

Ordinance No. _____

**AN ORDINANCE CREATING CHAPTER 10.01 OF THE CODE OF
ORDINANCES, THE TOWN OF DELLONA, SAUK COUNTY, WISCONSIN**

The Town Board of the Town of Dellona, Sauk County, Wisconsin does ordain as follows:

Section 1. Chapter 10.01 of the “Code of Ordinances, Town of Dellona, Sauk County, Wisconsin” entitled “Land Division and Subdivision” shall be created to read as the document under the title which is incorporated herein and attached.

Section 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted this _____ day of _____, 2011

Paul Bremer
Town Board Chairperson

[Published/Posted] this _____ day of _____, 2011.

Attest: _____
Lisa Rockweiler
Town Clerk

CERTIFICATION

I hereby certify that the above ordinance was duly adopted by the Town of Dellona, Sauk County, Wisconsin, by at least a majority vote of the members-elect of the Town Board on the _____ day of _____, 2011, and approved by the Town Chairman on the _____ day of _____, 2011.

Lisa Rockweiler
Town Clerk

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Part 1: Authority and General Provisions

Sec. 10.01.01 Authority.

These regulations are adopted under the authority granted by §236.45 of the Wisconsin Statutes.

Sec. 10.01.02 Purpose and Intent.

The purpose of this chapter is to:

1. Guide the future growth and development of the community consistent with the Town of Dellona's adopted Comprehensive Plan;
2. Promote the public health, safety and general welfare of the Town, and to lessen congestion in the streets and highways;
3. Further the orderly layout and use of land;
4. Secure safety from fire, panic and other dangers;
5. Provide adequate light and air;
6. Prevent the overcrowding of land;
7. Avoid undue concentration of population;
8. Facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and other public requirements;
9. Facilitate the further re-subdivision of larger parcels into smaller parcels of land;
10. Preserve and protect the scenic natural beauty of the Town of Dellona and its natural and historic resources including water quality, lake resources and significant geological features and continue to strengthen the township's rural character and surrounding environment; and
11. Maintain farmland and farming opportunities and enhance the farming community by creating an environment that encourages and supports agricultural and agribusiness as viable careers and sustainable businesses.

Sec. 10.01.03 Severability.

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

Sec. 10.01.04 Repeal.

All other ordinances or parts of ordinances of the Town of Dellona inconsistent or in conflict with this chapter, to the extent of inconsistency or conflict only, are hereby repealed.

Sec. 10.01.05 Title.

This chapter shall be entitled the “*Land Division and Subdivision Regulations, Town of Dellona, Sauk County, Wisconsin.*”

Sec. 10.01.06 Effective Date.

This chapter shall be effective upon passage and publication.

Sec. 10.01.07 Definitions.

For the purposes of this chapter, the following definitions shall be used. 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 and not directory.

1. Access Easement. A privately owned and maintained easement for ingress and egress for the purpose of granting to all Owners and their occupants, agents, employees, guests, licensees, and invitees vehicular and pedestrian access across property which abuts a public street. The access easement may not provide ingress and egress for more than three lots. The general use and maintenance of the access easement shall be governed by a legal agreement that runs with the land and is recorded with the Sauk County Register of Deeds.
2. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.
3. Board or Town Board. The Town of Dellona Town Board.
4. Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
5. Building Setback Line. A line within a lot or other parcel of land between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited, as prescribed by the appropriate zoning or other regulations.
6. Certified Survey Map. A map of land division, not a subdivision, prepared in accordance with Wis. Stat. § 236.34, and in full compliance with the applicable provisions of this chapter. A certified survey map has the same legal force and effect as a subdivision plat.
7. Clerk or Town Clerk. The Town of Dellona Town Clerk.
8. Common Open Space. Land within a subdivision that has been designated, dedicated, reserved, or restricted from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual lots. It shall be substantially free of

structures, buy may contain, but not be limited to, farmlands, natural woodlands, historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan. Common open space shall be recorded as an outlot on the plat.

9. Comprehensive Plan. An official document adopted by the Town of Dellona setting forth the goals, objectives, and policies regarding the long-term development within the Town of Dellona.
10. Condominium. Individual ownership of a unit located on a commonly held parcel of land with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes.
11. Conservation Subdivision. A subdivision design which concentrates development in specific areas of the subdivision. The purpose of a conservation subdivision is to allow increased density in certain areas of the subdivision by grouping together homes in one or more areas, while preserving natural features in others. The concept provides for flexibility in subdivision design that fits the natural characteristics of the land and permits more permanent open space thereby permanently protecting agriculturally, environmentally or historically significant areas within the subdivision.
12. Conventional Subdivision. A subdivision that does not comply with the conservation subdivision standards.
13. Cul-de-sac. A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
14. Cul-de-sac – Temporary or “T” Turnarounds. A local street terminating in a turnaround, which may be extended as a through street in the future as part of future phases of the subdivision or the development of adjacent lands. Temporary cul-de-sacs may be reduced to fifty (50) feet in radius if a larger diameter would effectively reduce minimum lot size. The Town Board may approve turnarounds of smaller diameter of different design on a case-by-case basis. Dead end streets shall not be permitted without a suitable turnaround.
15. Development Envelope. Areas within a lot or subdivision that the clearing of trees, grading, pavement and buildings may be located.
16. Development Plan. A general site analysis for a conventional subdivision or for a conservation subdivision and its environs identifying and analyzing the natural and cultural features of the area.
17. Driveway. A private access for ingress & egress from a public road right-of-way to private land.
18. Dwelling. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
19. Easement. Is a grant by a property owner for the use of land for a specific purpose.
20. Environmental Assessment. Information to be furnished by the subdivider in the format required by this ordinance.

21. Final Plat. The map of record of a subdivision, and any accompanying material.
22. Frontage. The length of the front property line of a lot abutting a public street, road, or highway.
23. Grade. The slope of a road, street or other public way, specified in percent.
24. Improvement. Any sanitary sewer, storm sewer, storm water drainage and retention/detention facilities, water main, or other facility for which the County, Town or special use district may ultimately assume the responsibility for maintenance and operation.
25. Land Division. Any division of a parcel of land.
26. Lot. A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts a publicly dedicated street. A lot shall be created by a subdivision plat or certified survey map or a parcel described in a conveyance recorded with the Sauk County Register of Deeds which complies with the minimum size requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance. No land included in any street, highway, or railroad right-of-way shall be included when computing the area for minimum lot sizes. No street, highway, easement, rail right-of-way, river, stream, or water body shall constitute a break in contiguity.
27. Lot of Record. A land area designated in a subdivision plat, plat of survey, or certified survey map or described in a conveyance recorded in the Sauk County Register of Deeds office which complied with zoning laws in existence when the property was divided and/or recorded but which no longer complies with the current minimum land area within the applicable zoning district. Such land area shall be occupied by or designed to provide space necessary for one main building and its necessary buildings or uses.
28. Lot, Corner. A lot situated at the intersection of two streets.
29. Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division. Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. All restrictions related to an outlot shall be included on the face of the plat.

30. Owner. Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this title.
31. Parcel. Contiguous land owned, controlled, or managed by an owner, single or common interest. No street, highway, easement, railroad right-of-way, river, stream, or water body shall constitute a break in contiguity.
32. Plan Commission. The Town of Dellona Plan Commission as authorized by §60.62(4), §61.35 and §62.23 Wisconsin Statutes and established under Chapter 2.02 of the Code of Ordinances, Town of Dellona, Wisconsin.
33. Plat. A map of a subdivision.
34. Preliminary Plat. A map showing the salient features of a proposed subdivision, or land division submitted for purposes of preliminary consideration prior to all final plats and, when required, prior to a land division.
35. Preservation Area Easement. A legal agreement recorded with the Sauk County Register of Deeds, which conveys an interest in real estate imposing limitations and affirmative obligations on the type and amount of development that may take place on a property. For the purposes of this chapter, said easement shall apply to Preservation Areas as part of a conservation subdivision.
36. Replat. The process of changing, or a plat which changes, the boundaries of a recorded Subdivision Plat or part thereof. The legal dividing of a Block, Lot, or Outlot within a recorded Subdivision Plat without changing exterior boundaries of said Block, Lot or Outlot is a replat.
37. Restrictive Covenant. A restriction on the future use(s) of property or other instrument of conveyance.
38. Right-of-way. Right-of-way is a strip of land occupied or intended to be occupied by a public street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use.
39. Roadway. The surfaced portion of the street available for vehicular traffic.
40. Sensitive Areas. Areas containing one or more of the following unique or locally significant resources: archaeological resources, critical wildlife habitats, erodible land, flood hazard areas, stream corridors, wetlands or woodlands.
41. Service Road. A Public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
42. Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System. An on-site septic or holding system approved for use by the appropriate governmental entity.

43. Streets.

- a. A public street is a right-of-way which affords a primary means of vehicular or pedestrian access to parcels of land where the general use and maintenance of such right-of-way is governed by the appropriate unit of government.
- b. A private street or road is a right-of-way which affords vehicular and pedestrian access to parcels of land designated by a sub-division plat which has access to a public street.

44. Street, Collector. A street which carries traffic from local streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

45. Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has allocated only part of the ultimate right-of-way width.

46. Street, Minor. A street used primarily for access to abutting properties and local needs of a neighborhood.

47. Street, Through. A street that begins and ends on another public street.

48. Subdivider. Any person, corporation, partnership, association, trust, or entity of any sort or authorized agent thereof, who divides or proposes to divide land in any manner that results in a land division, subdivision, or condominium plat as defined in this section.

49. Subdivision. The division of land for the purpose of transfer of ownership or building development, where the act of division creates four (4) or more lots, or where the act of division creates four (4) or more lots by successive division within a five-year period.

50. Thoroughfare. A highway with high traffic volumes, including collectors, major arterials, and limited access highways.

51. Town. Reference to town shall mean the Town of Dellona including Plan Commission, Town Board, Town Clerk and/or any others designated by Town Board.

52. Walkway. A walkway or trail within a block, dedicated to public use and intended primarily for pedestrians.

53. Zoning Regulations. The zoning regulations adopted by Sauk County.

Sec. 10.01.08 Applicability and Scope.

The provisions of this chapter apply to all unincorporated lands within the Town of Dellona where any lands are divided. This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations. This chapter shall not apply to [see §236.45(2)]:

1. Transfers 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.
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 sizes required by this chapter, or the minimum size required by other applicable laws and ordinances.
4. Assessor's Plats made under Section 70.27, Wisconsin Statutes.

Sec. 10.01.09 Compliance with Ordinances, Statutes, Regulations and Plans.

Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat or a certified survey map in accordance with the requirements of this chapter and:

1. The provisions of Chapter 236, and Section 80.08, Wisconsin Statutes.
2. The rules of the Department of Commerce, including COMM. 83, Wisconsin Administrative Code, for subdivisions not served by public sewer.
3. The rules of the Division of Highways, Wisconsin State Department of Transportation contained in Trans 233, Wisconsin Administrative Code for subdivisions that abut a state trunk highway or connecting street.
4. The rules of the Wisconsin Department of Natural Resources contained in Chapter NR 115, Wisconsin Administrative Code for Shoreland Management Programs and other Wisconsin Department of Natural Resources regulations for development in floodplain, wetlands, and shoreland areas and for setting water quality standards for prevention and abating pollutions.
5. All applicable Town of Dellona and Sauk County ordinances and regulations, including, but not limited to, zoning regulations, building codes, sanitary codes, erosion control regulations, and other land division regulations.
6. Comprehensive plan or comprehensive plan component(s) adopted by Sauk County or the Town of Dellona.
7. The official map of any governmental unit having jurisdiction.
8. The rules and by-laws of the State of Wisconsin Department of Regulation and Licensing.

Sec. 10.01.10 Right to Farm.

To inform future residents on farm life, farm noises, smells, and operational requirements, to protect farming operations, and limit actions against agricultural uses, all land divisions shall include the following statement on the first page of the Certified Survey Map or Subdivision Plat and in the subdivision covenants: "Through Wis.

Stat. § 823.08, the Wisconsin Legislature has adopted a right to farm law. This statute limits the remedies of owners of later established residential property to seek changes to near-by pre-existing agricultural practices. Active agricultural operations are now taking place and are planned to continue in the vicinity of this land. These active agricultural operations may produce noises, odors, dust, machinery traffic or other conditions during daytime and evening hours.”

Part 2: Street, Easement, Lot and Block Design Standards

Sec. 10.01.11 Streets.

1. Streets – General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets. These provisions shall apply to all land divisions within the scope of this chapter.
2. Arrangement.
 - a. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
 - b. All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
 - c. Streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
 - d. The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use may result in a more desirable layout.
 - e. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - f. In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
3. Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town of Dellona.

4. Access to Streets. The number of minor streets intersecting a collector street or major highway shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Town may require that access to such streets be limited by one (1) of the following means:
 - a. A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with a screen planting contained in a non-access reservation along the rear property line;
 - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;
 - c. A marginal access street or service road separated from the major street by a planting or grass strip and having access thereto at suitable points.
5. Width of Streets. Minimum right-of-way of all new Town roads shall comply with the Town Road Standards contained in Wisconsin Statutes, Sec. 82.50. The Town may approve rights-of-way less than sixty-six (66) feet where the strict application of this standard is impractical and where such deviation is not contrary to the public interest and safety and intent of this chapter.
6. Cul-de-sacs or Dead-End Streets.
 - a. The use of cul-de-sacs in street layouts shall be limited to portions of developments, which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than, by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
 - b. A cul-de-sac shall not be longer than eight hundred fifty (850) feet, measured on its centerline. The Town may find a greater length to be justifiable based upon topography or other circumstances beyond the control of the developer.
 - c. The radius of a permanent cul-de-sac shall be not less than sixty (60) feet. Planting islands in the center of cul-de-sacs are not encouraged.
 - d. Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. Temporary cul-de-sacs may be reduced to fifty (50) feet in radius if a larger diameter would effectively reduce the minimum lot size. The Town Board may approve turnarounds of smaller diameter or different design on a case-by-case basis. Dead end streets shall not be permitted without a suitable turnaround.
7. Half Streets. Half streets in new subdivisions shall not be permitted. Where an existing half street is adjacent to a new subdivision, the subdivider shall dedicate the other half of the street. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width shall be required to be dedicated and the subdivider to meet the requirements of this chapter.

8. Street Intersections.

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- b. A proposed intersection to two new streets at an angle of less than seventy (70) degrees shall not be acceptable.
- c. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Town.
- d. Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than two hundred twenty-five (225) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous.
- e. Where the grade of any street at the approach of an intersection exceeds seven (7) percent, a leveling area shall be provided having no greater than four (4) percent grade a distance of fifty (50) feet measured from the nearest right-of-way line of the intersecting street.
- f. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer, at the direction of the Town, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

9. Radii of Curvature. When a continuous street centerline deflects at any point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on the centerline of not less than 100 feet on minor streets.

10. Alleys.

- a. Alleys may be required in commercial and industrial subdivisions to provide for off-street loading and service access but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions.
- b. The width of alleys shall be not less than twenty-four (24) feet.
- c. Dead end alleys are prohibited except under very unusual circumstances and crooked and "T" alleys shall not be approved unless required by unusual topography or other exceptional conditions. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

11. Street names.

- a. The Town may disapprove of the name of any street shown on the plat which has already been used elsewhere in the surrounding area or which, because of similarity, may cause confusion.
- b. Where a street maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the street.
- c. A name which is assigned to a street which is not presently a through street due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- d. Access roads adjacent to major highways (frontage roads and the adjacent highways) shall have the same street names and designation.
- e. Approval of street names on a preliminary plat will not reserve the street name, nor shall it be mandatory for the Town to accept it at the time of final platting.

Sec. 10.01.12 Utility Easements.

1. Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines and shall be designated as "Utility Easement" on the plat or certified survey map.
2. Prior to approval of any final plat, the subdivider shall provide the Town with written concurrence of the adequacy and location of all utility easements from the utility companies, which will serve the proposed subdivision.

Sec. 10.01.13 Drainageway.

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided an adequate drainageway required by the Town. The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

Sec. 10.01.14 Lots and Blocks.

1. Residential blocks.

- a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

- b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand eight hundred (1,800) feet. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand three hundred and twenty (1,320) feet in length.
 - c. Pedestrian walkways, not less than ten (10) feet wide, may be required by the Plan Commission through blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
 - d. Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Town for the prospective use.
2. Lots. In general, 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. Lot dimensions shall conform to the requirements of applicable zoning regulations. No lot area calculation shall include any road right-of-way or any easement that is twenty (20) feet wide or wider.
3. Residential lots. Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce.
4. Business, commercial and industrial properties. Depth and width of lots to be used for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.
5. Corner lots. Corner lots for residential use shall have sufficient width to permit full building setback as required in the appropriate zoning regulations.
6. Lot frontage. No lot shall be created unless it has deeded or platted access to a public right of way. Every lot shall have a minimum of 40 feet of frontage, which can provide adequate vehicular access directly from the lot to a public street. Lot frontage of less than forty (40) feet may be approved only where existing and potential ownership patterns make a larger frontage impractical or unnecessary.
7. Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
8. Re-subdivision of parcels. In case a lot is subdivided into lots containing five (5) or more acres, it is recommended that such parcels shall be arranged to allow the future re-subdivision into smaller lots in accordance with the provisions of this code.
9. Lot lines. Lot lines shall follow the Town boundary lines whenever practicable.

10. Double frontage and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic on major highways or to overcome specific disadvantages of topography and orientation. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. adequate protection is met by limiting access and separating through local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

Part 3: Required Improvements – Water, Sewer, Road, and Drainage

Subdivider shall construct or install all improvements as herein required. Construction or installation of such improvements shall not commence until the Final Plat or Certified Survey has been recorded. All work or improvements to the subdivision shall also be subject to inspection by the Town to determine conformance with any applicable requirements.

Sec. 10.01.15 Water and Sewage Disposal System.

1. The Town encourages the use of private shared water supply wells and private on-site waste treatment systems.
2. Where connection to a public water system is deemed available by the Town, the subdivider shall install the public water distribution system and services necessary to serve the subdivision. Mains shall be extended to the perimeter of the subdivision by the subdivider. All costs associated with the installation of the water distribution system, including those of the Town, shall be borne by the subdivider. The water distribution system shall be installed in accordance with the plans and specifications approved by the Town and the rules and regulations and requirements of state and local government.
3. Where connection to a public sanitary sewer is deemed available by the Town, the subdivider shall install sanitary sewers, interceptors, pumping stations and force mains, and laterals to serve all lots in the subdivision. Sanitary sewer mains shall be extended to the perimeter of the subdivision by the subdivider. All costs associated with the installation of the public sanitary sewers, including those of the Town, and all sanitary interceptor area or connection charges levied by sewerage district, the Town, or other village or municipality whose charges are approved or certified by the Town prior to the commencement of the installation, shall be borne by the subdivider. The installation shall be in accordance with the plans and specifications approved by the Town and the rules and regulations and requirements of state and local government.

Sec. 10.01.16 Grading and Surfacing of Public Roads.

The subdivider shall grade and construct improvements on all Town roads dedicated in a final plat or certified survey. In addition, subdivider shall grade and construct improvements for existing Town roads and highways adjacent to the final plat or certified survey as deemed necessary by the Town. All costs associated with the grading and construction of improvements on roads, including those of the Town, shall be borne by the subdivider.

1. Street Grades. Street grades shall comply with Town Road Standards contained in Wisconsin Statutes, Section 82.50, however, the minimum grade shall be no less than ½ of one percent and maximum grade shall be 8%. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
2. Roadway/Surface Width. All streets shall be graded and surfaced in accordance with the plans, specifications and requirements approved by the Town of Dellona. Please refer to Chapter 4.01 of the Town of Dellona Code of Ordinances for roadway requirements.

Sec. 10.01.17 Storm Water Drainage Facilities.

Subdividers shall submit a storm water management plan and construct storm water drainage improvements that incorporates facilities of a size and design that will assure that the anticipated discharge of storm water following the development of the land is less than or equal to the discharge preceding the development. Design volumes for flow shall not present a hazard to life or property. Storm water drainage improvements shall be installed in accordance with plans and specifications approved by the Town. The guidelines, standards and specifications contained within "The Wisconsin Storm Water Manual" or successor publications issued by the Wisconsin Department of Natural Resources, will provide a framework for the development, review and implementation of the storm water plan. The provisions for ownership and maintenance of the storm water facilities shall be provided as part of a management plan document as specified under Sec. 10.01.24 and which shall be recorded with the Sauk County Register of Deeds. Approved storm water facilities shall be installed prior to the commencement of any grading not directly associated with the installation of such facilities.

Sec. 10.01.18 Erosion Control.

The subdivider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and other activities. The developer shall prepare and submit an erosion control plan to the Wisconsin Department of Natural Resources as required by Wisconsin Administrative Code NR 151 and the Sauk County Planning and Zoning Department as required by Sauk County Ordinance 22.56 to determine the adequacy of the proposed measures. The Sauk County Planning, Zoning, and Records Committee's approval of the erosion control plan shall be obtained, copies of the County-approved erosion plan provided to the Town, and all erosion control structures shall be in place prior to commencement of any land surface disturbances not associated with installation of such structures. Where the method of control has failed, the subdivider shall immediately clean up the materials which have been displaced and reconstruct and/or modify erosion control measures, prior to any additional construction or land surface disturbances occurring.

Sec. 10.01.19 Special Assessments.

The Town may, by ordinance, provide that the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited, and make an assessment against the property

benefited in the manner that the governing body determines as provided by law. The special assessment is a lien against the property from the date of the levy.

Sec. 10.01.20 Construction Plans and Specifications.

When public improvements are proposed, all construction plans and specifications for proposed public water, sanitary sewer, streets, drainage and traffic improvements shall be designed, signed, sealed and dated by a Registered Professional Engineer licensed in the State of Wisconsin. All construction plans or drawings must be accompanied by a geotechnical report signed, sealed and dated by a Registered Professional Engineer. The Town may require preliminary construction plans indicating existing and proposed grades for new public roads be submitted with the application for approval of a final plat or certified survey. Final construction plans and specifications shall be submitted to and approved by the Town prior to commencement of any grading in the subdivision or certified survey.

Sec. 10.01.21 Preliminary Utility Plans.

The preliminary utility plan shall indicate the general location and approximate sizes of all existing and proposed public utilities. The Preliminary Drainage Analysis shall be prepared by a Registered Professional Engineer licensed in the State of Wisconsin and shall contain drainage calculations.

Part 4: Access and Dedications

Sec. 10.01.22 Public Access to Navigable Waters.

All subdivisions abutting on a navigable lake or stream shall provide access according to the provisions of section 236.16(3) of the Wisconsin Statutes.

Sec. 10.01.23 Dedication of Lands for Streets and Public Ways.

Whenever a lot to be divided or sold as a subdivision or as a land division contains all or in part, a street, drainageway, or other public way, which has been designated in a comprehensive plan defined in this chapter, or an official map adopted under Wis. Stat. § 62.23, said street or public way may be required to be platted and dedicated in the location and width indicated unless otherwise provided herein. Any street created for the purposes of this Section or Sec. 10.01.11 shall be made a part of a final plat or certified survey and dedicated to the public for street purposes. However, the dedication of street right-of-way shall not create a commitment on the part of any public agency to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this chapter and those of the applicable highway maintenance authority.

Sec. 10.01.24 Dedication of Lands for Parks, Playgrounds, Open Space and/or Other Facilities.

The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by the subdivision. At least five percent (5%) of all lands included in a final plat or certified survey shall be dedicated to the public for parks, playgrounds, open space and/or other

facilities. The subdivider will be responsible for final grading and seeding of parkland to the satisfaction of the Town and in compliance with other specifications.

Where, in the sole discretion of the Town, there is no land suitable for parks within the proposed subdivision, the dedication of land required is not feasible, or the dedication of land would not be compatible with the Town's Comprehensive Plan, land dedication for parks, playgrounds, open space and/or other facilities may be reduced or not be required.

Where common open space in Conservation Subdivisions provides lands for park and recreational purposes which will be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, provided the Town finds that the following standards are met:

1. That the private ownership and maintenance of the open space is adequately provided for by recorded, written agreement and open space easement; and
2. That the use of the common open space is restricted for park and recreational purposes which run with the land in favor of the future owners of property within the subdivision and which cannot be modified or eliminated without the consent of the Town Board; and
3. That the Town Board, after recommendation from the Plan Commission, determines that the proposed common open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the common open space land.

Sec. 10.01.25 Reservation of Lands for Parks, School Sites or Public Sites.

Whenever a land to be subdivided includes all or in part a site for a park or other public use designated in an adopted official map, and the area designated is in excess of the amount of land required to be dedicated in Sec. 10.01.24, the excess amount of land shall be reserved for public acquisition for a period of three (3) years from the date of approval of the final plat, unless extended by mutual agreement between the Town and the subdivider.

Part 5: Approval Process

Sec. 10.01.26 Pre-Application Procedure.

Prior to submitting an application for approval of a preliminary plat, final plat, or condominium plat, the subdivider and/or his agent shall consult with the Plan Commission for advice and assistance for the purpose of reviewing the procedures and requirements of this chapter and other ordinances, and any plans or data which may affect the proposed development. The subdivider shall schedule an appointment and meet with the Plan Commission to discuss the procedure for approval of a conservation subdivision, certified survey, convention subdivision, or condominium plat, including submittal requirements and design standards.

After the initial meeting, a site visit by the Plan Commission, with the subdivider and representatives of the Town Board will be scheduled. The Plan Commission will also encourage participation in site visit by representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate. The purpose of the site visit is to familiarize the Plan Commission and other reviewing agencies with the property's existing conditions and special features, to identify potential site development issues, and provide an informal opportunity to discuss site design concepts, including, in part, the general layout of common open space, street alignments, and potential building site locations.

Sec. 10.01.27 Development Plan.

Prior to submitting a preliminary plat, final plat, or condominium plat, the subdivider shall submit a development plan, which addresses the broader issues of development and land use in and around any proposed subdivision. The purpose of the development plan is to generate information which provides for the analysis of developmental proposals to ensure the development layout is proceeding in an orderly manner consistent with the chapter, the Town's Comprehensive Plan, and other pertinent regulations or requirements. The general physical and cultural characteristics of the land on which development is proposed should be ascertained by the subdivider and the Plan Commission before major resource commitments are made. There is no specific format for preparing a development plan, however the data used to prepare the development plan is typically information that can be obtained from readily available sources (i.e., Sauk County, U.S..G.S., N.R.C.S., D.A.T.C.P., DNR, the Wisconsin State Historic Preservation Office (WisSHPO), etc.), rather than from detailed field investigations. However, the developer is expected to prepare a comprehensive presentation of the information required. At a minimum, the area to be included in a development plan shall include all contiguous lands owned, leased, optioned or otherwise under the control of the developer, plus those adjacent areas specified in this section. The following data shall be presented and analyzed in a development plan:

1. Geographical information: Boundaries of the developer's property, and boundaries of the proposed subdivision, if different; ownership and location of all adjacent properties (excluding public rights-of-ways and streams less than three hundred (300) feet wide); location and name of all public rights-of-way and publicly owned lands within one thousand (1,000) feet of any property boundary; location, size and ownership of all public utilities within three hundred (300) feet of the property.
2. Natural features: Soil conditions, including wet areas and rock outcrops; general topography and delineation of all areas with slopes over twelve percent (12%); geology, including approximate depth to bedrock, and ground water resources (depth, quality and quantity); location and names of all streams, lakes and flood plains within one thousand (1,000) feet of the property; vegetative cover on the property and all contiguous properties.
3. Historical and Cultural features: Architectural, historical, archaeological, or other significant cultural features on the property or within one thousand (1,000) feet of the property.
4. Existing zoning of the property and all contiguous properties; all existing easements on the property; the boundary of any unit of government within one thousand (1,000) feet of the property; location of

any airport, solid waste disposal site, sewage treatment facility, water treatment plant, school, or cemetery within one thousand (1,000) feet of the property.

5. Development proposal: Approximate density and type of development; proposed land use(s); approximate lot sizes (minimum, maximum and average); approximate location and size of all streets, public dedications and utilities proposed; proposed filling, grading, lagooning, dredging and/or flood proofing; anticipated timing of the development; where appropriate, the developer may wish to obtain and attach the comments of affected agencies, groups and/or individuals.
6. Additional requirements for a conservation subdivision. To aid the Plan Commission in determining whether the applicant has accomplished the design objectives for a conservation subdivision as described in Section Sec. 10.01.38, the development plan shall also include:
 - a. Vegetation of the site by general land covers type.
 - b. Visual resources, showing view sheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate view sheds.
 - c. Potential development areas. Areas of the site that protect conservation areas and substantially protect the visual and physical impacts of development on the conservation areas.
7. Form of presentation: The methods used by the developer to prepare and present the development plan shall be governed by the Town's need for a clear, concise description of the proposed development.

Sec. 10.01.28 Development Plan Procedure.

1. A development plan shall be submitted, for review by the Plan Commission and Town Board, prior to the submission of a preliminary plat, final plat, or condominium plat. A development plan, together with twelve (12) copies and an electronic file (PDF), shall be submitted to the Town Clerk. A development plan review fee, as set forth in the Town's fee schedule, shall also be paid at the time of submission of the development plan.
2. At a minimum, the review and comment procedure will consist of:
 - a. Informational public meetings. The Plan Commission may hold informational meetings or open houses with the community as determined appropriate by the Plan Commission to provide the subdivider a forum whereby interested citizens may ask questions and learn more about the proposed development.
 - b. All interested parties may review and comment, in writing, or orally, on any development plan submitted. All written comments shall be submitted to the Plan Commission.
 - c. The Plan Commission shall consider the development plan at a minimum of one (1) Plan Commission meeting. The Plan Commission may invite representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate to

participate in the meeting. The subdivider will be afforded an opportunity to present the plans for the development at the Plan Commission meeting and answer questions. The Plan Commission, after reviewing the development plan proposal and comments received, shall report their findings concerning the suitability and appropriateness of the development proposal to the subdivider and to the Town Board, the Sauk County Planning and Zoning Department, and the town(s), village(s) and/or city(ies) directly affected by the proposed development.

- d. As part of its report, the Plan Commission may recommend waiver of the requirement to submit a preliminary plat (Sec. 10.01.30).
- e. The Town Clerk shall schedule a public hearing before the Town Board. The subdivider shall be afforded an opportunity to present the plans for the development and all interested parties may comment, in writing, or orally, on the development plan at the Public Hearing.
- f. The Town Board shall, within 60 days of receipt of a complete development plan by the Town Clerk, consider the Plan Commission's recommendations and comments received at the public hearing, approve, conditionally approve, or reject the development plan.
- g. The Town Board shall report its findings to the Sauk County Planning and Zoning Department, and the town(s), village(s), and/or city(ies) directly affected by the proposed development.
- h. The Plan Commission and Town Board shall consider the development plan and the comments generated when acting on any subsequent preliminary or final plat.

Sec. 10.01.29 Land Suitability.

No land shall be divided or subdivided for a use which is held unsuitable by the Plan Commission for reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or to the residents of the Town of Dellona.

Except as provided herein, the Plan Commission shall determine land suitability at the time the first required submission is considered for approval. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability for development located in an area where flooding or potential flooding may be a hazard. In addition to the data required to be submitted with the first required submission, the subdivider shall be required to submit the following additional information upon request of the Plan Commission:

- 1. Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to flood plain zoning district limits if present, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken.

2. Two (2) copies of a typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high-water information.
3. Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.
4. Such other data as may be required to determine land suitability.

When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Plan Commission shall transmit to the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources, one (1) set of the information required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modifications, limitations, improvements, or other conditions of the development can overcome the land unsuitability. Where a proposed subdivision is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Plan Commission shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps:

1. The development shall be in accordance with flood plain management standards of the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources.
2. Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of said Division of Water Regulation and Zoning.
3. Development shall be carried out or assured so as to not have an adverse effect on flood flows or storage capacity standards of said Division of Water Regulation and Zoning.

Unless specifically exempted from this requirement elsewhere in this chapter, all subdivision proposals where private water and/or sewage disposal systems are to be used, shall be accompanied by certifications and/or reports:

1. Describing the probable depth, cost and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.
2. Describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.
3. The subdivider may, as a part of the pre-application procedures, request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made.

In applying the provisions of this section, the Plan Commission shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the

subdivider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

Sec. 10.01.30 Preliminary Plat.

Unless requirements for preliminary plat are waived as provided in Sec. 10.01.28(3), a preliminary plat shall be prepared based upon a survey by a registered land surveyor. The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider. The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

1. Date, graphic scale and north point.
2. Name of the proposed subdivision.
3. Name, address and telephone number of the owner, the subdivider, the land surveyor preparing the plat, and the person to be contacted regarding the plat.
4. Location of the proposed subdivision by legal description and indication on township map(s).
5. The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
6. Location and names of adjacent subdivisions, parks, cemeteries, and owners of record of abutting unplatted lands.
7. Location, dimensions and names of all existing easements and rights-of-way within or adjacent to the proposed subdivision.
8. Location, dimensions and names of all proposed streets, location of existing property lines, buildings and structures, drives, rock outcrops, wooded areas, railroads, and other similar significant features within or adjacent to the proposed subdivision.
9. Location and approximate high-water elevations of all streams and water courses, lakes, marshes and flowages within one thousand (1,000) feet of the proposed subdivision.
10. Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.
11. Contours at vertical intervals of not more than two (2) feet for a slope less than twelve percent (12%) and five (5) feet for a slope of twelve percent (12%) or more.
12. On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope.

13. Source and availability of potable water supplies.
14. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, walkway, open space, and other public or private uses.
15. Approximate dimensions of all lots, together with proposed lot and block numbers.
16. Approximate radii of all curves.
17. A draft of any proposed covenants, deed restrictions, and Preservation Area Easements.
18. The Town may require the subdivider to submit a storm water plan and an erosion control plan. See Sec. 10.01.17 and Sec. 10.01.18 of this chapter.

Sec. 10.01.31 Preliminary Plat Procedure.

1. Unless requirements for preliminary plat are waived as provided in Sec. 10.01.28(3), a preliminary plat shall be required for all conservation subdivisions and conventional subdivisions.
2. The application for approval of a preliminary plat shall include all data required by this chapter accompanied by one (1) reproducible, twelve (12) copies of the proposed preliminary plat and an electronic file (PDF). A preliminary plat review fee, as set forth in the Town's fee schedule, shall also be paid at the time of submission of the preliminary plat.
3. The Town Clerk shall forward copies of each preliminary plat submitted to all units of general purpose local government within one thousand (1,000) feet of the area shown in the preliminary plat.
4. The Plan Commission shall consider the preliminary plat at a Plan Commission meeting. The Plan Commission will invite representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate to participate in the meeting. The subdivider shall be afforded an opportunity to present the preliminary plat at the Plan Commission meeting and answer questions. The Plan Commission, after reviewing the preliminary plat and comments received, shall report their findings and recommendations to the subdivider and the Town Board.
5. The Town Clerk shall schedule a public hearing before the Town Board. The subdivider shall be afforded an opportunity to present the plans for the development and all interested parties may comment, in writing, or orally, on the preliminary plat at the public hearing.
6. The Town Board shall, within 90 day of receipt of a preliminary plat by the Town Clerk, approve, conditionally approve, or reject the preliminary plat. The Town Board shall consider the Plan Commission's recommendations and comments received at the public hearing, and shall approve, conditionally approve, or reject the preliminary plat, based on its determination of conformance with the provisions of this chapter. The Town Board will report its findings to the Sauk County Planning and Zoning Department, and the town(s), village(s) and/or city(ies) directly affected by the proposed development.

Sec. 10.01.32 Final Plat.

The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 Wis. Stats., and the provisions of this chapter.

Sec. 10.01.33 Final Plat Procedure.

Provided that all preliminary procedures have been completed and approved by the Town Board, the subdivider shall submit twelve (12) copies of the final plat and an electronic file (PDF) to the Town Clerk. A final plat review fee, as set forth in the Town's fee schedule, shall also be paid at the time of submission of the final plat.

The Town Clerk shall forward copies of each preliminary plat submitted to all units of general purpose local government within one thousand (1,000) feet of the area shown in the preliminary plat. The Plan Commission shall consider the final plat at a plan Commission meeting. The Plan Commission will invite representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate to participate in the meeting. The subdivider shall be afforded an opportunity to present the final plat at the Plan Commission meeting and answer questions. The Plan Commission, after reviewing the final plat and comments received, shall report their findings and recommendations to the subdivider and the Town Board. The Town Board shall, within 60 days of receipt of the final plat, approve, conditionally approve, or reject the final plat. The Town Board shall consider the Plan Commission's recommendations and comments received and shall approve, conditionally approve, or reject the final plat, based on its determination of conformance with the provisions of this chapter.

Sec. 10.01.34 Condominium Plat Procedure.

1. A development plan shall be prepared in accordance with Sec. 10.01.28 of this chapter and shall be submitted to the Town at least thirty (30) days prior to the submission of a condominium plat. The Town may also require subdivider to submit, with the development plan, a storm water management plan as required by Sec. 10.01.17 and an erosion control plan as required by Sec. 10.01.18.
2. The subdivider shall submit twelve (12) copies of the condominium plat and an electronic file (PDF).
3. A condominium plat shall be submitted to the Town of Dellona for review pursuant to §703.115 Wis. Stats.
4. The Town's review is to be completed within 10 working days after submission of the condominium instrument. If the Town's review is not completed within this period, the condominium instrument is approved for recording.
5. A condominium instrument may be rejected if it fails to comply with the applicable requirements of Wis. Stat. § 703.095, 703.11(2)(a), (c), (d), and (3), 703.275(5) and 703.28(1m) or if the surveyor's certificate under § 703.11(4) is not attached to or included in the condominium plat.

6. Upon approval of the condominium instrument by the Town, the Town Chairperson shall certify approval in writing.

Sec. 10.01.35 Certified Survey Map.

The certified survey map shall comply with the provisions of Wis. Stat. § 236.34 and the provisions of this chapter. A Certified survey map of not more than 3 parcels of land consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated per Sauk County Ordinance § 22.25.

Sec. 10.01.36 Certified Survey Map Procedure.

1. No person, firm or corporation shall divide any land located within the Town of Dellona which shall result in a land division, as defined by this chapter without first filing for approval by the Plan Commission and subsequently recording with the Sauk County Register of Deeds, a certified survey map which complies fully with Wis. Stat. § 236.34, and with all applicable requirements contained within this chapter.
2. Subdivider shall complete the “Request for Review of Certified Survey Map (CSM)” application before submitting plans to the Plan Commission.
3. A certified survey map shall include all lots, parcels or building sites created by a land division.
4. Twelve (12) copies of the certified survey map and an electronic file (PDF) shall be supplied to the Town Clerk. The Plan Commission shall recommend to the Town Board, recommend conditionally, or reject the certified survey map, based on a determination of conformance with the provisions of this chapter. The Town Board shall review all comments made by the Plan Commission and approve, approve conditionally or reject the Plan Commission’s recommendation within sixty (60) days. Failure of the Town Board to comment shall be construed to indicate Town approval.
5. The certified survey map shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch. The certified survey map shall include:
 - a. The name and address of the individual dividing the lands.
 - b. The date of the survey.
 - c. A metes and bounds description referenced to a line and a corner of the U.S. Public Land Survey, or referenced to an adjoining recorded plat.
 - d. The locations, rights-of-way widths and names of existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed land division.

- e. The area(s) of the parcel(s) being created in square feet and acres.
- f. The locations of existing property lines, buildings, drives, streams and water courses, lakes, marshes, and other significant features within the parcel(s) being created shall be shown.
- g. Utility easements and access restrictions, where applicable.
- h. The location of an existing on-site sewage disposal system.
- i. The statement on the face of the certified survey map that the parcel(s) created are considered unbuildable until a soil evaluation report as required by the Department of Commerce is filed in the Department. If the parcel has access to a public sanitary sewage system, the surveyor shall note on the face of the certified survey map that the parcel(s) are unbuildable unless a hookup is made to the public sanitary sewer.
- j. When dedication of lands is required, an owner's certification of dedication prepared in accordance with Wis. Stat. § 236.34 and a governmental jurisdiction certificate of acceptance of the dedication, approved by the full governing body of the accepting jurisdiction.
- k. Proof of compliance with Trans 233 Wis. Adm. Code where applicable.

Sec. 10.01.37 Monuments.

Before final approval of any subdivision within the Town of Dellona, the subdivider shall install monuments placed in accordance with the requirements of chapter 236, Wis. Stats. The Town may waive the placement of monuments for a reasonable time on the condition that the subdivider executes a surety bond to insure the placing of such monuments within the time required. The Town Clerk is authorized to accept such surety bonds and contracts in the amount approved by the Town Board.

Part 6: Conservation Subdivisions

Sec. 10.01.38 Conservation Subdivision Design Standards.

1. Intent. It is the intent of this section to encourage the use of what is non-traditional subdivision design that would cluster the residential parcels and preserve open space/agricultural land. In so doing, the overall density as required by zoning is maintained without sprawling the home sites over a large area.
2. Design and Evaluation Criteria. An applicant must follow the process set forth in section 11.8 of the Town's Comprehensive Plan dated June 1, 2009. In evaluating the layout of lots and open space, the following criteria will be considered by the Town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this chapter. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Town shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

- a. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
- b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating buildings and pavements within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
- c. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby woodlot).
- d. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters including creeks, streams, springs, lakes and ponds.
- e. Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
- f. Leaves, scenic views and vistas unblocked for uninterrupted, particularly as seen from public thoroughfares. For example, in open agricultural landscapes, a deep “no-build, no plant” buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of “foreground meadows,” with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.
- g. Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- h. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Fish and Wildlife Service and/or by the Wisconsin Department of Natural Resources

- i. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, earthworks, and burial grounds.
- j. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
- k. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals on both sides of each street, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located at the edge of the right-of-way, within a planting strip of not less than five feet in width.
- l. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby buildings.
- m. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- n. Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels. Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the Town's comprehensive plan.

Sec. 10.01.39 Minimum Open Space and Density Allowance.

Primary and Secondary Development Area. The Primary Development Area (PDA) and Secondary Development Area (SDA) are as shown on Map 11-3 of the Town's Comprehensive Plan dated June 1, 2009. In those areas, conservation subdivisions shall have a density where 60% of the original parcel may be developed (development area) and 40% of the original parcel must remain as open space (preservation area). The maximum lot density of a conservation subdivision shall also require that the maximum density of the development area not exceed one (1) lot/unit per two (2) acres of land outside of the area of any road right of way. Minimum lot size in areas utilizing private sewer systems shall be two (2) acres. Minimum lot size in areas with access to public sanitary sewer shall be one acre. Storm water detention basins and other non-structural uses may be included as part of the minimum required open space. For example, 60 acres (60%) of

a one hundred (100) acre parcel minus four (4) acres utilized for road rights-of-way will yield 56 acres or a maximum number of permitted single family lots/density units of 28 lots in an area that will be served by a private sewer system. Open space required and maximum number of lots allowed shall be determined according to the following methodology:

1. Gross acreage of site: _____ acres.
2. Development area: Line 1 x 60% = _____ acres.
3. Road right of way area: = _____ acres.
4. Density base acreage: Line 2 – Line 3 = _____ acres.
5. Maximum number of lots (private sewer): Line 4 ÷ 2 = _____ lots/units.
6. Maximum number of lots (public sewer): Line 4 = _____ lots/units.

Agricultural Protection area. The Agricultural Protection Area is as shown on map 11-3 of the Town's Comprehensive Plan dated June 1, 2009. In that area, land divisions are only permitted such that they would allow residential use of two units/lots per 40 acres of contiguous ownership. The minimum lot size in the Agricultural Protection Area is five (5) acres.

Part 7: Condominium Plats

Sec. 10.01.40 Condominium Plat Density & Design Standards.

1. **Intent.** It is the intent of this section to require condominium plat design that would cluster the dwelling units and preserve open space/agricultural land. In so doing, the overall density as required by zoning is maintained without sprawling the dwelling units over a large area.
2. **Density Standards.** In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under this chapter if the parcel had been conventionally divided. Condominium plats shall have a density where 60% of the original parcel may be developed (development area) and 40% of the original parcel must remain as open space (preservation area). The maximum dwelling unit density of a condominium plat shall require that the maximum density of the development area not exceed dwelling unit per acre of developable land, which excludes land utilized by road right-of-way. Storm water detention basins and other non-structural uses may be included as part of the minimum required open space. The minimum open space and number of allowable dwelling units will be determined by the process defined in Section 10.01.39. For example, 60 acres (60%) of a one hundred (100) acre parcel minus four (4) acres utilized for road rights-of-way will yield 56 acres or a maximum density of 56 dwelling units.
3. **Design and Evaluation Criteria.** In evaluating the layout of dwelling units and open space, the criteria specified in Sections 10.01.39 (3) 1 through 14 will be considered by the Town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this chapter. Diversity and originality in dwelling unit layout shall be encouraged to achieve the best possible relationship between development and conservation areas.

Sec. 10.01.41 Common Open Space Ownership Standards.

1. Permanent Protection. All common open space shall be shown as outlot(s) and shall be permanently restricted from further development and/or land development by deed restriction in a form acceptable to the Town. Under no circumstances shall any development be permitted at any time within conservation lands, except for those approved by the Town and included in the deed restriction.
2. Ownership of Common Open Space. The following methods may be used, either singly or in combination, for ownership of parks, playgrounds, open space, or other common facilities. The common open space shall not be transferred to another entity except in compliance with this subsection. Documentation of the proposed ownership arrangement for the common open space shall accompany the plat or certified survey map, including any draft contracts, articles of incorporation, by-laws, etc. The subdivider shall arrange with the tax assessor a method of assessment of the common open space which will allocate to each tax parcel in the subdivision a share of the total assessment for such common open space. The following forms of ownership are acceptable:
 - a. Homeowners Association. The members of a homeowner's association subject to the following requirements shall hold open space in common ownership as undivided proportionate interests. The subdivider shall provide to the Town a description of the Homeowners Association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common open space.
 - i. The organization shall be established by the owner or subdivider and shall be operating, with financial subsidy by the subdivider, if necessary, prior to the sale of any lots in the development.
 - ii. Membership in the organization shall be mandatory for all purchasers of all lots in the subdivision and their successors and assigns.
 - iii. The organization shall be responsible for maintenance and implementation of the land stewardship plan and property insurance of land.
 - iv. The members of the organization shall share equitably the costs of maintaining, insuring, and operating conservation land.
 - v. The organization shall have or hire adequate staff to administer, maintain, and operate common open space.
 - b. Wis. Stat. Chapter 703. All parks, playgrounds, open space and other facilities shall be held as "common elements" 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. The applicant shall provide all documents necessary to establish a condominium association and all documents governing maintenance requirements and use restrictions for common facilities and open spaces to the Town for review and approval.

Condominium Agreements. Parks, playgrounds, open space, and facilities shall be held in common ownership by property owners of the development through the use of condominium agreements. The requirements of such agreements shall be reviewed for conformance with:

- i. Fee simple conveyance to a public entity. Fee simple conveyance free and clear of all encumbrances and restrictions to the Town or other public agency or utility deemed to be acceptable by the Town through a warranty deed or other acceptable method as determined by the Town. There shall be no cost of acquisition to the Town or other agency or utility.
 - ii. Fee simple conveyance to a private organization. Fee simple conveyance to a private organization deemed to be acceptable by the Town through a warranty deed or other acceptable method as determined by the Town. This method of conveyance must contain appropriate provisions for proper reversion or retransfer of said lands or facilities to one of the other entities outlined within this subsection in the event that the organization becomes unwilling or unable to continue ownership.
- c. Conveyance of a Preservation Area Easement. Land preserved as a Preservation Area shall be accomplished through the conveyance of a Preservation Area Easement. There shall be no cost of acquisition to the Town for said easement. The Preservation Area Easement benefits and binds all occupants, lessees, owners, heirs and assigns of the Preservation Area.
- d. Management Plan. To ensure adequate operation and maintenance of parks, playgrounds, open space, and other facilities, including storm water management facilities, a management plan shall be prepared and submitted at the time of application for approval of a plat by the Town. The management plan shall:
- i. Define ownership.
 - ii. Define the use.
 - iii. Establish necessary operation and maintenance responsibilities.
 - iv. Estimate service contract needs, insurance requirements, and other associated cost and defines the means for funding the same on an on-going basis.
 - v. Include a storm water management plan.
 - vi. Include a section specifically focusing on the long-term management of the Preservation Area.
 - vii. Include provisions for cutting of trees, grading, removal of topsoil, or alterations to watercourses and water bodies.
- e. At the Town's discretion, the subdivider may be required to provide a performance bond, letter of credit or escrow sufficient funds for the maintenance and operation costs of parks, playgrounds, open space and common facilities for a period of one year.

- f. Modification of the management plan after final plat approval may be allowed with approval of the Town.
- g. Management plans and subsequent modifications shall be recorded with the Sauk County Register of Deeds.
- h. In the event that the association established to own and maintain common open space, or any successor organization thereto, fails to properly maintain all or any portion of the common open space, the county may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this chapter, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common open space.

Part 8: Conventional Subdivisions

Sec. 10.01.42 Conventional Subdivision Density and Design Standards.

- 1. Intent. It is the intent of the Town to provide developers with an incentive to create conservation subdivisions.
- 2. Density Standards. Primary and Secondary Development Area. The Primary Development Area (PDA) and Secondary Development Area (SDA) are as shown on Map 11-3 of the Town's Comprehensive Plan dated June 1, 2009. Minimum lot size in areas utilizing private sewer systems shall be two (2) acres. Minimum lot size in areas with access to public sanitary sewer shall be one acre.
- 3. Agricultural Protection Area. The Agricultural Protection Area is as shown on map 11-3 of the Town's Comprehensive Plan dated June 1, 2009. In that area, land divisions are only permitted such that they would allow residential use of two units/lots per 40 acres of contiguous ownership. The minimum lot size in the Agricultural Protection Area is five (5) acres.

Part 9: Administration and Enforcement

Sec. 10.01.43 Plan Commission.

The Plan Commission shall be empowered to conduct such hearings and meetings as necessary in accordance with this chapter, and to recommend to the Town Board, approval, conditional approval or rejection of applications under the terms as set forth herein.

Sec. 10.01.44 Fees, Enforcement, Variances and Appeals.

- 1. Fees.

- a. Application fees. The subdivider shall pay the following at the time of each submission:
 - i. Preliminary Plat review fee as set forth in the Town's fee schedule.
 - ii. Final Plat review fee as set forth in the Town's fee schedule.
 - iii. Certified Survey Map (CSM) review fee as set forth in the Town's fee schedule.
 - iv. Replat review fee as set forth in the Town's fee schedule.
- b. Legal and engineering fees. Engineering, legal or other professional services incurred by the Town in conjunction with the plat review. The necessity for incurring of such expenses will be at the sole discretion of the Town of Dellona Plan Commission or Town of Dellona Town Board. Engineering work may include, but will not be limited to, review of construction plans and specifications and inspections. Legal work may include, but will not be limited to, the drafting of contracts between the Town and the subdivider and a review of covenants, easements and documents, conducting hearings, and compliance and enforcement of any agreement between the Town and the subdivider. Other professional services would include such services as deemed necessary to evaluate the proposed projects and evaluate compliance with legal, environmental, aesthetic, and other concerns as identified by the Town of Dellona Board and/or Plan Commission.
- c. Supervision and Inspection Costs. The subdivider shall pay the Town at times specified by the Town, a fee equal to the actual cost to the Town of any construction supervision, inspection, and subsequent testing services deemed necessary by the Town.
- d. Fees shall be set and amended from time to time by the Town Board in its fee schedule.

2. Modifications and appeals.

- a. Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this chapter, it is inappropriate to apply literally the provisions of this chapter and where such literal applications would impose undue hardship, the Plan Commission may vary the requirements of this chapter. The Plan Commission may attach conditions to the granting of such modifications to assure that the purpose and intent of the chapter are observed and that compliance with state law is achieved.
- b. Appeals. Any person aggrieved by a failure to approve any land division or condominium plat, may appeal therefrom to the courts as provided in the Wisconsin Statutes.

3. Replats, vacations or alterations in recorded plats.

- a. Replats of all or part of a recorded land division shall occur pursuant to sections 236.36 through 236.445 of the Wisconsin Statutes.
- b. Upon submission to the Town of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to sections 236.40 through 236.44, the Plan Commission shall hold a public hearing.

While the proposed replat is pending before the Plan Commission, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

4. Enforcement.

- a. Any division of land which results in a state subdivision, county subdivision, or minor subdivision as defined in this chapter, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Sauk County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division, provided, however, that in the case of a subdivision which has been the subject of a preliminary plat approved by the Town, offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
- b. Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. Until the requirements of this chapter have fully been met, no person, firm or corporation shall be issued a permit authorizing the building upon, or improvement on any land division, or replat within the scope of this chapter, and not of record as of the effective date of this ordinance.
- c. The Town Board or designee may issue a compliance order, field directive, or a suspension order to termination order to assure compliance with the provisions of this chapter.
- d. The Town Board may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to section 236.31 of the Wisconsin Statutes.
- e. Penalties.
 - i. A person, firm or corporation who fails to comply with this chapter shall be subject to the appropriate penalties as set forth in §236.30 through 236.335, Wis. Stats. In addition, any violation of the provisions of this ordinance will result in a penalty of not less than \$200 nor more than \$1000 per day.
 - ii. Each day a violation exists or continues shall constitute a separate offense.
 - iii. Assessor's plats made pursuant to section 70.27 of the Wisconsin Statutes may be ordered by the Town Board at the expense of the subdivider or the owners of record when a land division is created by successive divisions, not in compliance with this chapter.

Sec. 10.01.45 Recording and Conveyance of Lots or Parcels Included Within Land Division Requiring Town Approval.

1. Recording. Pursuant to section 236.45(2) of the Wisconsin Statutes, the Sauk County Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by the Town, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformance with this chapter.
2. Conveyance. Lands described in plats and maps recorded pursuant to sub. (1) may be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in section 706.01(4), Wisconsin Statutes.

Sec. 10.01.46 Abrogation and Greater Restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the Town of Dellona and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 10.01.47 Waiver of Liability.

1. In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the Town, its agents and employees. In such matters, it is understood that they act as agents and representatives of the Town.
2. Since there can be considerable variation in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the Town, its agents and employees where, as the result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.

Part 10: Developers Agreement

The subdivider shall install the improvements outlined in this chapter, and any other reasonable improvements that may be deemed necessary by the Town due to unique circumstances associated with the proposed subdivision. All improvements shall be set forth in plans and specifications approved by the Town Board. Prior to recording a plat or certified survey that included requirements for construction of public improvements, the subdivider shall enter into a legally binding Development Agreement with the Town, as approved by the Town Attorney, which sets for the mutual obligations of the Town and the subdivider with respect to the construction of the required improvements.

Sec. 10.01.48 Financial Sureties.

Financial sureties shall be furnished to the Town of Dellona by the subdivider to ensure performance of obligations and guarantees under the terms of this chapter shall only be in a form which the Town Board deems secure and may include certified checks, corporate bonds, escrow accounts, irrevocable letters of credit in a form approved by the Town Board, or performance bonds.

1. Determination of Financial Surety Amount. The amount of financial surety shall be one hundred twenty-five (125) percent of the estimated full amount of the obligation being ensured (including the costs of inspection) as estimated by an engineer or other agent appointed by the Town of Dellona, or for less than a period than the work is scheduled to be completed, however, the Town Board shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled with respect to streets, drainage, grading, storm water and erosion. Any surety that is required will be in accordance with state law.
2. Disputes over the Amount of Financial Sureties. In any disputes over the amount of a surety, the estimate prepared by an engineer or other agent appointed by the Town of Dellona shall be conclusive.
3. Criteria for Determining Subdivider's or Developer's Delinquency in Meeting Requirements. The Town Board shall give notice by registered mail to the subdivider or developer and the subdivider's or developer's surety, of such delinquency, said notice to specify the corrective measures required if the subdivider or developer:
 - a. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
 - b. Performs the work unsuitably, as determined by the Town Board; or
 - c. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
 - d. Discontinues the execution of work; or
 - e. For any other cause whatsoever does not carry on the work in an approved manner.
4. Town Board Action. After said notice, the Town Board shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

Sec. 10.01.49 Construction Phases and Time of Completion.

All improvements shall be completed within eighteen (18) months from the date of recording of the subdivision. However, the subdivider and the Town may agree that the subdivider may install the improvements in construction phases, provided that: the phases are specified in the contract for subdivision improvement; the developer submits a surety in the amount of the estimate of the Town sufficient for the construction of each phase as constructed as required by state law, and the developer records deed restrictions approved by the Town which specify that the lots which are included in future construction phases of the subdivision will not be transferred or sold unless the Town's approval is obtained and the subdivider provides a surety equal to the estimate of cost prepared by the Town for the construction in progress; the subdivider minimizes grading and

other disturbance of land included in future construction phases in order to prevent erosion, and the erosion control plan submitted and approved addresses the individual phases of construction; and, the construction phases proposed by the subdivider reflect the needs of the Town and adjacent property owners for street and other improvements to serve lands adjacent to and within the subdivision.

Sec. 10.01.50 Guarantee of Work.

Upon completion of the construction of major components of the work, i.e., public water distribution system, public sewerage system, public drainage system, public streets and walkways, street lighting, intersection area improvements, traffic signals, park improvements or buffer and planting strips, the subdivider shall request an inspection by the Town. Upon acceptance by the Town, submittal of the lien waivers, and affidavits regarding payment and compliance with the prevailing wage rate from all contractors, each major component of the work shall be submitted to the Town Board for acceptance. Upon acceptance, the Town Clerk is authorized to accept a reduction in the surety to an amount equal to the estimate of the Town of the cost of work remaining to be completed and accepted, and an amount to insure performance of any one year guarantee against defects in workmanship and materials of the work component accepted not to exceed 15%. When work on major components of construction has been substantially completed except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Town are valid for non-completion, the Town is authorized to accept the reduction in the amount of surety sufficient to cover the work remaining to be completed including the performance of a one year guarantee period against defects in workmanship and materials. Prior to authorizing said reduction, the Town may require the subdivider to submit a lien waiver from her or his contractors.

Sec. 10.01.51 Contractor Qualifications.

The contractor(s) employed by the subdivider to construct the public improvements may be required to be prequalified by the Town for the appropriate category of work. The contractor(s) shall maintain insurance as required by the Town.

Sec. 10.01.52 Reimbursement to the Town for Costs Sustained.

The applicant shall pay in advance to the Town, a reasonable amount, as determined for the Town for its actual cost of design, inspection, testing, construction, traffic signing and marking, and associated legal, engineering, inspection and other expenses related to the requirements of this Ordinance. The Town will utilize these amounts from time to time as necessary to reimburse the Town for its expenses related to this Ordinance. The Town may request the applicant to pay, in advance, additional amounts if it determines that the original payment is not adequate to reimburse the Town. Any unused amounts will be returned to the applicant upon completion of all the requirements of this Ordinance. Payment of the Town for all its expenses shall be a condition precedent to acceptance of any major components of construction. The Town's expenses shall include, but are not limited to, the following:

1. The cost of Town employees' time engaged in the required public improvements based on the hourly rate paid to the employee multiplied by a factor of 2.25 representing the Town's approximate cost for

statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.25.

2. The cost of Town equipment employed.
3. The cost of mileage reimbursed to Town employees which is attributed to the subdivision.
4. The actual costs of Town materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed 20% of the cost of the materials.
5. All attorney and engineering consultant fees associated with the subdivision at the invoiced amount.
6. All plan review charges or other service expenses attributed to the subdivision that are imposed upon the Town by other regulatory entities or service providers at the invoiced amount.