

CHAPTER 6
Town of Lafayette, Wisconsin
Subdivision Control Ordinance

General Provisions

6.01 Authority.

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

6.02 Title.

The name of this ordinance shall be known and cited as the "Subdivision Control Ordinance for the Town of Lafayette".

6.03 Effective Date.

This ordinance shall be effective after adoption by the Town Board and publication or posting as provided by law.

6.04 Purpose.

The purpose of this ordinance is to supplement the provisions of Chapter 236 of Wisconsin Statutes and to promote the public health, safety and general welfare within the Town of Lafayette; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further re-subdivision of larger tracts into smaller parcels of land. The provisions of this ordinance are made with reasonable consideration, among other things, of the character of the Town with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Town.

6.05 Interpretation.

The provisions of this ordinance 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.

6.06 Abrogation and Greater Restrictions.

It is not the intent of this ordinance to repeal, abrogate, annul, impair or interfere with existing rules and regulations governing the subdivision of land; provided, however, that where this ordinance is more restrictive, the provisions of this ordinance shall govern.

6.07 Jurisdiction.

The jurisdiction of this ordinance shall include all lands and waters within the Town of Lafayette.

A. Exceptions. In no instance shall the provisions of this ordinance apply to:

1. Transfer of interest in land by Will or pursuant to court order.
2. Leases for a term not to exceed ten (10) years, mortgages or easements.

6.07 Jurisdiction, cont'd
A. cont'd

3. The 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 size required by this ordinance or other applicable laws or ordinances.
4. Cemetery plots per Section 15.7, Wisconsin Statutes.
5. Assessor's plats per Section 70.27, Wisconsin Statutes.

6.08 Compliance.

No person, firm or corporation shall divide, monument or describe any land located within the jurisdictional limits of these regulations which results in a subdivision, other division, or a replat as defined herein; no such division, other division or replat shall be entitled to record; and no streets shall be laid out or improvements made to land without compliance with all requirements of this ordinance, and:

- A. Provisions of Chapter 236, Wisconsin Statutes.
- B. Rules of the Wisconsin State Department of Industry, Labor and Human Relations 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 State Department of Transportation if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- D. Duly approved comprehensive plan, or any component thereof including the zoning ordinance, official map and all other applicable ordinances of the Town.
- E. Applicable local and county ordinances.

6.09 Land Suitability.

No land shall be subdivided which is held unsuitable for use by the Planning Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or any feature likely to be harmful to the health, safety, or welfare of the future users of the proposed subdivision or of the community. The Planning Commission, in applying the provisions of this section, shall recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Planning Commission may affirm, modify or withdraw its determination of unsuitability.

Where the subdivision of a tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, poor soil conditions, adverse rock formation, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or for any other reason, such areas shall not be divided into buildable sites, and shall be handled as follows:

- A. Poor Drainage. Land subject to ponding, poor permeability or poor drainage, or for other causes as determined by the Planning Commission, or its designated agent, and if said land is not zoned as a conservancy or wetland-floodplain district on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:
 1. If said land is designated as park, parkway, other open space or other public use on an official plan of the Town, the developer may dedicate said land to the Town or County, but

6.09 Land Suitability, cont'd

A. 1. cont'd

in any case must reserve said land for not less than two (2) years for acquisition by the Town or County.

2. If said land is not designated as park, parkway or other public use on an official plan, then the developer shall cause said land to be carried in a private easement in the individual deeds affected hereby, and no permit shall be issued for a building therein.
3. In lieu of the requirements set forth in Section 6.09, paragraph (1) above, the developer may, at his expense, prepare a development proposal for the problem area. It shall be submitted for the Planning Commission's approval and shall be accompanied by a site plan and adequate engineering data to insure that the public health, safety and welfare will not be violated if approved, and to provide a performance guarantee to the Town to insure that such will be done at a specified time if approved.

- B. Floodable Conditions/Drainageways. If floodplains have been determined and are delineated on an applicable zoning district map, or as determined by the Planning Commission from sources available to it, the plat shall be designated accordingly so that all building sites have sufficient area for the efficient operation of a private sewerage disposal system and so that the lowest floor level of a building shall be two (2) feet above the normal high water line.

In designing plats, drainage easement shall be shown on the final plat where conditions warrant and as determined by the Planning Commission or as determined by sources available to it, and building permits shall not be issued herein.

- C. Adverse Soil and Rock Formation. Soil suitability rating for a proposed subdivision shall be determined by the Planning Commission from sources available to it. In order to determine the precise location of soil boundaries, on-site investigation by soil scientists may be necessary at the expense of the developer. In areas where no public sewer is available, this investigation is mandatory and shall be made by a Certified Soil Tester at the expense of the developer, and according to procedures established by the State Department of Industry, Labor and Human Relations. The minimum lot size determined by this soil investigation shall supersede the minimum lot size allowed by County zoning.

Where soil interpretations determine that a tract of land is unsuitable for development, the developer may submit a proposal indicating how the soil problem can be overcome. The proposal shall include a site plan and adequate engineering data for approval by the Planning Commission. If this proposal is approved, the developer shall provide a performance guarantee to the Town, as required by Section 6.16(E.), Town Municipal Code.

6.10 Definitions.

For the purpose of these regulations, the following terms are defined. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory.

ADEQUATE COPIES OF THE PLAT OR CSM. The number of copies of the plat or CSM to be filed deemed sufficient for distribution to reviewing parties by the Town Clerk at the time of application or recordation.

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

6.10 Definitions, cont'd

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

BLOCK. A parcel of land bounded on at least one side by a street and on the other sides by a natural or man-made barrier.

BOARD. Town Board of Supervisors of the Town of Lafayette.

BUILDING SITE. A parcel of land occupied, or intended to be occupied, by a structure as permitted under applicable zoning regulations.

CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with this ordinance and Chapter 236, Wisconsin Statutes. See Minor Subdivision.

CLERK. Clerk of the Town of Lafayette.

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

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

COMPREHENSIVE PLAN. A master plan, adopted by the Town Planning Commission and certified by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

CONSTRUCTION. Any activity on any parcel of land resulting in a non-restorable change, or the permanent affixing of a structure, to any part of the parcel, in the course of, or with the intent of, improving the parcel.

COUNTY. Chippewa County.

CUL-DE-SAC STREET. Minor street closed at one end with a turn-around provided for vehicles.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within one and one-half (1 1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.

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

LOT. A parcel of land numbered in sequence with other parcels shown on a plat or certified survey map.

MINOR STREET. A street used, or intended to be used, primarily for access to abutting properties.

MINOR SUBDIVISION. The division of a parcel by the owner or subdivider resulting in the creating of four (4) lots, parcels or building sites, any one of which is ten (10) acres in size or less, or the division of block, lot or outlot within a recorded subdivision plat into not more than four (4) lots, parcels or building sites without changing the exterior boundaries of said block, lot or outlot, or where a road is created. See Certified Survey Map.

6.10 Definitions, cont'd

OFFICIAL MAP. Is that map adopted pursuant to Section 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, and drainageways.

OTHER DIVISION. The division of a parcel which creates a lot, parcel, tract or building site of ten (10) acres in area or less, except where the newly created parcel is entirely within a recorded subdivision or where the newly created parcel is within a previously recorded Certified Survey Map (CSM). A CSM shall be required for all parcels of land so created.

OUTLOT. A parcel of land not intended for immediate development, so designated on the plat, replat or Certified Survey Map.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under this ordinance.

PARCEL. Contiguous land not separated by public roads or railroad rights-of-way. Creation of private or public roads or railroad rights-of-way after the effective date of the October XX, 2001 amendment of this Chapter does not create separate parcels eligible for treatment under the CSM or OTHER DIVISION provisions of this Chapter.

PLANNING COMMISSION. Town of Lafayette Planning Commission.

PLAT. A map of a subdivision complete with all certificates and engineering data per Chapter 236, Wisconsin Statutes.

PUBLIC WAY. A public right-of-way for access for or movement of people and/or vehicles and/or the placement of public and private utilities.

REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.

STORMWATER MANAGEMENT STRUCTURES. Any stormwater management structure or technique to include, but not limited to, storm sewers, lift stations, retention or detention ponds, infiltration basins, constructed stormwater wetlands, porous pavement and stormwater management best management practices.

SUBDIVIDER. Any person, firm, corporation, any agent thereof, assigns or the land owner at the time the subdivision plat or Certified Survey Map is recorded dividing or proposing to divide land resulting in a subdivision, minor subdivision, other division or replat, as defined herein.

SUBDIVISION. The division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more lots, parcels or building sites of ten (10) acres each or less in area; or where the act of division creates five (5) or more lots, parcels or building sites of ten (10) acres each or less in area by successive division within a period of five (5) years.

6.11 Dedications, Payments In-Lieu of Dedication and Reservations.

Wherever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan, or on the official map of the Town, or so designated on an official map of a contiguous municipality who exercises "extraterritorial" jurisdiction, said public way shall be made a part of the plat and dedicated or reserved or treated by the developer as determined by the Planning Commission, in the locations and dimensions indicated on such plat and as set forth in this ordinance.

6.11 Dedications, Payments In-Lieu of Dedication and Reservations. cont'd

Wherever a proposed playground, park, school site or other public land, other than streets or drainageways, designated in a comprehensive plan, or on the official map of the Town or so designated on the official map of a contiguous municipality who exercises "extraterritorial" jurisdiction, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be so designed as to be made an integral part of the plat and may be dedicated, but in any case shall be reserved, for acquisition at undeveloped land costs, by the agency having jurisdiction, for a period not to exceed two (2) years unless extended by mutual agreement.

Wherever a subdivision abuts a public use area such as a park, lake, street or any similar type of public recreational area, the subdivider, at the option of the Planning Commission, shall provide an access thoroughfare at least 100 feet wide connecting such public area with a public street so that there shall be adequate public access to the public use areas as determined by the Commission.

The dedication of land for public purposes such as parks, rights-of-way, school sites, easements as so indicated on the final plat, become effective at the time of recording of the final plat.

For any CSM or plat, the Town of Lafayette requires payment by the subdivider of \$200 per buildable residential lot with a maximum total payment not to exceed \$5,000 for any single plat. The Town will deposit such payment into its general account with the funds designated for park or open space land acquisition, improvements or equipment to serve the reasonably expected recreational needs arising from subdivision development. The Town Board shall direct usage of these payments. The Town shall keep record of such payments.

On sites reserved for eventual public acquisition, no building development is permitted during the time of reservation. Land so reserved shall be shown on the plat of a subdivision or on a Certified Survey Map.

6.12 Fees.

A filing fee shall be required when a CSM, preliminary plat, or final plat is submitted for Town approval. Fees to be set by the Town Board by resolution.

6.13 Variance and Appeal.

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, due to physical features of the site or its location, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of these regulations and any development plans of any other agency.

In granting variances and modifications, the Planning Commission may require such conditions, as will in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

- A. Amendments. The Town Board, upon recommendation of the Planning Commission, may amend, supplement or repeal any of these regulations after public notice and hearing.
- B. Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal to the Town Board within 30 days of notification of the rejection of the plat. The appeal shall be considered in accordance with Section 236.13 (5), Wisconsin Statutes.

6.14 Severability.

The provisions of this ordinance are severable, and if for any reason, a clause, sentence, paragraph, section or other part of this ordinance should be decided by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance is to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or its application.

6.15 Violations and Penalties.

Any person who builds upon, divides, conveys, records or monuments in violation of or fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$200.00 plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each violation and each day a violation exists or continues shall constitute a separate offense. In addition, the remedies authorized by Sections 236.30, 236.31 and 235.32, Wisconsin Statutes, shall be available to the Town.

Procedures

6.16 Subdivision.

When it is proposed to divide a parcel into five (5) or more lots, parcels or building sites, any one of which is ten (10) acres or less in size; or where the act of division creates five (5) or more lots, parcels or building sites of ten (10) acres each or less in area by successive division within a period of five (5) years, the subdivider shall subdivide in accordance with the following procedures:

- A. Initial Consultation. The subdivider shall have an initial consultation with the Planning Commission before proceeding with platting procedures in order to obtain their advice and assistance and so that the subdivider is familiar with the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and Planning Commission may reach mutual conclusions regarding the general progress and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures and the following general factors:
1. The suitability of the site for development.
 2. The accessibility of the site.
 3. The availability of public facilities (sewer, schools, parks, water, etc.) and public services (police, fire, etc.).
 4. Soil conditions and drainage patterns.
 5. The effect on the proposed development on any contemplated improvements.
 6. Zoning.
- B. Submittal of Sketch Plan. The subdivider must submit a sketch plan to the Town Clerk at least fifteen (15) days before the Planning Commission meeting. It may be a free-hand drawing, but in sufficient detail to determine the nature of the above conditions and comply with the plat requirements check list, Section 6.20. The sketch plan will be reviewed as it relates to:
1. Topography.
 2. The improvements, design, dedications or reservations required by these regulations.
 3. Continuity to existing development within 300 feet of all boundaries.
 4. Regulations as set forth by Chapter 236 of the revised Wisconsin Statutes.
 5. Regulations established by the Wisconsin Administrative Code as regulated by the State Department of Industry, Labor and Human Relations (DILHR) for on-site wastewater treatment or septic systems.
 6. Regulations established by the Wisconsin Administrative code as it relates to highway regulations.
- C. Preliminary Plat Review within the Town. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with this ordinance complying with the plat

6.16 Subdivision. cont'd
C. cont'd

requirements checklist, Section 6.20 and Chapter 236, Wisconsin Statutes. The subdivider shall file adequate copies of the plat, a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and a letter of application with the Town Clerk at least fifteen (15) days prior to a Regular Meeting of the Planning Commission at which action is desired (See Section 6.42), or at least twenty (20) days prior to the fourth Thursday of a month in the interim between Regular Meetings of the Planning Commission. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that required easements can be determined.

The subdivider shall also submit the original preliminary plat to the State Plat Review Agency per Section 236.12(2), Wisconsin Statutes.

The Town Clerk shall transmit an adequate number of copies of the preliminary plat to the Town Board of Supervisors and the Town Planning Commission for review. The County Planning Agency, the State Department of Agriculture, Trade and Consumer Protection, the State Department of Transportation and the State Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies. The Town Board is hereby designated as an approving authority and the Town Planning Commission designated the Town Board's agent in approving preliminary plats and advisory to the Town Board for all final plats or replats. The City of Chippewa Falls is hereby recognized as an approving authority for all preliminary and final plats or replats within its extraterritorial plat approval jurisdiction.

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

The Town Planning Commission, within forty (40) days of the date of filing of preliminary plat with the Town Clerk, shall review the preliminary plat for conformance with this ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it and shall approve, approve conditionally, or reject such plat. One copy of the plat shall there upon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Planning Commission's permanent file.

Failure of the Planning Commission to act within forty (40) days shall constitute an approval.

2. Effect of Conditional or Preliminary Approval. Approval or conditional approval of the preliminary plat by the Town Planning Commission shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat to be prepared and submitted by the subdivider under Section 6.16 (D.) which final plat will be subject to further consideration by the Planning Commission at the time of its submission. Approval of the preliminary plat does not authorize the subdivider to proceed with the installation of site improvements nor does it authorize the sale of lots.
3. Revocation of Preliminary Plat Approval. The approval of the preliminary plat or any time extension thereof, may be revoked upon written notice where the Planning Commission finds that a material change in conditions has occurred affecting the proposed subdivision, including

6.16 Subdivision. cont'd
C. 3. cont'd

new information regarding the physical conditions of the site or proposed public works, which would adversely affect to a substantial degree public health, safety or welfare.

- D. Final Plat Review within the Town. The subdivider shall prepare a final plat and a letter of application in accordance with this ordinance complying with the plat requirement check list, Section 6.20, Chapter 236, Wisconsin Statutes and shall file adequate copies of the plat and the application with the Town Clerk at least fifteen (15) days prior to the meeting of the Planning Commission at which action is desired, or at least twenty (20) days prior to the fourth Thursday of a month in the interim between Regular Meetings of the Planning Commission. The subdivider shall also submit the original final plat to the State Plat Review Agency as per Chapter 236.12(2), Wisconsin Statutes.

The Town Clerk shall transmit copies of the final plat to the Town Board of Supervisors and the Town Planning Commission for review.

1. Partial Platting. The final plat, may, if permitted by the Planning Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to develop at that time.
2. Submission. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.]
3. Final Plat Approval within the Town. The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the subdivider and all other approval and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Planning Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat.

The Town Planning Commission shall, within thirty (30) days of the date of filing of the final plat with the Town Clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Board.

The Town Board shall, within sixty (60) days of the date of filing the original final plat with the 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 written statement of the reasons forwarded to the subdivider.

Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

- E. Subdivision Performance Guarantees. Each subdivider within the Town shall be required and shall be responsible within each subdivision, to construct, install and complete the following required subdivision improvements, to the Town standards:
1. Subdivision streets shall be constructed and installed to Town road specifications.
 2. Sanitary sewer and lift station and/or water, if necessary, to the specifications of the Town of Lafayette Sanitary District.
 3. Curb and gutter if deemed necessary at time of approval of the final plat by the Town Board.

6.16 Subdivision. cont'd
E. cont'd

4. Stormwater management structures if determined necessary by the Town Board at time of final plat approval.
5. Dedicated clear water drainage easements as determined necessary by the Town Board at the time of approval of the subdivision final plat, or at such subsequent time as the subdivision experiences clear water drainage problems. In the latter event, the Town may assess the cost of acquisition, construction and maintenance of clear water drainage easements to benefited subdivision lots.
6. Street lighting as determined necessary by the Town Board at the time of final plat approval.
7. Street trees as determined necessary by the Town Board at the time of final plat approval.

By submitting a subdivision final plat for approval to the Town Board, the subdivider does hereby agree that all of the municipal improvements shall be constructed and completed by the subdivider, and all such municipal improvements shall be commenced not later than the date when 50% of all subdivision lots have been sold by any method of conveyance. All such municipal improvements shall be completed by the subdivider, to the specifications of the Town of Lafayette.

If the subdivider has not completed the required municipal improvements when 75% of subdivision lots have been sold by any method of conveyance, then the Town Board is authorized to withhold the issuance of all further building permits within the subdivision.

By recording the final plat, the subdivider agrees for him/herself, and for his/her assigns that any charges necessitated and incurred by the Town, in fulfillment of any of the subdividers covenants and responsibilities above, shall be charged to all benefiting property owners as special assessments.

Each subdivider submitting a final plat for approval to the Town Board shall be required to place on the final plat document, prior to recording a restriction as follows:

"This final plat is subject to all of the requirements of Section 6.16 (E.), Municipal Code of the Town of Lafayette. The subdivider, for him/herself and his/her assigns, shall be responsible for all municipal improvements, including graveled and blacktopped streets, graveled road shoulders, sewer and water, and if determined necessary by the Town, curb and gutter, sewer lift stations, stormwater management structures, dedicated clear water drainage easements, and street lighting. Pursuant to Chapter 6.16(E.) of the Municipal Code of the Town of Lafayette, the Town of Lafayette reserves the right to withhold building permits for this subdivision if the above stated municipal improvements have not been completed, by the subdivider, according to the terms and conditions of 6.16 (E.). Furthermore, where decorative street lighting is required by the subdivider/owner, the difference in cost between regular street lighting and decorative lighting will be assessed annually to property owners within the subdivided area, on an annual cost basis, as incurred by the Town of Lafayette. Town of Lafayette shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting cost as required by the subdivider or property owners being assessed directly to the abutting property owners."

The Town Board shall require a subdivider to file with the Town Clerk a performance guarantee prior to final plat approval to ensure installation and construction of the municipal improvements set forth above, are to the standards and specifications required of the Town of Lafayette. The performance guarantees are as follows:

8. Performance bond, certified check, or other satisfactory security, payable to the Town.

6.16 Subdivision. cont'd
E. cont'd

9. The performance guarantee shall be in an amount sufficient to reimburse the Town for the cost of completing all municipal improvements.
 10. If the performance guarantee is cash, it shall be held in an escrow fund by the Town. When the Town Board has required the subdivider to post a performance guarantee, and when any required improvements have been completed and approved, a portion of the security commensurate with the cost of these improvements may be released and returned by the Town Board. In the event that a subdivider fails to install all required municipal improvements in accordance with the recorded final plat and this ordinance, then either the security is forfeited to the Town to be used for completion of improvements, or the Town of Lafayette has the right to invoke the performance bond terms and conditions. If the performance guarantee is insufficient to complete all municipal improvements without cost to the Town, the Town of Lafayette retains the right to pursue the subdivider/owner and/or performance bond company for that amount of additional monies the Town has been required to expand to complete the subdivider's obligations and responsibilities under this ordinance.
- F. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a performance guarantee insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered within thirty (30) days from the date of last approval.
1. Copies. The subdivider shall file adequate copies of the recorded final plat with the Town Clerk for distribution to the Town Board and Planning Commission. The subdivider shall also distribute copies to utilities, the West Central Wisconsin Regional Planning Commission and other approving, objecting or affected agencies for their files, with a copy of the transmittal to the Town Clerk.

6.17 Replat.

When it is proposed to replat a recorded subdivision or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider shall follow Sections 236.36 and 236.40 through 236.44 of the Wisconsin Statutes. The subdivider shall then proceed as specified in Section 6.16 of this ordinance.

When necessary, the Town Clerk shall schedule a public hearing before the Planning Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat.

6.18 Other Division.

A Certified Survey Map (CSM) shall be required for all newly created parcels of land where the act of division of a parcel will create a lot, parcel or building site of ten (10) acres in area or less, except where the newly created parcel is entirely within a recorded subdivision or where the newly created parcel is within a previously recorded CSM. A CSM shall also be required for all public dedications. No land included in any street, highway or railroad right-of-way shall be included in computing lot area. Submittal of a CSM requires showing topography and nearest crossroad or fire number. The CSM requirements for other divisions also apply to minor subdivisions.

6.18 Other Division. cont'd

The Town Clerk shall transmit a copy of the map to all affected Municipalities, Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Planning Commission within ten (10) days from the date the map is filed. The map shall be reviewed by the Planning Commission for conformance with this ordinance and all ordinances, rules, regulations, and comprehensive plans which affect it. The Planning Commission shall, within thirty (30) days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.

The Town Board shall approve, approve conditionally, or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the subdivider.

A performance guarantee shall be required for any proposed improvements and shall be as prescribed in Section 6.16 (E.) above.

- A. Recording. The Certified Survey Map shall be recorded with the County Register of Deeds. When a Certified Survey Map has been so recorded, the parcels of land in the map shall be described by reference to the number of the survey, the volume and page where recorded, and the name of the county. Any land or improvements offered for dedication and noted on the Certified Survey Map shall be deeded at the time of recording, unless otherwise arranged.
- B. Copies. The subdivider shall file adequate copies of the recorded Certified Survey Map with the Town Clerk for distribution to the Town Board, Planning Commission and other affected Town departments for their files, with copies of the transmittal sent to the Town Clerk.

Protective covenants, which are applied to a subdivision adjacent to, and contemporaneous with or subsequent to, an other division (CSM) under the same ownership or being divided by the same subdivider, shall also be applied to such other division. In addition, all lots in other divisions that subsequently become part of a subdivision shall acquire the covenants of that subdivision.

6.19 Assessor's Plat.

Made under Section 70.27 of the Wisconsin Statutes may be ordered by the Town Board at the expense of the subdivider when a subdivision is created by successive divisions without complying with this ordinance.

6.20 Plat Requirement Checklist.

- A. Sketch Plan.
 - 1. Title, scale, north arrow and date must be shown.
 - 2. The scale should not be less than one hundred (100) feet to the inch and should be on a topographical survey map. It may be a free-hand sketch or a print of such a map and must show:
 - (a) Subdivision boundaries and proposed use.
 - (b) General street and lot layout including streets, utilities and other features adjacent and within three hundred (300) feet of the proposed subdivision.

6.20 Plat Requirement Checklist. cont'd

A. 2. cont'd

- (c) Approximate location of trees and other prominent physical features.
3. Must show a location map. It may be free-hand in the same orientation as the sketch plan and must show:
 - (a) Municipal boundaries.
 - (b) Subdivision location and boundaries.
 - (c) Location of existing facilities which serve or influence the subdivision (e.g., schools, parks, main traffic arteries, shopping centers, utilities, etc.).
 4. Must show total acreage of subdivision and number of lots proposed, and the typical width and depth of lots.
 5. Name, phone number and address of subdivider or his/her agent.
 6. Approximate square footage of each lot.

B. Preliminary Plat.

1. It shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet all requirements of the ordinance.
2. Title, scale, north arrow and date must be shown.
3. The scale shall not be less than 100 feet to the inch and shall be drawn on a topographical survey map having contour intervals of no more than two (2) feet between intervals.
4. Must show the location and dimensions of:
 - (a) Existing, planned and proposed streets, public facilities or land, easements, existing buildings, water courses, drainage ditches and other such features.
 - (b) Facilities or land offered for dedication or reserved for public or other use as indicated.
 - (c) Contour lines/elevation points.
 - (d) Owners of adjoining land.
 - (e) Blocks and lots in consecutive order.
5. It must have a neighborhood location map showing subdivision location and surrounding roads, etc. in the same orientation as the preliminary plat.
6. It must have a feasibility report on sewage and water facilities.
7. Must show zoning classification, land use and minimum lot sizes within and adjacent to the subdivision.
8. Must be a drawing of all present and proposed street grades and facilities for sanitary sewer, water and stormwater management.

6.20 Plat Requirement Checklist. cont'd

B. cont'd

9. There must be a draft of all types of restrictions placed on the land which will become covenants in the deeds for lots shown on the final plat when submitted. These covenants should encourage a variety of dwelling types and developments suitable to the site.
10. Must show total acreage of subdivision, number of lots proposed, the typical width, depth and approximate square footage of lots, and total street length.
11. Name, telephone number and address of the subdivider or his/her agent.

C. Final Plat.

It shall show the corrected and finalized data from the preliminary plat.

A final plat shall comply with the provisions of Chapter 236 of the revised Wisconsin Plating Statutes and the following more restrictive requirements:

1. Subdivision performance guarantee as per Chapter 6.16 (E.), Town Subdivision Ordinance.

Design Standards

6.21 Location of Site.

- A. General Plan. The location and design of all divisions of land must conform to any applicable comprehensive plan.
- B. Zoning. The use of land in all divisions of land must conform to any applicable municipal, town or county zoning ordinances, however, larger lots and setbacks may be required where conditions warrant.
- C. Objectionable Areas. Land subject to hazards of life, health or property as may arise from fire, floods, disease, noise, falling aircraft or considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards have been approved by the Town.
- D. Nearby Development. All divisions of land shall be coordinated with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously.
- E. Deed Restriction Required in Agricultural Areas. All lots created within one-thousand (1000) feet of land assessed as Agricultural in the current year or any of the previous five (5) years must have recorded with the deed a covenant or deed restriction stating that the new lot created for residential purposes is in or near a pre-existing agricultural area where agricultural uses predominate and are favored by the Town of Lafayette and owners of said lot are forewarned they are moving into a pre-existing agricultural area with its associated accepted normal agricultural practices, including but not limited to, animal and plant husbandry, broad hours of operation, farm equipment traffic, farming debris on roads, farm equipment lights, odors, dust, smoke, noise, and manure, sludge, chemical, pesticide and herbicide application.

6.22 Design of Site.

- A. Natural Features.
 - 1. Preservation. In all divisions of land, care shall be taken to preserve all natural and historic features which will add attractiveness and value to the remainder of the land being divided (i.e., trees, wetlands, water courses, views, historic structures).
 - 2. Hillside Development. Where a division of land is on a site that has a slope of more than 12%, the Planning Commission may require larger lot sizes than are zoned and may reduce setback requirements upon proper appeal.
 - 3. Water Frontage and Surface Drainage. The damming, filling or relocating or otherwise interfering with the natural flow of surface water (including intermittent drainage) along any surface water drainage channel or natural water course shall not be permitted except with approval of the Planning Commission or any other affected agency. Building setback lines shall be established no less than seventy-five (75) feet from the high water line of any stream, lake or water body to prevent construction of any structure other than a dam, bridge, boat house, retaining wall, bulkhead or revetments in the setback area.

See County Shoreland Zoning Ordinance requirements for lot size, setbacks, well location, location of on-site absorption systems, etc.
 - 4. Planting Screens. The Town shall require planting or buffering easements, extra lot depth or width alongside heavily traveled highways where lots are backed into the roadway; along zoning district lines; as buffer strips separating residential zoning districts from commercial or

industrial land uses; as buffer zones along railroad rights-of-way or for any such use as may be deemed appropriate and consistent with the total development of the community.

B. Street Arrangement.

1. Location Principles. The streets shall be properly located and designed with regard to:

- (a) Existing and planned streets.
- (b) Topographic conditions.

6.22 Design of Site. cont'd

B. 1. cont'd

- (c) Public convenience and safety including facilitating fire protection and pedestrian traffic.
- (d) The proposed uses of land to be served by the streets.
- (e) Anticipated traffic volumes.
- (f) Further subdivision possibilities with suitable access to abutting properties.
- (g) Any other principles as may be deemed significant to protect the public interest by the Town.

2. Coordination of Existing Street Pattern. The arrangement, character, extent, width, grade, location and engineering specifications of all streets shall conform to the standards of this ordinance, adopted municipal or county plans and any official highway maps. If there is a comprehensive plan or official map, the arrangement of streets in a division of land shall provide for the continuation or appropriate projection of existing streets into surrounding areas, subject to topography conditions, public convenience, safety and proposed uses of land to be served. The Planning Commission may require multiple egress/ingress for a subdivision if it deems it necessary due to the size of the subdivision or its particular characteristics. Where a subdivision borders on or contains a railroad right-of-way, the Planning Commission may require a street approximately parallel with and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separations.

3. Subdivision Abutting Arterials. Where a proposed subdivision abuts or contains an existing or proposed street right-of-way as designed on the official map of the Town, or as may be determined by the Planning Commission, adequate protection of existing or proposed development, limitation of access and separation of through and local traffic shall be handled as follows:

- (a) Reverse frontage, with screen planting contained in a non-access reservation along the rear property line; or
- (b) by frontage streets; or
- (c) by having development front on a perpendicular street to the primary right-of-way.

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 easement at least fifteen (15) feet in width shall be provided adjacent to normal lot depth. This easement 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 any structure hereon prohibited."

Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway, said intersection shall be located a minimum distance of 250 feet from said limited access highway or railroad right-of-way. Such minimum distance shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

6.22 Design of Site. cont'd
B. cont'd

4. Street Design.

- (a) Arterial Street. Provides for movement of through traffic from one area of the community to another.
- (b) Collector Street. Carries traffic between minor streets and arterial streets and also provides access to abutting properties.
- (c) Minor Street. Primarily provides access to abutting properties. Does not serve through traffic and does not intersect with arterial streets.
- (d) Cul-De-Sac. Designed as permanent installations should not be longer than 500 feet, except where topographical and site conditions warrant an extension, and will be subject to the approval of the Planning Commission. The closed end shall have a turn-around with an outside roadway radius of at least sixty (60) feet of paved surface, unless a teardrop shape or loop is incorporated into the road design in which case the center may remain open.
- (e) Alley. Shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking adequate for the uses proposed. Alleys shall be prohibited in residential areas unless necessary because of topography or other exceptional circumstances. The width of the alleys shall not be less than thirty (30) feet. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.
- (f) Half-Streets. Half-streets shall not be permitted except:
 - (1) To complete a street, the other half of which is already dedicated and accepted; or
 - (2) To conform to the major thoroughfare plan or an official map.
- (g) Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where the control is definitely placed with the Town under conditions approved by the Planning Commission.

5. Intersections. Streets shall be laid out so as to intersect at right angles.

Intersection approach areas should not exceed a grade of 2% on all approaching streets for a distance of fifty (50) feet from the intersecting points of the right-of-way lines.

The minimum turning radius at an intersection shall not be less than twenty-five (25) feet.

Proper sight line easements shall be maintained at all street intersections. Measured along the center line, there shall be a clear sight triangle easement with sides as follows: State and Federal Highways, 250 feet; arterial streets, 150 feet; collector streets, 75 feet; minor streets, 75 feet. No building, fencing, planting higher than three (3) feet or construction is permitted in this area.

6.22 Design of Site, cont'd
B. 5. cont'd

The distance between intersections of minor or collector streets with arterials should not be less than 800 feet, and they shall be in alignment with existing and planned streets entering the arterial from the opposite side, unless approved by the Town Board. In no case shall intersection center lines be offset less than 125 feet.

6. Streets Grades. Streets shall have a minimum center line grade of 0.5% and shall not exceed grades specified as follows: arterial and collector streets, a 6% maximum; minor street, 10% maximum. These figures can be adjusted where deemed necessary by the Town.

All changes in street grades should be relatively gradual. Hence, changes in street grades shall be connected by vertical curves of minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half this minimum for all other streets.

7. Width. All street right-of-way shall be the width specified by local ordinance. Where no local or county ordinance applies, the provisions of Section 236.15(2) of the Wisconsin Statutes shall apply and the Commission shall impose minimum standards as established by Section 86.26, Wisconsin Statutes for improvements on Town roads.
 8. Curves. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and a fifty (50) foot tangent on minor streets. The minimum radii or curvature on the center line shall be 300 feet minimum radius for arterial streets; 200 feet minimum radius for collector streets; and 100 feet minimum radius for minor streets.
- C. Easements. Easements across lots or centered on rear or side lot lines shall be designed for utilities where necessary and shall be at least fifteen (15) feet wide. Electric and telephone lines shall be planned along rear lot lines wherever possible. The Planning Commission shall determine the feasibility of burying utility lines. Where a subdivision is traversed by a water course, drainageway, channel or street, there shall be provided a storm water easement or drainage right-of-way not less than thirty (30) feet in width, conforming substantially with the lines of such water courses. Parallel streets or parkways may be required in connection therewith.
- D. Storm Drainage. Storm sewers, culverts and related facilities shall be designed to permit the unimpeded flow of natural water courses; insure the drainage of all low points along the line of streets; provide positive drainage away from on-site sewer disposal facilities; and, facilitate infiltration of on-site runoff where possible. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same drainage basin is fully developed. On-site infiltration of stormwater runoff facilitated by recognized stormwater management best management practices will be preferred. Where adequate existing storm sewers are readily accessible, the subdivider shall connect his storm water facilities to these existing sewers. In the design of storm drainage facilities, special consideration shall be given to preventing excess runoff onto adjacent property. Where a storm drainage outlet will abut another property, sufficient and adequate engineering safeguards shall be designed in the plat to prevent damage to adjoining property. Sloped drainage channels must be protected against erosion.
1. Storm Water Management.
 - (a) Purposes. The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial and residential development, and to minimize the impacts of development on surface water quality.

6.22 Design of Site. cont'd
D. 1. cont'd

- (b) Standards. Surface water runoff from the site after development shall not exceed the peak rate/volume of flow at pre-development conditions. Minimum design criteria will accommodate peak flows resulting from two (2) year frequency three inches (3.0"), ten (10) year frequency four and two-tenths inches (4.2"), twenty five (25) year frequency four and seven-tenths inches (4.7"), and one hundred (100) year frequency six inches (6.0"), twenty four (24) hour rains. These peak flows shall be the basis to determine both pre-construction and post-construction surface water runoff.
- (c) Plan. A stormwater management plan shall be submitted with the preliminary plat. The plan shall be designed, stamped and signed by a registered professional engineer. The plan shall include, but not be limited to, the following:
- (1) Soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover and time response to runoff.
 - (2) The plan shall be compatible with natural drainageways and existing man-made drainageways and easements.
 - (3) The plan shall identify bridges, regional drainage patterns, water boundaries, pipes, culverts, catch basins, waterways, ditches, detention and retention basins; and indicate respective size, dimensions and grades of each.
 - (4) All drainageways and associated structures shall lie within maintenance easements and such easements shall be shown on the final plat.
 - (5) The direction of surface water flow shall be shown by arrows.
 - (6) The plan shall be designed in accordance with the United States Department of Agriculture Technical Release No. 55, Urban Hydrology for Small Watersheds.
 - (7) The plan shall be accompanied by calculations showing pre-construction and post-construction surface water runoff.
 - (8) A statement shall be included indicating how runoff resulting from construction and from the completed development will effect downstream areas and adjacent property owners.
 - (9) The statement shall indicate methods, structures and best management practices that will be used to protect downstream areas and adjacent property owners from damage caused by increased surface water runoff and ground disturbance during construction.
 - (10) A covenant shall be recorded with the final plat or shall be placed on the final plat. The covenant shall state:
 - a. No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

6.22 Design of Site, cont'd
D. 1. (c) (10) cont'd

- b. Upon failure of the property owners to perform maintenance of the drainageways and associated structures, the Town retains the right to perform maintenance and/or repairs. The payment of said maintenance and/or repairs shall be equally assessed among the property owners of the subdivision with a drainage covenant.
- (d) Requirements for Construction Documentation. This subsection is intended to describe the requirements for construction documentation by private sector professional engineers providing engineering services for stormwater facilities designed to meet the stormwater requirements of this ordinance.
- (1) Inspection Plan. A Construction Inspection Plan is to be submitted as part of the design submittal and will be the basis for inspections. The plan is to indicate the minimum type and number of inspections planned by the approving engineer for quality assurance. Minimum items of inspection and documentation include: structural components built on site; installation of fabricated structural features; construction materials (including materials certification, sizes, quality, and numbers); pertinent elevations of stormwater features. The construction inspection plan is to be discussed with the construction contractor(s) prior to commencement of construction.
 - (2) Construction Inspection. The design engineer is responsible for all construction inspections.
 - (3) Changes. Significant changes occurring during construction will require prior Town approval through the agency or engineering firm that is approved by the Town to do the review of the stormwater plan and the construction inspection plan. The agency or engineering firm that is approved by the Town to do the review of the stormwater plan and the construction inspection plan will determine which changes are considered "significant."
 - (4) Project Certification. Following completion of construction the responsible engineer is to provide the Town and the agency or engineering firm that is approved by the Town to do the review of the stormwater plan and the construction inspection plan with the following:
 - a. An "As-Built" plan documenting any deviations from the approved design. As noted, all significant field changes are to be reviewed by the agency or engineering firm that is approved by the Town to do the review of the stormwater plan and the construction inspection plan prior to the implementation of those changes.
 - b. A statement certifying compliance with the submitted plan, pertinent standards and required specifications. The statement shall contain "To the best of my professional knowledge, judgement and belief, the installed practice meets Town of Lafayette standards/requirements and approved plans with changes as noted in 'as-built' plans."
 - c. Copies of construction and materials documentation.

6.22 Design of Site. cont'd
D. 1. (d) (4) cont'd

The certification statement and "as-built" plans are to be signed and stamped by the approving design engineer. Photographs of construction and inspection activities are encouraged.

2. Surface Water Drainage Restrictions. No drainageway contained within a drainage easement shall be disturbed, except as provided in 6.30, in accordance with the following:
 - (a) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
 - (b) Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon only by altering such drainageways.
 - (c) Exceptions. Surface water shall not be regarded as unduly retained or diverted if:
 - (1) The retention or diversion results from a technique, practice or device deliberately installed as part of an approved construction site erosion control or stormwater management plan.
 - (2) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such a retention or diversion presents a danger to health or safety.
 - (3) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owners in accordance with any procedures and specifications approved by the Town Board.
 - (4) The retention or diversion has been allowed or required by the Town Board, and noted on the approved stormwater management plan.
- E. Sanitary Sewers. In areas that have a sanitary sewer system on or near the proposed subdivision, the Town Sanitary District shall determine the feasibility of service and the requirements to be followed by the subdivider. In areas that are not to be served by a sewer system, on-site subsurface sewage disposal systems shall be permitted only where soil tests and feasibility reports are satisfactory, as regulated by the Wisconsin Statutes, and the Town Board has determined there is no health threat to nearby private or public wells.
- F. Water Facilities. Where there is an existing public water supply system on or near the subdivision, the Town Sanitary District shall determine the feasibility of connection to this system. Where there is a community water supply system, connection must be approved by the engineer of the water utility company holding the franchise covering the land to be subdivided and by the Wisconsin Department of Health and Social Services. Where there is no existing public water supply and no community water supply, individual water supply systems will be permitted in accordance with minimum standards approved by the Wisconsin Division of Health, Department of Health, Department of Health and Social Services, Section H55.04 of the Wisconsin Administrative Code.
- G. Blocks. The lengths, widths and shapes of blocks shall be determined by: Provisions of building sites suitable to meet the needs of the type of use contemplated; zoning ordinance requirements

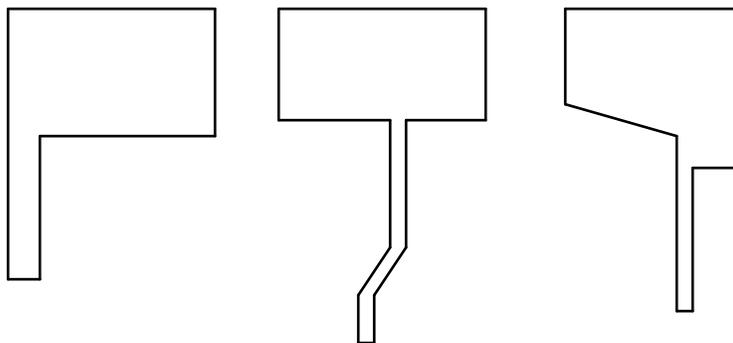
6.22 Design of Site. cont'd
G. cont'd

pertaining to lot size and dimensions; need for convenient access, circulation, control and safety of street traffic; and limitations and opportunities of topography. Block lengths shall normally not exceed 1,000 feet, or be less than 500 feet in length. Pedestrian easements or dedications, not less than ten (10) feet wide shall be required where deemed necessary to provide access to playgrounds, schools, shopping centers or other community facilities.

H. Lots and Building Location. The lot size, width, depth, shape, orientation and minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed. The minimum lot size for any residential subdivision shall be thirty thousand (30,000) square feet, except in areas zoned Agricultural where the minimum lot size shall be one acre. Lots designated for multi-family dwellings require an additional 3,000 square feet of lot area for each additional dwelling unit over 4 dwelling units. Except as specified herein, lot dimensions shall conform to the requirements of the local zoning ordinance, or as may be determined by soil capability ratings and by the County Shoreland Ordinance. Corner lots shall have increased width to permit adequate setback from both streets. Every lot in a subdivision shall abut on a public street for at least thirty three (33) feet. Side lot lines shall be substantially at right angles to the street lines. Double frontage shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and orientation disadvantages.

1. Access. Every lot shall front or abut on a public street and have direct vehicular access to that public street for a distance of at least thirty three (33) feet. Direct vehicular access does not include the use of easements.
2. Width and Depth. Lots shall be designed with a suitable proportion between width and depth. Neither long, narrow or wide, shallow lots are normally desirable. The use of "flag" lots (as illustrated below) shall be prohibited. The minimum lot width for any residential subdivision shall be one hundred (100) feet. Depth shall not exceed three (3) times the width nor shall it be less than one hundred and fifty (150) feet.

Flag Lot Examples:



- I. Filling. Where any land is to be filled more than six (6) inches above an adjacent property, a grading plan must be approved by the Planning Commission.
- J. Street Names. No street names shall be used which will duplicate or be confused with the name of an existing street within the same community. Streets that are extensions, or obviously are in alignment with existing named streets, must bear the names of those streets. Street names must be consistent with the Chippewa County Uniform Addressing Grid System (Ordinance # 4-95) and approved by the Town and County.

6.22 Design of Site. cont'd

- K. Commercial and Industrial Areas. The land division shall be designed with consideration of site conditions to permit the best possible layout to serve the public; to permit good traffic circulation and the parking of cars; to make delivery and pickup efficient; to design individual units so that they blend with the whole; to provide for the most efficient arrangement of space for present use and future expansion; and to provide adequate and safe space for worker and customer access and parking. A development plan of this nature shall be accompanied by a plan indicating general landscape treatment intended.

Required Improvements

6.23 Survey Monuments.

The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes witnessed with a T-type post at least five (5) feet long or 4" x 4" x 6' long CCA ground contact treated timbers and as may be required by the Town Board.

Any existing survey monuments which are disturbed during construction shall be rehabilitated at cost to the developer and to the specifications of existing state regulations and the County Surveyor.

6.24 Grading.

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

6.25 Surfacing.

All roadways and streets to be accepted by the Town Board must be finish grade with gravel fill to the specifications of the Town Board.

At a minimum, the roadway or street shall be hard-surfaced with asphalt according to the specifications given by the Town Board. A copy of such minimum specifications is on file with the Town Clerk.

After the street has been brought to the hard-surface specifications of the Town, at the cost of the person dedicating the street or the subdivider as the case may be, then the Town will take over and maintain the same. Repairs required to the hard-surface as a result of defects in the hard-surface construction or in the construction below the hard-surface shall be the responsibility of the person dedicating or the subdivider for a period of one (1) year after acceptance of the street by the Town and a performance guarantee shall be required to insure the payment for such repairs.

Where a street is installed and the person dedicating the street or the subdivider desires to delay the installation of the hard-surface of the street, then the person dedicating the street or the subdivider shall furnish to the Town a satisfactory guarantee to cover the full installation of the hard-surface street, subject to Section 6.16 (E.) of this ordinance.

6.26 Curb and Gutter.

Curb and gutter is generally not required for local streets, however, such may be required in certain areas. When required or proposed, the subdivider shall construct concrete curbs and gutters and storm sewer facilities in accordance with minimum design specifications as approved by the Town Board. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for boulevard pavements shall be borne by the subdivider.

6.27 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 driveways and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Board.

6.28 Sidewalks.

The Town may require sidewalks where it deems necessary in accordance with plans and standard specifications approved by the Town Board.

6.29 Public Sanitary Sewerage and Private Sewerage Disposal Systems.

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the Town, State and County. The Planning Commission may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Town Board. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board.

Subdivider shall assumed the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers 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 and the excess cost either borne by the Town or assessed against the total tributary drainage area.

6.30 Stormwater Management Facilities.

The subdivider shall construct stormwater drainage or management facilities and structures, which may include, but not be limited to, curb and gutter, grassy swales, catch or infiltration basins, trenches and inlets, porous pavements, detention ponds, culverts, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria, and the sizes and grades to be reviewed by the Planning Commission. Stormwater management facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers or management structures proposed to be constructed shall be in accordance with any plans and standard specifications approved by the Town Board.

All stormwater management facilities and structures shall meet the design standards of this ordinance as determined by the agency or engineering firm that is approved by the Town to do the review of the hydrological study for the CSM or plat.

Subsection 6.30 and subsequent stormwater management design standards may be required by the Planning Commission for other divisions (CSMs) if it is determined that there are drainage problems on the site or that development of the site will lead to drainage problems. All CSM applications shall show topography.

The Planning Commission may require any or all stormwater management facilities and the land, including outlots, containing such facilities to be held in common ownership by a homeowners association or condominium arrangement.

A homeowners association shall be governed according to the following:

- A. Common stormwater management facilities and shall be held as undivided proportionate interests by the members of a homeowners association.
- B. The applicant shall provide to the Town for review and approval, a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for

6.30 Stormwater Management Facilities. cont'd

B. cont'd

common stormwater management facilities.

- C. The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
- D. Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- E. The organization shall be responsible for maintenance and insurance of common stormwater management facilities. A management plan is required outlining a maintenance schedule for the optimum operation of the stormwater management facilities.
- F. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common stormwater management facilities.
- G. The organization shall have adequate assistance itself or through contract to maintain and operate common stormwater management facilities.
- H. The applicant for any tract proposed to contain common stormwater management facilities shall arrange with the appropriate assessor a method of assessment of the common stormwater management facilities, which will allocate to each tax parcel in the development a share of the total assessment for such common stormwater management facilities.
- I. Written notice of any proposed transfer of common stormwater management facilities by the homeowners association or the assumption of maintenance of common stormwater management facilities must be given to all members of the organization and to the Town at least 30 days prior to such event.

For common stormwater management facilities held in common ownership by property owners of the development through the use of condominium agreements, the requirements of such agreements shall be approved by the Town Legal Counsel and shall be in conformance with the "Condominium Ownership Act" of 1977 (Chapter 703, Wisconsin Statutes), as amended. All common stormwater management facilities shall be held as "common element" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory. A management plan is required outlining a maintenance schedule for the optimum operation of the stormwater management facilities.

The Town may take corrective action in the event an organization fails to maintain common stormwater management facilities according to the management plan. The Town may perform the corrective work, in consultation with the County. The Town, following Wisconsin Statutes 66.0627 can assign special charges to the responsible organization or to individual lot owners.

Notwithstanding subsection 6.22 D. 1. (c) (10), the Town may also require covenants recorded with the plat or CSM for drainage or stormwater management easements intended for the retention, detention, treatment or conveyance of water. Such covenants shall prohibit any activity, alteration or construction that impedes the design performance of the stormwater management system. Such covenants shall also delineate which lots, the owners of which are responsible for maintenance of stormwater facilities within the easement in accordance with the approved stormwater management plan. The covenant shall run with the land and shall be permanent.

6.31 Public Water Supply Facilities.

The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provisions for adequate private water systems as specified by the Town, State and County. The Planning Commission may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with any plans and standard specifications approved by the Town Board.

The subdivider shall assume the cost of installing all water mains eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter water mains are required, the excess cost of such mains over and above the cost of an eight (8) inch main shall be borne by the Town water district.

6.32 Other Utilities.

The subdivider shall cause gas, electrical power, telephone, telecommunications and cable facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical, telephone or cable service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barriers. The subdivider shall consult with the various utility companies to determine the feasibility of burying utility lines.

Plans indicating the proposed location of all gas, electrical power, telephone and cable distribution and transmission lines required to service the plat shall be approved by the particular utility having jurisdiction.

6.33 Street Lights.

- A. Before the subdivision may be approved or before any street is accepted in any subdivision, all utilities, including street lighting as prescribed by the Town, shall be installed. Street lighting will be required to be installed at all intersections, and the cables shall be buried, or shall be overhead installation to suit the other utilities in the subdivision. The subdivider shall be responsible for the initial installation of all street lighting, as required herein, which payment shall be made in full and satisfied with the power company prior to the acceptance of the subdivision.
- B. Upon acceptance of the subdivision, all electrical costs thereafter for street lights installed at intersections shall be paid by the Town of Lafayette on a monthly assessment from the power company. Where there are street light installations which are not at intersections, the subdivider must require that the persons in the subdivision make arrangements to pay for the monthly power charges assessed by the existing power company.
- C. The Town of Lafayette may except streets in subdivisions from the requirements of the street lighting, but must do so in writing before the acceptance of the street or subdivision. In the event that it is substantially inconvenienced or the subdivider is unable to perform the street lighting at the time of the acceptance of the subdivision, a performance guarantee may be approved by the Town in an amount sufficient to complete the improvement as required, and shall specify a satisfactory date for completion of the improvements, or a forfeiture of the bond.
- D. The standards or amount of required street lighting shall be in the sole discretion of the Town and shall not be regulated by any applicable standards of the power company with regard to its recommendations as to required lighting.

6.34 Street Name Signs.

The subdivider shall install at the intersection of all streets proposed to be dedicated, a street name sign of a design specified by the Town.

6.34 Street Name Signs. cont'd

The subdivider, or the divider of an other division, shall be responsible for all required initial street signage, including street name, regulatory, warning and guide signage. Payment for sign installation is pursuant to the fee schedule adopted by the Town Board.

6.35 Street Trees.

The subdivider shall plant trees of a species acceptable to, and in accordance with, any plans and standard specifications set by the Town Park Commission and/or Town Board.

6.36 Lot Grading.

The Planning Commission shall require that a grading plan be submitted prior to the approval of a preliminary plat.

Construction

6.37 Commencement.

No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved and the Town Board has given written authorization, and the performance guarantee has been accepted by the Town.

6.38 Building Permits.

No building permits shall be issued for erection of a structure on any lot of record until all the requirements of this ordinance have been met.

6.39 Plans.

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

- A. Street plans and profiles showing existing and proposed grades, soil conditions, elevations and cross sections of required improvements.
- B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- C. Stormwater management plans and profiles showing the location, grades, sizes, cross sections, elevations and materials of required facilities.
- D. Water main plans and profiles showing the location, sizes, elevations and materials of required facilities.
- E. Planting plans showing the location, age and species of any required street trees.
- F. Surface water drainage plan.
- G. Additional special plans or information as required.

6.40 Inspection.

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection at the subdivider's expense. The Town Board, or its agent, shall inspect and approve all completed work prior to release of the performance guarantee.

6.41 Responsibility for Establishment of Grades/Stakes, Etc.

- A. Before the final subdivision plan may be approved, and before any street is accepted within any subdivision, the subdivider and engineer for said subdivider shall see that on all final plats submitted for approval to the Town Board, there is established thereon all final road grades, driveway culvert grades, open ditch drainage grades and sidewalk grades (if applicable). Such grades (culvert grades, ditch grades) shall be established by proper engineering symbols upon the final surface water drainage plan at the side yard lines. The subdivider and the engineer for the subdivider shall be responsible for setting and staking all such grades.
- B. If the subdivider, or the engineer for the subdivider, or the then property (lot) owner has not fulfilled the obligations of this section, and the Town shall incur any costs for correcting improperly established and/or staked grades, the subdivider, or the engineer for the subdivider,

6.41 Responsibility for Establishment of Grades/Stakes, Etc. cont'd
B. cont'd

or the property (lot) owner shall be responsible for reimbursing the Town for all costs incurred to correct any such failure.

C. All of the duties and responsibilities hereunder of a subdivider and the engineer for a subdivider are also applicable to any person requesting Town Board approval to any Certified Survey Map or Plat of Survey.

D. Either the subdivider, or the engineer for the subdivider, shall file with the Town a statement of compliance with Section 6.41 of the Municipal Code, as above established; that the subdivider, or the then property (lot) owner shall be required to adjust any culvert grades, at no expense to the Town, when the Town issues final approval/building permit, when will then establish the driveway and culvert grades.

6.42 Meetings of the Planning Commission.

The Planning Commission meets according to Town Ordinance at Regular Meetings the fourth Thursday of March, June, September and December. Special Meetings to accommodate subdivision requests in the interim between Regular Meetings may be called by the Town Chairman.