CHAPTER 18:
LAND DIVISION REGULATIONS

TOWN OF WEST BEND
Washington County, Wisconsin

Adopted by Town of West Bend Board of Supervisors
June 9, 2020

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TOWN OF WEST BEND, WASHINGTON COUNTY, WISCONSIN
ORDINANCE # 2020-02

AN ORDINANCE ADOPTING THE AMENDED TOWN OF WEST BEND LAND DIVISION REGULATIONS

STATE OF WISCONSIN
Town of West Bend, Washington County

SECTION I – TITLE AND PURPOSE
The title of this ordinance is the Land Division Regulations for the Town of West Bend (hereafter, the land division ordinance) Adoption Ordinance. The purpose of this ordinance is for the Town of West Bend, Washington County, Wisconsin, to lawfully adopt the amended land division ordinance as approved by the Town of West Bend Board of Supervisors (hereafter, Town Board).

SECTION II – AUTHORITY
The Town Board of the Town of West Bend, Washington County, Wisconsin, has authority under its village powers under ss. 60.62, and 61.35 Wis. stats., and under Chapter 236.45, Wis. Stats., to administer and enforce land division regulations.

SECTION III – ADOPTION OF ORDINANCE
This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the adoption by the Town of West Bend the amended land division ordinance.

SECTION IV – PUBLIC HEARING
The Town of West Bend has held at least one public hearing on this ordinance, with notice in compliance with all relevant state requirements.

SECTION V – ADOPTION OF ZONING ORDINANCE
The Town Board, by the enactment of this ordinance, formally adopts the document entitled Town of West Bend Land Division Regulations.

SECTION VI – EFFECTIVE DATE
This ordinance is effective on publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 9 day of June, 2020.

Jim Heipp, Chairman	X Aye	___ Nay
Troy Zagel, Supervisor	X Aye	___ Nay
Mark Wagor, Supervisor	X Aye	___ Nay

Attest:

Julie Ihlenfeld, Clerk

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CHAPTER 18.1 INTRODUCTION

18.1.01 AUTHORITY

These regulations are adopted under the authority granted by Chapter 236.45, Stats. The Town Board of the Town of West Bend, Washington County, Wisconsin do ordain as follows:

18.1.02 PURPOSE

The purpose of this Chapter is to regulate and control the division of land within the Town of West Bend, Washington County, Wisconsin (hereafter, the Town) in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town.

18.1.03 INTENT

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

A. Obtain the Wise Use, conservation, protection, and proper development of the Town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

B. Lessen Congestion in the streets and highways.

C. Further the Orderly layout and appropriate use of land.

D. Secure Safety from fire, panic, and other dangers.

E. Provide Adequate Light and air.

F. Facilitate Adequate Provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services.

G. Secure Safety from flooding, water pollution, disease, and other hazards.

H. Prevent Flood Damage to persons and properties and minimize expenditures for flood relief and flood control projects.

I. Prevent and Control Erosion, sedimentation, and other pollution of surface and subsurface waters.

J. Preserve Natural Vegetation and Cover and promote the natural beauty of the Town.

K. Restrict Building Sites on areas covered by poor soils or in other areas poorly suited for development.

L. Facilitate the Further Division of larger tracts into smaller parcels of land.

M. Ensure Adequate legal description and proper survey monumentation of subdivided land.

N. Provide for the Administration and enforcement of this Chapter.

O. Provide Penalties for its violation.

P. Implement those town, county, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, County shoreland-floodplain zoning ordinance, Town zoning ordinance, and Town building ordinance.

18.1.04 ABROGATION AND GREATER RESTRICTIONS

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

18.1.05 INTERPRETATION

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

18.1.06 SEVERABILITY AND NON-LIABILITY

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

B. The Town does not guarantee, warrant, or represent that only those soils listed as being unsuited for specific uses are the only unsuited soils within the Town and, thereby, asserts that there is no liability on the part of the Town Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

18.1.07 REPEAL

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

18.1.08 TITLE

This Chapter shall be known, referred to, or cited as the "CHAPTER 18: LAND DIVISION REGULATIONS, TOWN OF WEST BEND, WISCONSIN."

CHAPTER 18.2 GENERAL PROVISIONS

18.2.01 JURISDICTION

Jurisdiction of these regulations shall include all lands within the limits of the Town. The provisions of this Chapter as it applies to divisions of tracts of land into four or fewer parcels shall not apply to:

A. Transfers of Interest in land by will or pursuant to court order.

B. Leases for a term not to exceed 10 years, mortgages or easements.

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

D. Cemetery Plats made under Chapter 157.07, Wis. Stats.

E. Assessors' Plats made under Chapter 70.27, Wis. Stats., but such assessors' plats shall comply with Chapter 236.15(1)(a-g) and Chapter 236.20(1)and (2)(a-e), Wis. Stats.

18.2.02 COMPLIANCE

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

A. Chapter 236, Wis. Stats.

B. Rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or a connecting highway.

D. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodlands, wetland, and shoreland areas.

E. Duly Approved Comprehensive Plan, including its individual elements, of the Town of West Bend, Washington County, Wisconsin.

F. The Washington County Shoreland/Floodplain Zoning Ordinance, the Town of West Bend Zoning Ordinance, and all other applicable local and county ordinances.

G. Rules of the Washington County Highway Department relating to safety of access if the land owned or controlled by the subdivider abuts on a county trunk highway.

18.2.03 DEDICATION AND RESERVATION OF LANDS

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

18.2.04 IMPROVEMENTS

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

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

B. Governing Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.

C. Survey Monuments. Before final approval of any plat or certified survey map within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats., and as may be required by the Town Engineer or County Surveyor.

18.2.05 VARIANCES

A. Where, in the judgment of the Town Board it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Town Board, upon recommendation of the Plan Commission, may waive or modify any requirement to the extent deemed just and proper.

B. The Plan Commission shall not recommend nor shall the Town Board grant variances or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that all of the following apply:

1. Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances, as distinguished from a mere inconvenience, financial hardship, or self-imposed hardship, or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. Such hardship should not apply generally to other properties or be of such a recurrent nature as to suggest that this Chapter should be changed.
2. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
3. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this code or the public interest.

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

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

18.2.06 LAND SUITABILITY

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

A. Floodlands. No lot served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record. No lot of one acre or less in area shall include floodplain. All lots more than one acre shall contain not less than 40,000 square feet of land which is at an elevation above the elevation of the 100-year recurrence interval flood, or where such data is not available, five 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.

C. Land 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 soil absorption sanitary sewage disposal systems.

D. Lots Proposed to be Served by onsite soil absorption sanitary sewage disposal systems shall have not less than 20,000 square feet in slopes of 12 percent or less.

E. Lands Having Bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services.

F. Lands Having Groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services.

G. Lands Covered by Soils Having a Percolation Rate slower than 60 minutes per inch shall not be divided into building sites to be served by soil absorption sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Safety and Professional Services.

H. Soils determined by Southeastern Wisconsin Regional Planning Commission and the U. S. Natural Resources Conservation Service which have very severe limitations for residential development served by on-site soil absorption sanitary sewage disposal systems shall not be divided into building sites.

I. Lands Artificially Drained by farm drainage tile or farm ditch systems for the purpose of lowering the water table shall not be divided into building sites to be served by onsite soil absorption sanitary sewage disposal systems.

J. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires or he may present engineering plans indicating how the unsuitable condition will be resolved. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

18.2.07 VIOLATIONS

It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this Chapter or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town Board may institute appropriate action or proceeding to enjoin violations of this code or the applicable Wisconsin Statutes.

18.2.08 PENALTIES

Any person, firm, or corporation who violates or fails to comply with the provision of this Chapter shall, upon conviction thereof, forfeit not less than $100 nor more than $1,000 plus the costs of prosecution for each offense, plus any legal fees incurred by the Town including the drafting of contracts and other documents, and any actions or proceedings required to enforce this Chapter. 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 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

A. Recordation improperly made carries penalties as provided in Chapter 236.30, Wis. Stats.

B. Conveyance of lots in unrecorded plats carries penalties as provided for in Chapter 236.31, Wis. Stats.

C. Monuments disturbed or not placed carries penalties as provided for in Chapter 236.32, Wis. Stats.

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

18.2.09 APPEALS

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

CHAPTER 18.3 MINOR LAND DIVISIONS

18.3.01 GENERAL

A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions and shall:

A. Comply in all respects with the requirements of Chapter 236.34, Wis. Stats.
B. Comply with the design standards and improvement requirements set forth in Sections 18.7 and 18.8 of this Chapter.

18.3.02 CERTIFIED SURVEY MAP

When it is proposed to divide land within the Town into not more than four parcels or building sites, any one of which is 20 acres or less in area, or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the boundaries of said block, lot, or outlot, the subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land 20 acres or less in area and may, at the owners' discretion, include any other parcels containing more than 20 acres. The subdivider shall prepare the Certified Survey Map in accordance with this Chapter and shall file an adequate number of copies of the Map and the letter of application with the Town Clerk at least 15 days prior to the meeting of the Plan Commission at which first consideration is desired.

A. A Pre-Application Conference as described in Section 18.4.01 of this Chapter is recommended.

B. The Town Clerk shall receive the formal filing of a Certified Survey Map, including review and recording fees, and transmit copies of the Certified Survey Map to the Plan Commission. In addition to required paper copies, the submittal shall include electronic versions of all documents in PDF format.

C. The Plan Commission shall review the Certified Survey Map for conformance with this Chapter and all other Town ordinances, rules, regulations, comprehensive plans, and comprehensive plan components.

D. The Plan Commission shall, within 90 days from the date of filing of the Certified Survey Map, recommend approval, conditional approval, or rejection of the Certified Survey Map, and shall transmit the Certified Survey Map along with its recommendations to the Town Board.

E. The Town Board shall approve, approve conditionally and, thereby, require resubmission of a corrected map, or reject such Certified Survey Map within 90 days from the date of filing of the Certified Survey Map unless the time is extended by mutual written agreement with the subdivider. If the Certified Survey Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Certified Survey Map.

F. Recordation. The Town Clerk shall cause to be recorded the approved Certified Survey Map with the County Register of Deeds within 12 months after the date of the last approval and within 36 months after the date of the first approval. The subdivider shall be responsible for the recording fees.

18.3.03 ADDITIONAL INFORMATION

In addition to the requirements of Chapter 236.34, Wis. Stats., the Certified Survey Map shall show correctly on its face the following:

A. All Existing Buildings, watercourses, drainage ditches, and other features pertinent to proper land division.

B. Setbacks or Building Lines if required by the Plan Commission in accordance with the guidelines set forth in this Chapter.

C. Utility and drainage easements.

D. All Lands Dedicated for Public Use or reserved for future acquisition.

E. Date of the Certified Survey Map.

F. Graphic Scale and North Point.

G. Name and Address of the owner, subdivider and surveyor.

H. Existing and Proposed Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than four feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level). This requirement may be waived if the parcel or parcels created are fully developed.

I. All Proposed Streets, roads, or highways within 300 feet of the boundaries of the parcels created by the minor land division.

J. Floodplain Limits of the 100-year recurrence interval flood, or where such data is not available, a line lying a vertical distance of five feet above the elevation of the maximum flood of record.

K. Location of Soil Boring Tests. The Plan Commission, upon recommendation of the Town Engineer, may require that borings and tests be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table. Where the land division will not be served by public sanitary sewer service, the requirements of Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code for soil borings shall be met. The location of all soil borings shall be shown on the certified survey map and two copies of all test results shall accompany the map. Where soil mottling or saturated conditions are observed in the soil profile, the Plan Commission may prohibit the future construction of principal buildings.

L. Location of Soil Percolation Tests where required by Chapter SPS 385.06 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 preliminary plat.

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

18.3.04 STATE PLANE COORDINATE SYSTEM

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

18.3.05 CERTIFICATES

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

18.3.06 RECORDATION

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

18.3.07 MINOR LAND DIVISIONS NOT REQUIRING A CERTIFIED SURVEY MAP

Divisions of land creating lots or parcels greater than 20 acres shall not be required to submit a plat or certified survey map, but shall be required to present the proposed land division to the Plan Commission for approval recorded in the minutes of the meeting, with the exception of sales or exchanges of parcels of land between owners of adjoining property which do not create additional lots or create a lot or lots noncompliant with Chapter 17: Zoning Regulations.

CHAPTER 18.4 PRELIMINARY PLATS

18.4.01 PRE-APPLICATION

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Zoning Administrator in order to obtain advice and assistance, and to determine:

A. Consistency with the comprehensive plan.

B. Compliance with Chapter 17: Zoning Regulations.

C. Compliance with other relevant Town, County and State rules, regulations, and ordinances.

18.4.02 PRELIMINARY PLATS

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

A. Title or name under which the proposed subdivision is to be recorded.

B. Proper Location of the proposed subdivision by: government lot, quarter section, township, range, county, and state.

C. General Location Sketch showing the location of the subdivision within the U.S. Public Land Survey section.

D. Date, Graphic Scale, and North Point.

E. Names and Addresses of the owner, subdivider, and land surveyor preparing the plat.

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

18.4.03 PLAT DATA

All Preliminary Plats shall show the following:

A. Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

B. Existing and Proposed Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than four feet where the slope of

the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level).

C. Water Elevation of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum (NGVD).

D. Floodplain Limits of the 100-year recurrence interval flood, or where such data is not available, a line lying a vertical distance of five feet above the elevation of the maximum flood of record.

E. Location, Right-of-way Width, and Names of all existing streets, alleys, or other public ways, private road, easements, road reservations, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

F. Type, Width, and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to National Geodetic Vertical Datum (NGVD).

G. Location and Names of Any Adjacent Subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.

H. Location, Size, and Invert Elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.

I. Locations of All Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto.

J. Location, Width, and Names of all proposed streets and public rights-of-way such as alleys and easements.

K. Approximate Dimensions of All Lots together with proposed lot and block numbers.

L. Location and Approximate Dimensions and Size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, schools, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting.

M. Approximate Radii of All Curves.

N. Existing Zoning on and adjacent to the proposed subdivision.

O. Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

P. Any Proposed Lake and Stream improvement or relocation.

Q. Soil Type, Slope and Boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Natural Resources Conservation Service.

R. Location of Soil Boring Tests, where required by Chapter SPS 385.06 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. Two copies of all test results shall accompany the Preliminary Plat.

S. Location of Soil Percolation Tests where required by Chapter SPS 385.06 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. Two copies of all test results shall accompany the Preliminary Plat.

18.4.04 STREET PLANS AND PROFILES

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

18.4.05 TESTING

The Plan Commission, upon recommendation of the Town Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code shall be complied with; and the appropriate data shall be submitted with the preliminary plat. Where soil mottling or saturated conditions are observed in the soil profile, the Plan Commission may prohibit the construction of principal buildings.

18.4.06 SOIL AND WATER CONSERVATION

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

18.4.07 COVENANTS

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

18.4.08 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 Chapter.

18.4.09 PRELIMINARY PLAT REVIEW

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat along with a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file an adequate number of copies of the Plat and the application with the Town Clerk at least 15 days prior to the meeting of the Plan Commission at which first consideration is desired. In addition to required paper copies, the submittal shall include electronic versions of all documents in an appropriate digital format. In addition:

A. The Town Clerk shall, within two normal working days after filing, transmit:

    1. Two copies of the preliminary plat to the Washington County Planning, Conservation, and Parks Committee, together with one copy of soil percolation results and soil borings.
    2. Four copies of the preliminary plat to the Plan Commission for their review and recommendation. The Plan Commission shall review the plat for conformance with this Chapter and all other Town ordinances, rules, regulations, and duly adopted Town plans.
    3. Two copies each of the preliminary plat to the following agencies and companies for review and comment concerning matters within their jurisdiction:
        a. The Washington County Highway Department, if the land owned or controlled by the subdivider abuts a county trunk highway.
        b. The Southeastern Wisconsin Regional Planning Commission.
        c. The appropriate school district.
        d. The appropriate natural gas and electric power company.
    4. The agencies and companies listed above shall submit their recommendations to the Plan Commission within 30 days from the date the plat is filed.

B. Pursuant to Chapter 236.12(2), Wis. Stats., the subdivider shall submit an electronic or paper copy of the preliminary plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

C. Status of Reviewing Agencies

    1. The following agencies are approving agencies: the Town Board, the Washington County Planning, Conservation, and Parks Committee, and, when the area lies within the extraterritorial plat review jurisdiction of the City of West Bend Common Council.

2. The following agencies are objecting agencies: the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services.
3. The following agencies are advising agencies: the Wisconsin Department of Natural Resources, the Washington County Highway Department, the Southeastern Wisconsin Regional Planning Commission, the utility companies, and the school board.

18.4.10 PRELIMINARY PLAT APPROVAL

The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Director of Plat Review, who shall certify the plat and provide notice to the Town Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat. In addition:

A. The Plan Commission shall, within 90 days of the date of filing of a Preliminary Plat with the Town Clerk, approve, approve conditionally, or reject such Plat unless an extension of the review period is mutually agreed upon in writing. One copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Plan Commission meeting minutes setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Plan Commission's permanent file.

B. Failure of the Plan Commission to act within 90 days shall constitute an approval of the Plat as filed unless the review period is extended by mutual consent.

C. Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within 36 months of the Preliminary Plat approval and conforms substantially to the Preliminary Plat as indicated in Chapter 236.11(1)(b), Wis. Stats., the Final Plat shall be entitled to approval. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission at the time of its submission. The subdivider may elect, or the Plan Commission may direct, that the Final Plat be prepared as two or more phases of the approved Preliminary Plat.

CHAPTER 18.5 FINAL PLATS

18.5.01 GENERAL

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236.20, Wis. Stats.

18.5.02 ADDITIONAL INFORMATION

The Plat shall show correctly on its face, in addition to the information required by Chapter 236.20, Wis. Stats, the following:

A. Exact Length and Bearing of the centerline of all streets.

B. Exact Street Width along the line of any obliquely intersecting street.

C. Railroad Rights-of-Way within and abutting the plat.

D. Setbacks or Building Lines if required by the Plan Commission in accordance with the guidelines set forth in this Chapter.

E. Utility and drainage easements.

F. All Lands Dedicated for Public Use, reserved for future public acquisition or reserved for the common use of property owners within the Plat.

G. Special Restrictions required by the Plan Commission relating to access control along public ways, delineation of floodplain limits, or to the provision of planting strips.

18.5.03 DEED RESTRICTIONS

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

18.5.04 PLAT RESTRICTIONS

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

18.5.05 SURVEY ACCURACY

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

A. Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of 1:10,000, nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a

satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

B. All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of 1:5,000, or an error in measured angle greater than one 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.

18.5.06 SURVEYING AND MONUMENTING

All Final Plats shall meet all the surveying and monumenting requirements of Chapter 236.15, Wis. Stats.

18.5.07 STATE PLANE COORDINATE SYSTEM

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

18.5.08 CERTIFICATES

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

18.5.09 FINAL PLAT REVIEW

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

A. The Town Clerk shall within two normal working days after filing, transmit:

1. Two copies of the Final Plat to the Washington County Planning, Conservation, and Parks Committee.

2. Two copies of the final plat to the Washington County Highway Department for review and comment concerning safety of access to highways if the land owned or controlled by the subdivider abuts a county trunk highway.
3. A true copy of the Final Plat and an adequate number of copies for review to the Plan Commission.

B. Pursuant to Chapter 236.12(2), Wis. Stats., the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

C. The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Chapter and all other ordinances, rules, regulations, and duly adopted Town plans which may affect it and shall recommend approval or rejection of the Plat to the Town Board.

D. Partial Platting. If permitted by the Town Board, the approved Preliminary Plat may be final platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a phase of the approved Preliminary Plat.

18.5.10 FINAL PLAT APPROVAL

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

A. Submission. If the Final Plat is not submitted within 36 months of the last required approval of the Preliminary Plat, the Town Board may reject the final plat, in writing, with reasons given.

B. The Plan Commission shall, within 45 days of the date of filing of the Final Plat with the Town Clerk, recommend approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.

C. Notification. The Plan Commission shall, at the time it recommends approval or rejection of a Plat to the Town Board, and at least 10 days prior to any action of the Town Board, give notice of its recommendation to the Clerk of any municipality or town within 1,000 feet of the Plat.

D. The Town Board shall, within 60 days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. The Town Board may not approve the Final Plat unless the Town Clerk certifies on the face of the Plat that no objections have been filed within 20 days or, if filed, have been met.

E. Failure of the Town Board to take action on the Plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, shall constitute an approval of the Plat as filed.

F. Recordation. After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat to be forwarded to the County Register of Deeds for recording. The Register of Deeds shall not record the plat unless it is offered within 12 months after the last approval and within 36 months after the date of the first approval.

G. Copies. The subdivider shall file six copies of the Final Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

18.5.11 RECORDATION

The Final Plat shall only be recorded with the County Register of Deeds by the subdivider after the certifications of the Director of Plat Review, Wisconsin Department of Administration, of the Town Board, of the surveyor, and those certificates required by Chapter 236.21, Wis. Stats., are placed on the face of the Plat. The Plat shall be recorded within 12 months after the date of the last approval and within 36 months after the date of the first approval.

CHAPTER 18.6 CONDOMINIUM PLATS

18.6.01 PREAPPLICATION

It is recommended that, prior to the filing of an application for the approval of a condominium plat, the subdivider consult with the Zoning Administrator in order to obtain advice and assistance, and to determine:

A. Consistency with the comprehensive plan.

B. Compliance with Chapter 17: Zoning Regulations.

C. Compliance with other relevant Town, County and State rules, regulations, and ordinances.

18.6.02 APPLICATION

A. General.

1. The subdivider shall submit the necessary copies of the condominium plat and declaration for review to the Town Clerk.
2. The Zoning Administrator shall review the condominium plat for conformance with Chapter 703, Wis. Stats.

B. Submittal. The subdivider shall submit the following in order to begin an application review:

1. Completed digital copy of application form.
2. Appropriate number of digital and hard copies of condominium plat and declaration, in full size.
3. Payment for condominium plat review.

C. Required information. The subdivider shall include the following information on the condominium plat:

1. Condominium plat prepared by a registered land surveyor that complies in all respects with the requirements of Chapter 703.115, Wis. Stats.
2. Condominium plat pages numbered.
3. Date.
4. Scale.
5. North point.
6. Surveyor name and contact information.
7. Surveyor signature, date, and seal (on hard copies).
8. Location of the condominium plat by private claim or by government lot, quarter, quarter section, section, township, range, and county.
9. A small scale drawing of the section or region in which the plat lies with the location of the plat clearly identified.
10. Boundary lines and platting status.
11. Lot equivalents numbered sequentially. Units numbered sequentially.
12. Dimensions of and area of lot equivalents, right–of-ways, and the encompassing area of the map listed as square footage.

13. Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.
14. Street access restrictions.
15. Radii of all curves.
16. Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, and utility rights-of-way public stormwater management facilities and private waste water treatment system locations.
17. Existing permanent buildings and structures.
18. Parks and cemeteries.
19. Location and dimensions of any site to be reserved or dedicated for parks, playgrounds, or other public use or to be reserved by deed or covenants for use of all property owners in the plat with the conditions, if any, of such dedication or reservation.
20. Airport zoning districts.
21. Property Listing may require information to be shown beyond the plat boundary, if needed, for staff review of the condominium plat.
22. Surveyor's Certificate, Owner's Certificate, Municipality Certificate(s), Washington County Property Listing Certificate, Washington County Treasurer's Certificate.
23. Additional certificates identified in Chapter 703, Wis. Stats.
24. Required notes and restrictive covenants.

D. Review Process. Within five normal business days of receipt of a complete condominium, plat the Town Clerk shall transmit copies to the Zoning Administrator and Plan Commission

E. Property Listing staff shall complete the Property Listing staff review of the condominium plat. The preliminary condominium plat review and final condominium plat review shall occur simultaneously as a final condominium plat. Property Listing staff may contact the subdivider, or agent, with questions regarding the condominium plat. The review may include a visit to the site to review the existing features of the site.

F. Condominium plat changes. Proposed changes to a submitted condominium plat may be made once without resubmittal of condominium plat review fees provided all of the following occurs:

2 Submittal occurs prior to completion of the Property Listing staff review of the condominium plat.
3 The number of lot equivalents or units does not increase.
4 The condominium plat shall be resubmitted with the required information identified in Chapter 703.115, Wis. Stats. The date any complete condominium plat change is submitted will be the date used when establishing the review timeline.

G. Review timeline. Property Listing staff shall complete the review within 10 working days following the submittal of a complete application, condominium plat, declaration, and fees and provide written comments informing the subdivider, or agent, of any additions, changes, or corrections to the condominium plat.

H. Recordation. After the condominium plat has been approved and inscribed, with the final signature being Property Listing staff, the final plat shall be recorded by the subdivider, or agent, in the office of the Register of Deeds of Washington County on accordance with Section 703 of the Wisconsin Statutes.

CHAPTER 18.7 REPLATS

18.7.01 REPLATS

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Chapter 236.40 through Chapter 236.44, Wis. Stats. The subdivider or persons wishing to replat shall then proceed as specified in Section 18.5 of this Chapter.

CHAPTER 18.8 DESIGN STANDARDS

18.8.01 STREET ARRANGEMENT

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

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

B. Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, and shopping centers, and other concentrations of population and to the arterial streets to which they connect.

C. Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, where applicable to permit the design of efficient storm drainage, water supply, and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

D. Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.

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

F. Stream or Lake Shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Chapter 236.16(3), Wis. Stats.

G. Reserve Strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

H. Alleys shall be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street or highway.

I. Street Names shall not duplicate or be similar to existing street names elsewhere in the Town and existing street names shall be projected wherever possible.

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

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

A. When Lots Within the Proposed Subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

B. Commercial and Industrial Properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 200 feet.

C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting an arterial street or highway, or a collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

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

18.8.03 STREET AND OTHER PUBLIC WAY DESIGN STANDARDS

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development plan; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as set forth in Table 1.

Table 1

MINIMUM LOCAL STREET CROSS SECTIONS IN THE TOWN OF WEST BEND

Type of Street or Public Way	Minimum Rural Right-of-Way To Be Dedicated	Minimum Rural Street Section Dimensions
Minor Land Access Street	66 feet	- 22-foot pavement - 6-foot shoulders - 16-foot roadside ditches
Cul-de-Sac	75-foot radius	- 28-foot median radius - 22-foot circumferential pavement. - 5-foot shoulders - 20-foot roadside ditches
Temporary Cul-de-Sac	75-foot radius (combination dedication and temporary easement is acceptable)	- 28-foot median radius - 22-foot circumferential pavement. - 5-foot shoulders - 20-foot roadside ditches
Pedestrian Ways	20-foot average	- As required by the Town Engineer

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

A. Cul-de-Sac Streets designed to have one end permanently closed shall terminate in a circular teardrop shape turn-around and a minimum right-of-way radius of 75 feet.

B. Temporary termination of streets at the boundary of a subdivision intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above.

C. Street Grades. Unless necessitated by exceptional topography, as determined by the 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: 12 percent.
4. Pedestrian ways: 12 percent unless steps or stairs of acceptable design are provided.
5. In addition, the grade of any street shall in no case exceed 12 percent or be less than 0.6 of one percent.

Street grades shall be established whenever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial and collector streets, and one-half this minimum for all other streets.

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

1. Arterial streets and highways: 500 feet.
2. Collector streets: 300 feet.
3. Minor streets: 100 feet.

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

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

1. Arterial highways shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
2. Collectors and local streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.

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 0.1 foot above the peak stage for the 100-year recurrence interval flood, as established in the adopted federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure provided that flooding easements have been acquired from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

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

G. Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

18.8.04 STREET INTERSECTIONS

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

A. The Number of Streets Converging at one intersection shall be reduced to a minimum, preferably not more than two.

B. The Number of Intersections along arterial streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1200 feet.

C. Property Lines at Street Intersections shall be founded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.

D. On All Streets Where Sidewalks are required, ramps or openings to accommodate disabled individuals or vehicles shall be provided in accordance with Section 66.0909 of Wisconsin Statutes.

18.8.05 BLOCKS

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

A. The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

B. Pedestrian Ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.

C. The Width of Blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

D. All Telephone and Electric Power lines shall, where practical, be placed on mid-block easements of not less than 20 feet centered on the property line, and where possible, along rear lot lines for underground construction.

18.8.06 LOTS

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

A. Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

B. Double Frontage or 'Through' Lots shall be prohibited except where necessary to provide separation of residential development from arterial traffic or to overcome specific disadvantages of topography and orientation.

C. Access. Every lot shall front or abut for a distance of at least 66 feet on a public road.

D. Area and Dimensions of all lots shall conform to the requirements of the Town Zoning Ordinance for all land divisions within the Town. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of a private onsite waste treatment system designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code.

E. Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

F. The Width of Lots within the interior of a block shall conform to the requirements of the Town Zoning Ordinance, or other applicable ordinance.

G. Corner Lots shall have an additional width of 15 feet to permit adequate building setbacks from side streets.

H. Shape of Lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line, however, the creation of “flag” lots shall be prohibited.

I. Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge will be dedicated to the public in any plat abutting a lake or stream, at the discretion of the Plan Commission.

J. Width of Lots. In no case shall a lot have a minimum lot width at the building setback line of less than that which is required by the applicable zoning ordinance.

K. In Exceptional Cases where the exterior boundaries of the parcel prevent radial or right-angle lot lines, the Plan Commission may allow irregularly-shaped lots if the boundaries are clearly marked in the field with continuous fences, tree plantings, or concrete monuments at all lot corners at least four feet in depth, extending one foot above ground and at least four inches in diameter.

18.8.07 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the 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.

18.8.08 EASEMENTS

The Plan Commission may require utility easements of widths deemed adequate for the intended purpose but not less than 10 feet on each side of all rear lot lines and on side lot lines or across lots

where necessary or advisable for electric power and communication wires and conduits; storm and sanitary sewers; and gas, water, and other utility lines. Where a subdivision is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as may be required by the 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.

18.8.09 PUBLIC SITES AND OPEN SPACES

In the design of the plat, 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, or official map, such areas shall be made a part of the plat as stipulated in this Chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

Accordingly, each subdivider of land in the Town shall, at the discretion and direction of the Town Plan Commission, either dedicate open space lands designated on the Town Comprehensive Plan or plan component--or reserve such open space lands and pay a public site fee or, where no open space lands are directly involved, pay a public site fee. The Town Plan Commission shall, at the time of reviewing the Preliminary Plat or Certified Survey Map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval.

A. Dedication of Site Option. Whenever a proposed playground, park, or other public open space land designated on the Town's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 50 proposed or potential dwelling units; and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

   If the lands in excess of the established rate are not acquired within the three-year period as set forth herein, the land will be released from reservation to the owner.

B. Reservation of Site Option. Whenever a proposed playground, park, or other public open space land designated on the Town comprehensive plan or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in this Chapter.

   If the land is not acquired within the three-year time period as set forth herein, the land will be released to the owner from reservation.

C. Public Site Fee Option. If the proposed subdivision does not encompass a proposed public park, parkway, or other open space lands, or if the Town Plan Commission requires the reservation of land as set forth in this Chapter, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Town Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount of $150 for each proposed dwelling unit within the plat. Public site fees collected by the Town Treasurer under the provisions of this Ordinance shall be placed in a non-lapsing special fund for Town parks and shall be separate from the General Fund of the Town, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Town.

CHAPTER 18.9 REQUIRED IMPROVEMENTS

18.9.01 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats., and as may be required by the Town Engineer.

18.9.02 GRADING

A. After the Installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

B. Cut and Filled lands outside of street right-of-way shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser. All graded lands with the exception of the roadbeds of streets should be treated for sediment and erosion control purposes as set forth in this Chapter.

18.9.03 SURFACING

A. After the Installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the Town.

B. All Roadways shall be surfaced with a three inch hot mix bituminous concrete pavement, made up of a two inch binder course and a one inch surface course, placed on a 12-inch thick base consisting of an eight inch deep layer of No. 2 stone with a four inch deep layer of one inch crushed road gravel on top. The preceding roadway base specifications may be modified or waived if the Town Engineer certifies in writing that adequate surface base exists at the location of the proposed roadway.

C. Said Surfacing shall be done in accordance with plans and standard specifications as illustrated in the Standard Cross Section for Town Roads, Town of West Bend, Washington County, dated January 2, 1990, or as updated from time to time.

D. The Subdivider shall be responsible for any defects due to faulty materials or workmanship which appear within a period of one year from the date of acceptance by the Town and shall pay any damages resulting therefrom to Town property.

18.9.04 CURB AND GUTTER

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

18.9.05 RURAL STREET SECTIONS

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

18.9.06 SIDEWALKS

In all subdivisions the Town Board 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 the recommendation of the Town Engineer.

In addition, wider than standard sidewalks may be required by the Town Board in the vicinity of schools, commercial areas, and other places of public assemblage, and the Town Board may require the construction of sidewalks in locations other than required under the preceding provisions of this code if such walks are necessary in their opinion for safe and adequate pedestrian circulation.

18.9.07 PUBLIC SANITARY SEWERAGE AND PRIVATE ONSITE WASTE TREATMENT SYSTEMS

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

A. The Town Board may require the installation of sewer laterals to the street lot line.

B. The Size, Type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Engineer.

C. Where a Sanitary District has been created pursuant to Chapter 60.30, Wis. Stats., for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall be further subject to approval by the Sanitary District Commission and the Town Board.

D. The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town or Sanitary District wherein the subdivision plat is located a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

E. The Subdivider Shall Install sanitary sewers in accordance with this Chapter and specifications of the Town Engineer when it is determined that the proposed subdivision lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed subdivision within six years. Until such time as the public sewers within the

subdivision can be connected to the community public sewer system, they shall be temporarily capped. No private or public use shall be connected to the sewers within the subdivision until such sewers are connected to the larger community system. The subdivider shall indicate on the face of the plat that the owner of private uses within the subdivision shall connect such uses to the sewers in the subdivision at the time such sewers are connected to the community sewer system, and that the Town and/or the Town Sanitary District is held harmless for any damages or costs incurred to disconnect and abandon any private onsite waste treatment system then in place, and any costs associated with connection to the public sewer mains.

18.9.08 STORM WATER DRAINAGE FACILITIES

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

A. The following types of developments will be subject to onsite detention, runoff, and water quality control provisions.

   1. All developments, other than residential, with a gross aggregate area of three acres or more.
   2. Residential developments with a gross aggregate area of five acres or more.
   3. Residential developments with a gross aggregate area of three acres or more, where 50 percent or more of the area is impervious surfaces, i.e. roads, building, parking facilities and other improvements.
   4. Developments which, in the opinion of the Town Engineer, will exceed the safe capacity of the existing drainage facilities, or the receiving water body, or will cause erosion or water pollution, or will otherwise endanger downstream property owners of their property. Safe capacity is defined as the rate of flow that can be handled without the potential for flooding damages.

B. In the case of phased development, or where this is the potential for phased development, the gross aggregate area shall be defined as the entire developable parcel under the ownership of the Developer.

C. Developments subject to onsite detention and runoff control provisions shall provide onsite storage to safely accommodate runoff from the site in its developed condition for a 100-year intensity rainfall event of any duration, while utilizing a peak discharge rate from the site which does not exceed the peak runoff rate from the site for the two-year and five-year intensity rainfall event which would have occurred with the site in its undeveloped condition.

D. Storm water computations shall be submitted utilizing Technical Release No. 55 URBAN HYDROLOGY FOR SMALL WATERSHEDS prepared by USDA Soil Conservation Service, or other approved procedures. The analysis shall contain inflow and outflow hydrographs, basin routing and time/elevation graphs for both the 10-year and 100-year event. The analysis shall be submitted to and approved by the Town Engineer and Town Plan Commission prior to any construction activities. After construction is completed, an as-built topographical survey of the

detention facility shall be submitted to the Town to confirm that the constructed facility matches the approved design.

E. Detention control provisions are not required in areas of the Town where downstream storm water conveyance systems have been designed and installed to eliminate the potential for downstream flooding damages. In addition:

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

18.9.09 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 such 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. The subdivider shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Health and Social Services. In addition:

A. The Town Board may 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 Plan Commission, upon the recommendation of the Town Engineer.

C. The Subdivider Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision except for the added cost of in- stalling water mains greater than eight inches in diameter.

18.9.10 OTHER FACILITIES

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

18.9.11 STREET SIGNS

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

18.9.12 SEDIMENT CONTROL

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

A. Tree Cutting and Shrubbery Clearing shall not exceed 30 percent of the lot or tract, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.

B. Paths and Trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.

C. Earth Moving such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction, or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regiment, and topography.

D. Review of the Conduct of All Cutting, Clearing, and Moving shall be requested of the County Soil and Water Conservation District Supervisors and may be requested of the State District Fish and Game Managers, and the State District Forester by the Town Engineer or Plan Commission as they deem appropriate.

18.9.13 OPTIONAL PROVISION OF PUBLIC UTILITIES AND FACILITIES

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

CHAPTER 18.10 CONSTRUCTION

18.10.01 COMMENCEMENT

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

18.10.02 BUILDING PERMITS

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

18.10.03 OCCUPANCY PERMIT

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

18.10.04 PLANS

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

A. Street Plans and Profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.

B. Sanitary Sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities.

C. Storm Water plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

D. Water Main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.

E. Erosion and Sedimentation Control Plans showing those structures required to retard the rate of runoff water, those grading and excavating practices that will prevent erosion and sedimentation, the time span that soil will be exposed, and plans to protect existing vegetation, such as fences or tree wells, shall be prepared. Such plans shall follow the guidelines and standards set forth in the publication, *U. S. Soil Conservation Service Technical Guide* adopted by the Washington County Planning, Conservation, and Parks Committee, as amended.

F. Planting Plans showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.

G. Additional special plans or information as required.

18.10.05 EROSION CONTROL

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

A. All Erosion 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 Laid in Strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

C. Temporary Vegetation and mulching provided to protect critical areas, with permanent vegetation installed as soon as practical.

D. Construction at any given time being confined to the smallest practical area and for the shortest practical period of time.

E. Sediment Basins installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

18.10.06 EXISTING FLORA

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

18.10.07 INSPECTION

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

CHAPTER 18.11 FEES

18.11.01 GENERAL

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

18.11.02 PRELIMINARY PLAT AND CERTIFIED SURVEY MAP REVIEW FEE

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

18.11.03 IMPROVEMENT REVIEW FEE

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

18.11.04 INSPECTION FEE

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

18.11.05 FINAL PLAT REVIEW FEE

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

18.11.06 ENGINEERING FEE

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

18.11.07 PROFESSIONAL SERVICES FEE

The subdivider shall pay a fee equal to the cost of any legal, planning, and other professional work which may be undertaken by the Town or its consultants in connection with the plat.

CHAPTER 18.12 DEFINITIONS

18.12.01 GENERAL DEFINITIONS

A. Meanings. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.

1. Words used in the present tense in this Chapter include the future.
2. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
3. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
4. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

B. Words and Phrases defined.

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

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

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

4. Building Line. Lines generally parallel to a lot line and at a distance from the lot line, as specified in the Town or County Zoning Ordinance and which delineates the buildable area of the lot or parcel.

5. Collector Street. An urban street used, or intended to be used, to carry traffic from land access streets to arterial street systems including the principal entrance streets to urban residential subdivisions.

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

7. Comprehensive Plan. An extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Town Board pursuant to Chapter 66.1001, Wis. Stats., including proposals for future land use, transportation, urban redevelopment,

utilities, and public facilities. Devices such as zoning, official map, land division, and building line ordinances and capital improvement programs are used to implement the comprehensive plan.

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

9. Extraterritorial Plat Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth class city or a village and within three miles of all other cities which have established a subdivision control ordinance pursuant to Chapter 236.45, Wis. Stats.

10. Face of Curb. The vertical portion of the curb facing the pavement on a non-mountable curb. On mountable curbs, the curb face is computed to be at a point seven inches from the outside edge of the curb.

11. Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Chapter 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.

12. 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.

13. Frontage Street. A minor street auxiliary to and located adjacent to an arterial street and used to control access to the arterial street and to provide access and service to the abutting properties.

14. 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.

15. High Ground Water Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. “Mottling” is a variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled, giving a multi-colored effect.

16. Land Access. A street used, or intended to be used, primarily for access to abutting properties.

17. Letter of Credit. An irrevocable letter of credit constituting an engagement by a commercial bank made at the request of the subdivider whereby the issuers will honor drafts or other demands for payment upon compliance with the conditions specified in the credit.

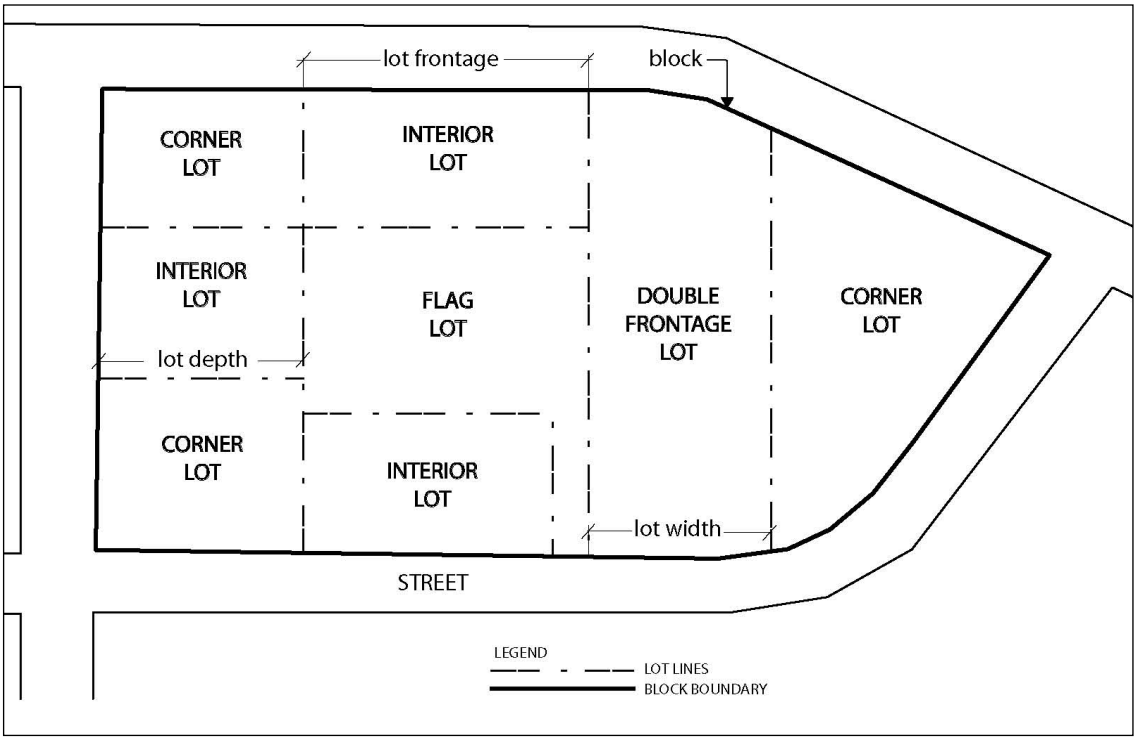
18. Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in the Town of West Bend Chapter 17: Zoning Regulations.

19. 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.

20. 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.

21. Lot, Flag. A tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

22. Lot Type Illustration.



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

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

25. Municipality. An incorporated village or city, or a town.

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

27. Navigable Water. Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) & DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)).

28. Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236, Wis. Stats. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services.

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

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

31. 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.

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

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

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

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

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

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

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

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

40. Subdivision. The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 35 acres or less in area, or where the act of division creates five or more parcels or building sites of 35 acres or less in area by successive division within a period of five years, whether done by the original owner or a successor owner.

41. 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.

42. Wetlands. Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

43. Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Chapter 35.93 and Chapter 227, Wis. Stats., including subsequent amendments to those rules.

CHAPTER 18.13 ADOPTION AND EFFECTIVE DATE

18.13.01 PUBLIC HEARING

The Town of West Bend Plan Commission held a public hearing on this Chapter on the 28th day of May, 2020.

18.13.02 PLAN COMMISSION RECOMMENDATION

The Plan Commission recommended the adoption of this Chapter at a meeting held on the 28th day of May, 2020.

18.13.03 TOWN BOARD APPROVAL

The Town Board of Supervisors of the Town of West Bend concurred with the recommendations of the Plan Commission and proceeded to adopt Chapter 18: Land Division Regulations at a meeting held on the 9th day of June, 2020.

18.13.04 EFFECTIVE DATE

This Chapter shall be effective after a public hearing, adoption by the Town Board, and publication or posting as provided by law.