

TOWN OF LAFAYETTE

LAND DIVISION

ORDINANCE 8 - 01

The Town Board of the Town of LaFayette, Walworth County, Wisconsin does hereby ordain as follows:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to regulate and control the division of land within the corporate limits of the Town of LaFayette, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics and general welfare of the Town and its environs.

SECTION 2.0 AUTHORITY

These regulations are adopted under the authority granted by § 236.45, WI Statutes.

SECTION 3.0 INTENT

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

- A. Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base
- B. Lessen congestion in the streets and highways
- C. Further the orderly layout and appropriate use of land
- D. Security safety from fire, panic and other dangers
- E. Provide adequate light and air
- F. Facilitate adequate provision for housing, transportation, storm water, waste water, schools, parks, playgrounds and other public facilities and services
- G. Security safety from flooding, water pollution, disease and other hazards
- H. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects
- I. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters
- J. Preserve natural vegetation and cover and promote the natural beauty of the Town
- K. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development
- L. Facilitate the further division of larger tracts into smaller parcels of land
- M. Ensure adequate legal descriptions and property survey monumentation of subdivided land
- N. Provide for the administration and enforcement of this ordinance

O. Provide penalties for its violation

P. Implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the Town and in general, to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans and adopted plan components.

SECTION 4.0 ABROGATION AND GREATER RESTRICTIONS

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

SECTION 5.0 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by law. Nothing in the Town Ordinances is intended to be more restrictive than the time limits, deadlines, notice requirements and other provisions of WI Statutes Chapter 236 that provide protections for a subdivider. To the extent any provision of the Town Ordinances conflicts with the time limits, deadlines, notice requirements or other provisions of WI Statutes Ch. 236 that provide protections for a subdivider, the provisions of WI Statutes Chapter 236 shall apply.

SECTION 6.0 DISCLAIMER OF LIABILITY

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

The building permit fees shall be determined by Resolutions.

SECTION 7.0 REPEAL

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

SECTION 8.0 GENERAL PROVISIONS

A. Jurisdiction. Jurisdiction of these regulations shall include all lands within the Town of LaFayette, Walworth County, Wisconsin. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

1. Transfers of interests in land by will or pursuant to court order
2. Leases for a term not to exceed ten (10) years, mortgages or easements
3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances or other applicable laws or ordinances.

- B. Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division or replat is defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and the following documents:
1. Chapter 236, Wisconsin Statutes and all amendments and modifications thereto.
 2. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
 3. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
 4. Duly approved master plan or comprehensive plan component of the Town of LaFayette.
 5. All applicable state, federal, local and county codes and ordinances.
 6. Town of LaFayette Ordinance 9 - 02, Requirements for Driveway Construction within the Town of LaFayette.
 7. Wisconsin Administrative Code § NR 151, NR 216, NR 103 and WI Statutes Section Chapter 30, as applicable.
 8. U.S. Army Corps of Engineering Section 303 Permits.
- C. Violations. It is unlawful to divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a Town building permit, authorizing the building on, or improvement of, any lot or any part of any subdivision, minor subdivision or replat within the jurisdiction of this ordinance until the provisions and requirements of this ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance.
- D. Penalties. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.
- E. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in § 236.13(5), WI Statutes, within thirty (30) days of notification of the rejected plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.
- F. Dedication and Reservation of Lands for Streets, Highways and Drainage Ways. Whenever a tract of land to be divided within the jurisdiction of this ordinance encompasses all or any part of an arterial or collector street, drainage way or other public way which has been designated on a duly adopted Town or regional comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component.
- G. Improvements. Before final approval of any plat or certified survey map located within the jurisdictional limits of this ordinance, the subdivider shall install street and utility improvements as

hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements within two (2) years of recording of the plat, and shall file with said contract security in the amount equal to one hundred and twenty percent (120%) of the estimated total cost to complete the required improvements. Said estimated cost shall be determined by the Town Board after review and recommendation of the Town engineer. The subdivider may choose to file a performance bond or letter of credit as security. In addition:

1. A subdivider need not provide such security for more than fourteen (14) months after the date the improvements for which the security is provided are "substantially completed," as defined in WI Statute. § 236.12(2)(a)2. Upon substantial completion of the improvements, the subdivider shall be required to provide security in an amount equal to the total cost to complete any uncompleted public improvements, plus ten percent (10%) of the total cost of the completed public improvements.
 2. If the subdivider is completing the project in phases as approved by the Town, the amount of security required shall be limited to the phase of the project that is currently being constructed.
 3. Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-ways, as well as the contractors and subcontractors providing such work shall be subject to review by the Plan Commission upon approval of the Town engineer and the Town attorney.
- H. Variances. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of Section 9.0 of this ordinance because exceptional or undue hardship would result, the Town Board may grant a variance from any requirement to the extent deemed just and proper. No variance to the provisions of this ordinance shall be granted unless the Town Board finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:
1. Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such recurrent nature as to suggest that the Land Division Ordinance should be changed.
 2. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
 3. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.
- I. Survey monuments. Before final approval of any plat with the Town, the subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, WI Statutes and as may be required by the Town engineer. The Town Board may waive the placing of monuments, required under § 236.15(1)(b), (c), and (d), for a reasonable time, not to exceed one (1) year on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon a showing of reasonable cause.

SECTION 9.0 REQUIRED IMPROVEMENTS

- A. Survey Monuments. The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15, WI Statutes and as may be required by the Town engineer.

- B. Grading. After the installation of temporary block corner monuments by the subdivider and establishment of street guides by the Town engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Plan Commission, upon the recommendations of the Town engineer. The subdivider shall grade the roadbeds in the street right-of-ways to subgrade.

Cut and filled lands shall be graded to a maximum slope of one to four (1:4) or the soil of angle of repose, whichever is the lesser, and covered with permanent approved grasses as outlined in the current issue of the *Wisconsin Standard Specifications for Road and Bridge Construction*. Also, the fill material should be compacted in accordance with the current regulations of the *Wisconsin Standard Specifications for Road and Bridge Construction* or the approved plans and specifications.

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

All roadways shall be built to Town road standards as set forth in § 82.50, WI Statutes, and all subsequent amendments and modifications, and be surfaced with a four inch (4") hot mix bituminous concrete pavement, made up of a two and one half inch (2 ½") binder course and a one and one half inch (1 ½") surface course, placed on a ten inch (10") thick crushed stone base. The bituminous pavement shall be constructed in stages.

The binder course shall be placed initially upon completion of the utilities, and the surface course shall be placed at such time as seventy five percent (75%) of the lots within the subdivision have been developed, but not sooner than one (1) year or longer than two (2) years after the date the binder course was placed, or a date as otherwise agreed to by the Town Board. Any repair to the binder course prior to the placement of the surface course will be at the expense of the developer. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Board upon the recommendation of the Town engineer.

- D. Rural Street Sections. The subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Board, as recommended by the Town engineer as set forth in Section 9.0, C. of this code.
- E. Storm Water Drainage Facilities. The subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which may include road ditches, open channels, water detention/retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. The subdivider shall comply with the Walworth County Storm Water Ordinance and Wisconsin Administrative Code NR 151. In addition:
1. Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed water ways. Where the velocity of flow is in excess of four feet (4') per second on soils having a severe or very severe erosion hazard and in excess of six feet (6') per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install check dams, flumes or other energy dissipating devices.
 2. Shoreland drainage facilities shall, if required, include water detention/retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating devices and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town engineer.

- F. **Water Supply Facilities.** When public water supply and distribution facilities are available to the subdivision plat or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate water systems as required by the standards of the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce.
- G. **Other Utilities.** The subdivider shall cause gas, electrical power, telephone facilities and cable television facilities to be installed in such a manner as to make adequate service available to each lot on the subdivision. No such electrical or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electric, cable television and telephone lines required to service the plat shall be approved by the Town engineer.
- H. **Street Signs.** The subdivider shall install at the intersections of all streets proposed to be dedicated, a street sign or a design approved by the Town Board, as recommended by the Town engineer. The subdivider shall also install the required stop or yield signs.
- I. **Sediment Control.** The subdivider shall plant those grasses, trees and vines, of a species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. The subdivider shall comply with any and all county and state codes and ordinances related to erosion control. In addition:
 - 1. The Town Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
 - 2. Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sediment; preserve and improve scenic qualities; and during foliage, substantially screen any development from stream or lake users.
 - 3. Paths and trails in wooded and wetland areas shall not exceed ten feet (10') in width unless otherwise approved by the Town Board, and shall be so designed and construed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
 - 4. Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, water way construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen and topography.
- J. **Street Lights.** If applicable, the subdivider shall install street lights as determined by the Town.

SECTION 10.0 CONSTRUCTION

- A. **Commencement.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the Town Board and the Town engineer has given written authorization. Inspection fees shall be required as specified in Section 11.0 of this ordinance.
- B. **Building Permits.** No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this ordinance have been met.

- C. Plans. The following plans and accompanying construction specifications shall be required by the Town Plan Commission, reviewed by the Town engineer and approved by the Town Plan Commission before authorization of construction or installation of improvements:
1. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
 2. Storm sewer plans and profiles, if any, showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
 3. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 4. Planting plans showing the locations, age, diameter at a height of four feet (4') and specials of any required grasses, vines, shrubs and trees.
 5. Additional special plans or information as required.
- D. Erosion Control. The subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented, in accordance with the plans and specifications approved by the Town Board upon recommendation of the Town engineer. The subdivider shall comply with any and all applicable county and state codes and ordinances and shall provide the Town Board and Town engineer with a copy of any and all permits received. In addition:
1. Sod shall be laid in strips at those intervals necessary to prevent erosion and right angles to the direction of drainage.
 2. Temporary Vegetation and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.
 3. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 4. Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.
- E. Existing Flora. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- F. Inspection. The subdivider, prior to commencing any work within the subdivision, shall notify the Town clerk to make arrangements with the Town engineer to provide for adequate inspection. The Town engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

SECTION 11.0 ADMINISTRATIVE AND OTHER FEES

A. General

1. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map. Legal work

shall include the drafting of contracts between the Town and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to, attorneys, engineers, landscape architects and land planners, requested by the Town Board or Plan Commission in connection with the land division being considered.

2. The Town may retain the services of professional consultants, including planners, engineers, architects, attorneys, environmental specialists, recreational specialists and other experts, to assist in the Town's review of a proposal coming before the Plan Commission. The submittal of a development proposal application or petition by a subdivider shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town may charge the costs for these services to the subdivider. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the subdivider. Review fees which are charged to a subdivider, but which are not paid, may be levied by the Town as a special assessment against the subject property. The subdivider shall be required to provide the Town with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
 3. At the time of submission of a plat or certified survey, the Plan Commission, as its sole discretion, may require the subdivider to make a good faith deposit with the treasurer to cover, in all or part, the expenses anticipated to be incurred by the Town because of the land division. Unused portions of such fund shall be refunded to the subdivider.
- B. Engineering Fee. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town pursuant to Section 10.0, F. The subdivider shall pay a fee equal to the actual cost to the Town for such engineering work and inspection as the Town Board and/or Town engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work
- C. Administrative Fee. The subdivider shall pay a fee to the Town equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.
- D. Preliminary Plat or Certified Survey Map Review Fee. The subdivider shall pay a fee amount to five hundred dollars (\$500) plus ten dollars (\$10) for each lot or parcel within the preliminary plat and one hundred dollars (\$100) plus ten dollars (\$10) for each lot or parcel within the certified survey map to the Town treasurer at the time of the first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review.

SECTION 12.0 PRELIMINARY PLAT

- A. General. A preliminary plat shall be required for all subdivisions, shall comply with § 236, WI Statutes, and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than one hundred feet (100') to the inch and shall show correctly on its face the following information.
1. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 2. Property location of the proposed subdivision by government lot, quarter-section, township, range, county and state.

3. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section.
4. Date, graphic scale and north arrow.
5. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
6. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of the ordinance and severe hardship would result from strict application thereof.

B. Plat Data. All preliminary plats shall show the following:

1. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and total acreage encompassed thereby and shall comply with Chapter 236, WI Statutes.
2. Existing and proposed contours at vertical intervals of not more than two feet (2') where the slope of surface is less than ten percent (10%) and of not more than five feet (5') where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level).
3. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum.
4. Floodplain limits and the contour line lying a vertical distance of two feet (2') above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five feet (5') above the elevation of the maximum flood of record.
5. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.
6. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929) datum.
7. Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
8. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such land shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations.
9. Location of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.
10. Location, width and names of all proposed streets and public right-of-ways such as alleys and easements.

11. Approximately dimensions of all lots together proposed lot and block numbers.
 12. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping center, church sites or other private uses not requiring platting.
 13. Approximate radii of all curves.
 14. Existing zoning on and adjacent to the proposed subdivision.
 15. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
 16. Any proposed lake and stream improvement or relocation.
 17. Soil type, slope and boundaries as show on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.
 18. Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six feet (6'), unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.
 19. Location of soil percolation tests where required by the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such test shall be submitted along with the preliminary plat.
- C. Street Plans and Profiles. The Town Plan Commission, upon the recommendation of the Town engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions or a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD) and plans and profiles shall meet the approval of the Town engineer.
- D. Testing. The Town Plan Commission, upon the recommendation of the Town engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil rock and water conditions, including depth to bedrock and depth to ground water table. The Town does not guarantee, warrant or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Town and thereby asserts that there is no liability on the part of the Town Board, its agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter IHLR 85 of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the preliminary plat.
- E. Soil and Water Conservation. The Town Plan Commission, upon the recommendation of the Town engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the development of the subdivider to provide soil erosion and sedimentation control plans and specification. Such plan shall generally follow the guidelines and standards set forth by the Wisconsin Department of Natural Resources, as well as any and all

relevant county and state requirements, and shall be in accordance with standards set forth in this ordinance.

- F. Covenants. The Town Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Town attorney as to form.
- G. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this ordinance.

SECTION 13.0 FINAL PLAT

- A. General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, WI Statutes.
- B. Additional Information. The plat shall show correctly on its face, in addition to the information required by § 236.20, WI Statutes, the following:
 - 1. Exact length and bearing of the centerline of all streets.
 - 2. Exact street width along the line of any obliquely intersecting street.
 - 3. Railroad right-of-ways within and abutting the plat.
 - 4. Setbacks or building lines.
 - 5. Utility and/or drainage easements.
 - 6. Street addresses on each lot as determine by the Town clerk.
 - 7. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - 8. Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of platting strips.
- C. Deed Restrictions. The Town Plan Commission may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.
- D. Survey Accuracy. The Town engineer shall examine all final plats with the Town and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Town engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:
 - 1. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance of position, the ratio of one (1) part in ten thousand (10,000), nor in azimuth, of four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - 2. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for

any interior line of the plat greater than the ratio of one (1) part in five thousand (5,000) or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred feet (300') in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

3. Where the plat is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Town of LaFayette, Walworth County or the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the tie required by § 236.20(3)(b), WI Statutes shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
 4. The Town Board shall receive the results of the Town engineer's examination prior to approving the final plat.
- E. Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15, WI Statutes.
- F. State Plane Coordinate System. Where the plat is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Town of LaFayette, Walworth County or SEWRPC, the plat shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone and adjusted to the Town's control survey.
- G. Certificates. All final plats shall provide all the certificates required by § 236.21, WI Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance.
- H. Recordation. After the final plat has been approved by the Town Board and improvements required by the Town are either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Walworth County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within twelve (12) months from the date of the last approval and within thirty-six (36) months of the date of first approval and all additional requirements of WI Statute 236.25(2) have been met.

SECTION 14.0 CERTIFIED SURVEY MAP

- A. General. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of § 236.34, WI Statutes. The minor subdivision shall comply with the design standards and improvement requirements set forth in this ordinance.
- B. Required Information. The map shall show correctly on its face, in addition to the information required by § 236.34, WI Statutes, the following:
1. All existing structures, watercourses, drainage ditches and other features pertinent to proper land division.
 2. Setbacks or building lines.

3. Utility and/or drainage easements.
 4. Street addresses on each lot as determined by the Town clerk.
 5. All lands reserved for future acquisition.
 6. Date of the map.
 7. Floodplain limits and the contour line lying a vertical distance of two feet (2') above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five feet (5') above the elevation of the maximum flood of record.
 8. Graphic scale and north arrow.
 9. Name and address of the owner, subdivider and surveyor.
- C. Additional Information. The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:
1. Existing contours at vertical intervals of not more than two feet (2') where the slope of the ground surface is less ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
 2. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the Wisconsin Department of Natural Resources (DNR).
 3. Location of soil boring tests, where required by Chapter 85 of the Wisconsin Administrative Code, made to a depth specified by the Town engineer. The number of such tests shall be adequate to portray the character of the soil and depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test for three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
 4. Location of soil percolation tests, where required by Chapter 85 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.
 5. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey map owned or controlled by the subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development.
- D. State Plane Coordinate System. Where the map is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Town of LaFayette, Walworth County or the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearings and the distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearing shall be referenced to the Wisconsin Coordinate System, South Zone and adjusted to the Town's control survey.

- E. Certificates. The surveyor shall certify on the face of the map that he has fully complied with all provisions of this ordinance. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- F. Recordation. The subdivider shall record the Map with the Walworth County Register of Deeds. The Register of Deeds shall not record the map unless it shows on its face all of the required certificates and affidavits and it is offered for record within six (6) months after the date of the last approval of the map and within twenty four (24) months after the first approval of the map.

SECTION 15.0 DEFINITIONS

- A. General Definitions. For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word “shall” is mandatory and not directory.
- B. Specific Words and Phrases.
 - 1. Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
 - 2. Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.
 - 3. Comprehensive Plan. The extensively developed plan, also called a master plan, including detailed neighborhood plans, proposal for future land use, transportation, urban development and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
 - 4. Minor Land Division. Any division of land not defined as a “subdivision”. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, any one (1) of which is less than thirty five (35) acres in size; or the division of a block, lot or outlot with a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map and shall comply with Chapter 236, WI Statutes, and this ordinance.
 - 5. Public Way. Any public road, street, highways, walkway, drainage way or part thereof.
 - 6. Replat. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
 - 7. Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
 - 8. Subdivision. The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive division within a period of five (5) years.

9. Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

SECTION 16.0 SEVERABILITY

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

SECTION 17.0 ADOPTION AND EFFECTIVE DATE

- A. Public Hearing. The Town Board of the Town of LaFayette held a public hearing on the proposed amended Land Division Ordinance on the 13th day of January 2016.
- B. Plan Commission Recommendation. The Town Plan Commission recommended the adoption of this Land Division Ordinance at a meeting held on the 3rd day of February 2016
- C. Town Board Approval. The Town Board of the Town of LaFayette concurred with the recommendations of the Plan Commission and adopted the Land Division Ordinance at a meeting held on the 10th day of February 2016.
- D. Effective Date. This ordinance shall be effective upon passage and publication as provided by law.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 10th day of February 2016

Daniel D Cooper, Chair

Passed this day: 02.10.2016

Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 02.10.2016

Original 04.08.2009
Revised 11.14.2012
Revised 02.10.2016

APPENDIX

Sample Agreement as to Costs with the Town of LaFayette

Applicant/Petitioner's Name

Nature of Application/Petition

_____/_____/_____
Petition Date

The above agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Town of LaFayette, in the judgment of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) to enable the Town to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Town for the costs thereof.

Signature of Applicant/Petitioner

_____/_____/_____
Dated