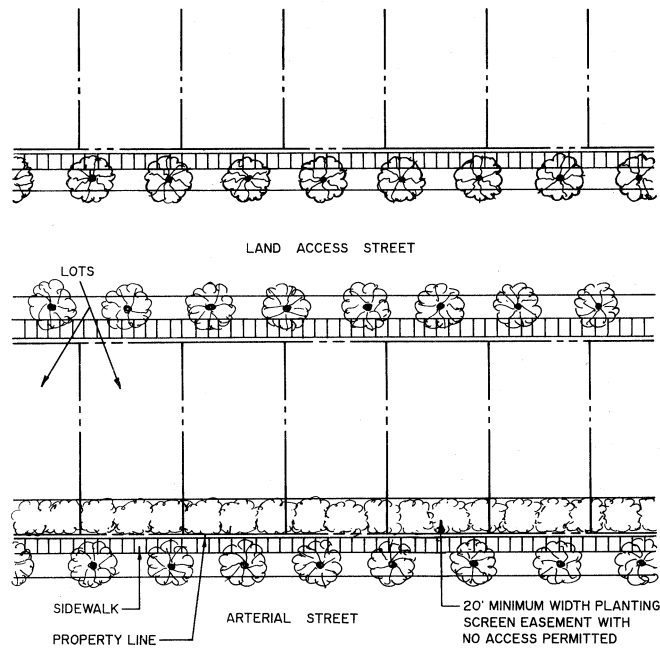
### **11.0902 Limited Access Highway Treatment**

Whenever the proposed Subdivision contains or is adjacent to a limited access highway 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, a planting strip at least 20 feet in depth shall be provided adjacent to the highway 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, except public or private utility structures, hereon is prohibited."*



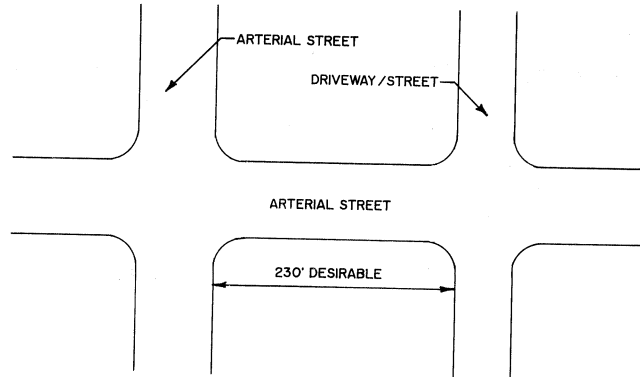
Illustration No. 11.2: Reversed - Frontage Lots For Limitation of Vehicular Access to Arterial Streets



Source: SEWRPC, 1998 and Bay-Lake Regional Planning Commission, 2000.

- B. Commercial and Industrial Districts shall have provided, on each side of a limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said 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.

Illustration No. 11.3: Arterial Highway Access and Driveway and Street Intersections



Source: SEWRPC, 1998 and Bay-Lake Regional Planning Commission, 2000.

- D. Minor Streets immediately adjacent to and parallel to railroad rights-of-way shall be avoided, and location of minor streets adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

### 11.0903 Street and Pedestrian 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 unit development, or County jurisdictional highway system plan. If no width is specified therein, the minimum width for arterial, collector, and minor streets shall be as shown on Table 11.1. Cross-sections for freeways, expressways, and parkways should be based on detailed engineering studies.

Table 11.1: Required Street Cross Sections in the Town of Red River

**URBAN SECTION**

Type of Street	Minimum Right-of-Way Width To Be Dedicated	Minimum Surface Width	Minimum Shoulder Width
Arterial Street	80 feet <sup>1</sup>	24 feet	8 feet
Collector Street	66 feet	22 feet	3-6 feet
Minor Street	66 feet	22 feet	3-5 feet
Cul-de-sac Street Cul-de-sac Bulb	66 feet 60 foot radius	22 feet 45 foot radius	3 feet 3 feet
Pedestrian Way	10 feet each side	4 feet each side	NA

**RURAL SECTION**

Type of Street	Minimum Right-of-Way Width To Be Dedicated	Minimum Surface Width	Minimum Shoulder Width
Arterial Street	80 feet <sup>1</sup>	24 feet	8 feet
Collector Street	66 feet	22 feet	3-6 feet
Minor Street	66 feet	22 feet	3-5 feet
Cul-de-sac Street Cul-de-sac Bulb	66 feet 60 foot radius	22 feet 45 foot radius	3 feet 3 feet

<sup>1</sup>Or as shown on the adopted "Jurisdictional Highway Plan for Kewaunee County."

Source: SEWRPC, 1998 and Bay-Lake Regional Planning Commission, 2000.

- A. Cul-de-sac streets designed to have one end permanently closed shall not exceed 1000 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 45 feet.
- B. Temporary termination of streets 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, or by construction of a temporary "T" intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on either side, at the discretion of the Town Board.
- C. Street Grades. Unless necessitated by exceptional topography, subject to the approval of the Town Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:

1. Arterial streets: six percent.
2. Collector streets: eight percent.
3. Minor streets, alleys and frontage streets: 10 percent.
4. Pedestrian ways: 12 percent unless steps or stairs of acceptable design are provided.
5. The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent.

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

- D. Radii of Curvature. When a continuous street center line 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: 150 feet

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

- E. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

1. Arterial streets shall be designed so that they will not be overtopped by the 50-year recurrence interval flood.
2. Collector and minor streets shall be designed so that they will not be overtopped by the 10-year recurrence interval flood.

- F. 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 0.01 foot above the peak stage for the 100-year recurrence interval flood, as established in the applicable 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 providing that flood easements or other appropriate legal measures have been secured 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 plans shall be submitted to the Wisconsin Department of Natural Resources (DNR) to assure compliance therewith.

- 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. Future half streets shall not be permitted.

#### **11.0904 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 intersection shall be reduced to a minimum, preferably not more than two.
- B. Number of Intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
- C. Minor or Collector Streets shall not necessarily continue across arterial streets; but if the center lines of such minor or collector streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major street is continuous, and a jog is avoided.

#### **11.0905 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 1,500 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, shopping centers, churches or transportation facilities.
- C. The Width of Blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic and railroad rights-of-way. The width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- D. Utility Easements for electric power and telephone service shall be located as determined by the applicable utility company. All lines, pipes, cables and

similar equipment shall be installed underground within all newly platted Subdivisions except and unless the Town Board, upon recommendation of the Town Plan Commission after study, finds that the locations, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lot to be served by said facilities can be served directly from existing over-head facilities and the requiring of underground installation would constitute an undue hardship upon the Subdivider. Associated equipment and facilities which are appurtenant to underground electric communications and gas facility systems, including, but not limited to, substations, pad-mounted transformer, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed on the ground surface. Any landscape screening plan required for such aboveground equipment shall be submitted to the affected utilities and the Town Plan Commission for approval.

### **11.0906 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 buildings 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 and Reverse Frontage Lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation. Such permitted double frontage and reverse frontage lots shall provide an extra lot depth of 20 feet for landscaped buffering.
- C. Access. Every lot shall front or abut for a distance of at least 30 feet on a public street.
- D. Area and Dimensions of Lots shall conform to the requirements of the Town of Red River Zoning Ordinance. Wherever a tract is subdivided into parcels that are more than twice the minimum lot area required for the zoning district in which the parcel is located, the Town Plan Commission may require such parcels shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance.
- E. Depth. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

- F. The Width of Lots shall conform to the requirements of the Town of Red River Zoning Ordinance, and in no case shall a lot be less than 65 feet in width at the building setback line.
- G. Corner Lots, when located in a district, or allowed through a variance, which permits a lot width of less than 100 feet, shall have an extra width of 10 feet to permit adequate building setbacks from side streets.
- H. Lands Lying between the Meander Line and the Water's Edge and any otherwise unplattable lands which lie between a proposed Subdivision and the water's edge shall be included as part of lots, out lots or public dedications in any plat abutting a lake or stream.
- I. Back Lot Development or lake lot pyramiding is prohibited. Lots abutting a lake which are zoned for single-family residential development shall be used on a continuing basis for only one family. The purchase of a single lot or out lot abutting a lake shall not be used as access for lots, Subdivisions or other developments located away from the lake.

### **11.0907 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.

### **11.0908 Easements**

- A. Utility Easements. The Plan Commission may require utility easements of widths deemed adequate for the intended purpose of each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers; and gas, water and other utility lines. All easements shall be noted on the final plat followed by reference to the use or uses for which they are intended.
- B. Drainage Easements. Where a Subdivision is traversed by a drainage way or stream, an adequate 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.

- C. Environmental Corridors. Where the *Town of Red River 2015 Comprehensive Plan* denotes natural areas as environmental corridors, no development shall take place. Additionally, within a sewer service area, a fifty foot set-back from all wetlands greater than 2 acres in size shall be identified whereas no development may take place within the 50 foot buffer zone. These lands identified as environmental corridor shall be identified as an easement and are subject to review and approval by the Town Engineer.

### **11.0909 Public Sites and Open Spaces**

- A. In the design of the plat or Certified Survey Map, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or neighborhood unit development plan, such areas shall be made a part of the plat or Certified Survey Map as stipulated in Section 11.0502 of this Ordinance. If not so designated, consideration shall be given to preserving open space sites such as primary environmental corridors, scenic and historic sites, woodlands, wetlands, lakes, ponds, watercourses, and ravines within the proposed plat or certified survey map.

### **11.0910 Private Access Points to Lakes and Streams**

All points of access to any Town lake or stream shall conform to the applicable provisions of the Town of Red River Zoning Ordinance and the Kewaunee County Shoreland Zoning Ordinance. The purpose of this section is to promote the comfort, health and safety of the Town and its citizens and to preserve and protect the environmental and water quality of all Town lakes and streams.

- A. All Points Providing Access whether by easement, deed or plat reservation to any Town lake or stream from more than one dwelling unit on lots, which do not front directly on the water, shall have a minimum width of seventy-five feet at the normal high water line.
- B. In Order to Carry Out the intent and purpose of these regulations, the Town Plan Commission and/or Town Board may require the Subdivider to install such improvements in the access area as may be necessary to further the maintenance of safe and healthful conditions and prevent and control water pollution. When appropriate, the Town Plan Commission and/or Town Board may require the Subdivider to record restrictions, pursuant to Section 236.293 of the Wisconsin Statutes, to provide for the continued maintenance of the required improvements and/or to prohibit the subsequent grant of access to lakes and streams following an approval of a plat of Subdivision which has not incorporated access as part of its final plat.
- C. The Town Plan Commission and/or Town Board may specify additional conditions, such as landscaping architectural design, type of construction, construction commencement and completion dates, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, flood-proofing, ground cover,



diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, or increased yards, upon a finding that these are necessary to fulfill the purpose and intent of this section.

- D. The Town Plan Commission and/or Town Board when applying the provisions of this Section shall afford the Subdivider and any other interested party an opportunity to present evidence and be heard at a public hearing.

**11.1000 REQUIRED IMPROVEMENTS****11.1001 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.

**11.1002 Grading**

- A. After the installation of temporary block corner monuments by the Subdivider and establishment of street grades by the Town Board, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Engineer. The Subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.
- B. Cut and filled land shall be graded to a maximum slope of *one on four or the soil's angle of repose*, whichever is the lesser, and covered with permanent vegetation.

**11.1003 Surfacing**

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, the Town comprehensive plan or comprehensive plan components, and any other applicable regulations. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Engineer.

**11.1004 Curb and Gutter**

The Town Board may require the Subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer.

**11.1005 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 Plan Commission, upon recommendation by the Town Engineer, and as set forth in Sections 11.0903 and 11.1204 of this Ordinance.

**11.1006 Sidewalks**

In all Subdivisions the Town may require the Subdivider to construct a concrete sidewalk on both sides of all streets within the Subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer.

**11.1007 Public Sanitary Sewerage**

When public sewer facilities are available, or when it is proposed to establish a private sanitary sewerage system to serve two or more lots, the Subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the Subdivision. In addition:

- A. The Town Board shall, for residential lots, require the installation of sewer laterals to the street lot line.
- B. The Size, Type, and Installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications" as defined and written by the Town Engineer; however, upon written approval of the Town Engineer, the trenches may be backfilled with excavated material meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Town Plan Commission, upon the recommendation of the Town Engineer.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall further be subject to review and approval by the Town Sanitary District Commission.
- D. The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed Subdivision.

**11.1008 Storm Water Drainage Facilities**

The Subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, and open channels, water retention structures, and settling basins adequate to serve the proposed Subdivision. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be designed so as to prevent and control soil erosion and sedimentation and all storm water drainage facilities must meet the requirements of any adopted Town of Red River Land Disturbance Erosion Control and Stormwater Management Ordinance or adopted Kewaunee County Land Disturbance Erosion Control and Stormwater Management Ordinance. In addition:

- A. Unpaved Road Ditches and Street Gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow exceeds four feet per second on soils having a severe or very severe erosion hazard, or exceeds six 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 approved by the Town Plan Commission, upon the recommendation of the Town Engineer.

- B. Shoreland Drainage Facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, and 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 of all applicable Kewaunee County Ordinances and approved by the Town Plan Commission, upon the recommendation of the Town Engineer.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing surface drainage facilities, storm sewers or other drainage improvements, such plans and standard specifications shall further be subject to review and approval by the Town Sanitary District Commission.
- D. The Subdivider Shall Assume the cost of installing all storm sewers within the proposed Subdivision.

**11.1100 WATER SUPPLY FACILITIES**

When public water supply and distribution facilities are available to the Subdivision plat, or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the Subdivider shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision. Private water systems, when required by the Town, shall be provided by the Subdivider in accordance with the standards of the Wisconsin Department of Health and Social Services. In addition:

- A. The Town Board shall require the installation of water laterals to the street lot line.
- B. The Size, Type, and Installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing a system, or systems, of water works, such plans and standard specifications shall also be subject to review and approval by the Town Sanitary District Commission.
- D. The Subdivider Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed Subdivision.

**11.1102 Other Utilities**

- A. The Subdivider shall cause gas, electric power, telephone, and cable television facilities to be installed, where available, in such a manner as to make adequate service available to each lot in the Subdivision. All electrical, or telephone, or cable television service shall be located underground. Where such services are not available at the time the land division is approved, a restrictive covenant shall be recorded with the plat requiring the underground installation of utilities when they become available.
- B. Plans indicating the proposed locations of all gas, electrical power, telephone distribution, cable television and transmission lines required to service the plat shall be approved by the Town Board.

**11.1103 Street Lamps**

The Plan Commission may require the Subdivider to install street lamps along all streets to be dedicated, of a design approved by the Town Engineer. Such lamps shall be placed at each street intersection and at such mid-block intervals as may be required by the Town.

**11.1104 Street Name Signs**

The Subdivider shall install at the intersection of all public and private streets to be dedicated a street sign of a design specified by the Town Board.

**11.1105 Street Trees**

The Plan Commission may require the Subdivider to plant at least one tree of a species acceptable to the Plan Commission and at least 2 1/2 inches in diameter at breast height (dbh) for each 50 feet of frontage on both sides of all streets to be dedicated. The required trees shall be planted in the lawn area of the right-of-way in accordance with plans and standard specifications approved by the Plan Commission.

**11.1106 Sediment Control**

The Subdivider shall plant those grasses, trees, and vines, of species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. Planting shall be consistent with any adopted Town of Red River Land Disturbance Erosion Control and Stormwater Management Ordinance standards or adopted Kewaunee County Land Disturbance Erosion Control and Stormwater Management Ordinance standards. In addition:

- A. The Town Board may require the Subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- B. Tree Cutting and Shrubbery Clearing shall not exceed 50 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, and to preserve and improve scenic qualities. (See Sections 11.1204 and 11.1205 of this Ordinance.)
- C. Paths and Trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Town Board, 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.
- D. 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, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to minimize disturbance of the natural fauna, flora, watercourse, water regimen, and topography. (See Section 11.1204 of this Ordinance.)
- E. The Town Engineer or Plan Commission may request that the Kewaunee County Land Conservation Committee, the State District Fish and Game Manager, or the State District Forester, as appropriate, review any vegetation cutting, clearing, or earth moving associated with the Subdivision.

**11.1200 CONSTRUCTION****11.1201 Commencement**

No construction or installation of improvements shall commence in a proposed land division until the final plat or certified survey map has been approved by the Town Board and the Town Engineer has given written authorization.

**11.1202 Building Permits**

No building permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

**11.1203 Plans**

The following plans and accompanying construction specifications shall be required by the Town Plan Commission and reviewed by the Town Engineer before installation of improvements is authorized:

- 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, elevations, and materials of required facilities.
- C. Storm Sewer and Open Channel 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 necessary to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The erosion and sedimentation control plan shall include information on the length of time that soil will be exposed, and plans and structures, such as fences and tree wells, intended to protect existing vegetation. Such plans shall meet the requirements set forth in any adopted Town of Red River and Kewaunee County Land Disturbance Erosion Control and Stormwater Management Ordinance.
- F. Planting Plans showing the locations, diameter at breast height (dbh), and species of any required street trees.
- G. Additional Special Plans or information as required.

**11.1204 Erosion and Sedimentation Control**

The Subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Town Plan Commission, upon recommendation of the Town Engineer and the Kewaunee County Land Conservation Committee. In addition:

- A. All Erosion and Sedimentation Control Plans shall incorporate best management practices to reduce soil loss during construction to 10 percent of the gross soil loss as estimated by the universal soil loss equation.
- B. Sod Shall Be Laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- C. Temporary Vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- D. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- E. Sediment Basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

### **11.1205 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. Trees shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

### **11.1206 Inspection**

The Subdivider, prior to commencing any work within the Subdivision, shall make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to the release of any sureties.



**11.1300 FEES****11.1301 General**

No application filed pursuant to this Ordinance shall be considered complete until all fees due pursuant to this Ordinance shall have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to fully pay such fee when due shall be grounds for the Town of Red River to refuse to process, or to continue to process, an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

In no event shall such unpaid fees remain unpaid at the time any approval granted by the Town of Red River is recorded, as and in such case, the Town of Red River shall charge a fee double to that which remains unpaid at the time of recording. In addition, the violation of this Section regarding prompt payment of fees shall also entitle the Town to recover actual attorney's fees and other costs of prosecution.

Before being entitled to record a plat or certified survey map, the Subdivider shall pay all fees to the Town Clerk in accordance with the "Town of Red River Fee Schedule," available in the office of the Town Clerk.

**11.1400 ADOPTION AND EFFECTIVE DATE**

**11.1401 Plan Commission Recommendation**

The Town Plan Commission recommended the adoption of this Subdivision Control Ordinance at a meeting held on the 7<sup>th</sup> day of July, 2010.

**11.1402 Public Hearing**

The Town Board held a public hearing on the proposed Subdivision Control Ordinance on the 7<sup>th</sup> day of July, 2010.

**11.1403 Town Board Approval**

The Town Board of the Town of Red River concurred with the recommendations of the Plan Commission and adopted the Subdivision Control Ordinance at a meeting held on the 14th day of July 2010.

**11.1404 Effective Date**

This Subdivision Control Ordinance shall take effect upon adoption by the Town Board and the filing of proof of publication in the office of the Town Clerk.

Effective Date: October 1, 2010