

Town of Sullivan
N3866 West Street
Sullivan, WI 53178

**Land Division and
Subdivision Ordinance
Ordinance # 14.20 – 2016
Revised 1/3/2017**



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Town of Sullivan, Wisconsin Land Division & Subdivision Ordinance

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**SUBDIVISION ORDINANCE
TOWN OF SULLIVAN, WISCONSIN**

16. 01 PURPOSE:

This code regulates the subdividing of lands and the installation of public improvements within the area for the Town of Sullivan, Jefferson County, Wisconsin.

The purpose of this ordinance is to promote the public health, safety, convenience and general welfare, and to permit the careful planning of efficient maintenance of highway systems, and to encourage planned and orderly land use development. These regulations are intended to lessen congestion in the streets; to foster the orderly layout and use of the land; to insure safety from fire, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. These regulations are made with reasonable consideration, but not limited to, the present character of the Town and it's environs, with the objective of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, providing for the most appropriate use of land in the Town.

16. 02 AUTHORITY:

This Ordinance is adopted pursuant to Section 236.45, Wisconsin Statutes, which permits the adoption of regulations more restrictive than those contained in the State Platting Statute. This Ordinance adopts the Land Division and Subdivision Ordinance of Jefferson County, Wisconsin, Section 15: Revised April 16, 1985.

16. 03 DEFINITIONS:

- (1) Butt Lot: Is a lot the rear line of which abuts the side lot line of another lot or lots in the same block but not separated by an open space.
- (2) Certified Survey Map: Is a map intending to create not more than four parcels of land as provided in Section 236.34, Wis. Stats.
- (3) Division of Land: Means any splitting up of a recorded tract of land, except as provided in Sec. 16.04D of this Ordinance.

- (4) Final Plat: Is a map of a subdivision with all necessary text, certificates and affidavits to qualify it for recording in the office of the Register of Deeds.
- (5) Lot Width: Is the width of a lot measured at setback line.
- (6) Owner: Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or combination of these.
- (7) Planning Committee: Is the Planning Committee established in conformity with Sec. 60.61, Wis. Stats.
- (8) Preliminary Plat: Is a map or sketch of a proposed subdivision or division of land.
- (9) Street: Is a public thoroughfare providing primary access to abutting property.
 - (a) Major Street: Is one designed for fast or dense and heavy traffic.
 - (b) Collector Street: Is one which carries traffic from minor streets to the system or major street, including the principal entrance streets of a residential development and provides for circulation within such development.
 - (c) Minor Street: Is one, which is primarily for access to abutting properties.
 - (d) Frontage Street: Is one which is parallel to and adjacent to major streets, and which provides access to abutting properties and protection from traffic on the major street.
 - (e) Alley: Is a public thoroughfare, which provides secondary access to abutting properties.
 - (f) Pedestrian Pathway: Is a public thoroughfare, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way utilities.
 - (g) Easement: Is the area of land set aside or over or through which a liberty, privilege or advantage in land

distinct from ownership of the land, is granted to the public or some particular person or part of the public.

- (10) Subdivision: The division of a lot, parcel, or tract of land by the owner thereof, or his agents, for the purpose of transfer of ownership or building development where:
 - (a) The act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area.
 - (b) Five or more parcels or building sites of 5 acres each or less in area are created by successive divisions within a period of 5 years.
- (11) Tentative Approval: Is an approval with or without recommended alteration given to the preliminary plat by the Town Board. It shall constitute the necessary authority to proceed with the preparation and presentation of the final plat for the consideration of the Town Board.

16. 04 JURISDICTION AND APPROVAL:

- A. No land within the limits of the Town shall, after the adoption of this Ordinance, be divided by a subdivision plat, nor may such document be entitled to be recorded in the Office of the Register of Deeds, nor may any street be laid out, nor may any improvements be made to the land, until the provisions of this Ordinance, Sec. 15 of the Land Division and Subdivision Ordinance of Jefferson County and Chapter 236, Wis. Stats., are met and the plat and the plan or plans of the subdivision shall have been approved by the Town Board and the Town of Sullivan Sanitary District #1 and certified thereto by the Town Clerk.
- B. Any division of land, other than a subdivision as defined in Sec. 16.03(10) above, shall be surveyed and prepared as provided in Sec. 236.34, Wis. Stats.
- C. No building permit shall be issued by the Town authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been met. Approval by the Town of Sullivan Sanitary District #1 shall be obtained before any permits are issued if property is located within a district.
- D. The provisions of this Ordinance shall not apply to:

- (1) Transfer of interest in land by will or pursuant to court order.
- (2) The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by Chapter 236, Wis. Stats., or any other ordinance of the Town.

16. 05 PROCEDURE:

Any owner of land or his agent who wishes to divide such land shall comply with the general principles of design and minimum layout requirements as set forth in Sec. 16. 08 and the procedure shall in every case be as follows:

- A. Pre-application Conference: The owner of land located within the limits of the Town (or his agent) shall first submit to the Town Board with a copy to the Sanitary District(s) if property is located within the district, such information as may be required by the Town Board to describe or outline the existing conditions of the site and the proposed development thereof. (i.e. Concept Plan)
- B. Preliminary Plat:
 - (1) Before submitting the final plat for approval, the owner shall prepare a preliminary plat or map which shall conform to the provision set forth in Sec. 16. 08 of this Code, and shall file with the Town Clerk a dated letter requesting approval of said plat of map, accompanied by such copies as shall be required by the Town Clerk to comply with Chapter 236, Wis. Stats., to include a copy for the Sanitary District(s) if property is located within the district.
 - (2) The preliminary plat or map shall be checked and reviewed as to its conformity to the principal standards and requirements set forth in this Ordinance, and copies of plats shall be submitted for review and recommendations to the state agencies and departments required to review the plat.
 - (3) After review of the preliminary plat or map and conferences with the owner on any changes deemed advisable and the kind and extent of public improvements which will be required, the Planning Committee shall, within 60 days of submission, approve, conditionally approve, or reject the plat or map. The Planning Committee shall consider any comments made by the Sanitary District(s) if property is located within the district(s).

- (4) If the Planning Committee rejects the plat or map, it shall return it to the owner. If it approves or conditionally approves the plat or map, it shall so notify the owner.
 - (5) If the Planning Committee approves the preliminary plat, the committee shall, within 60 days of the date the plat was filed with the Town Clerk, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement by the sub-divider. Failure of the Town Board to act within 60 days or extension thereof shall constitute an approval of the preliminary plat. The Clerk shall communicate to the owner the action of the Town Board. If the plat or map is approved, the Clerk shall endorse it for the Town Board.
 - (6) Upon filing the preliminary plat or map with the Town, the owner shall pay a review fee to the Town Clerk as specified in the fee schedule incorporated in this code as Section 16.12.
- C. Public Improvements, Plans and Specifications: After the preliminary plat or map is approved, the owner shall file with the Town Clerk five complete sets of preliminary plans for the construction of any public improvements required by Sec. 16.09 of this Code, unless special arrangements are made with the Town Board to have the public improvements made by the Town under special assessment procedure. Owner shall also provide the Sanitary District with a copy of the preliminary plans if property is located within the district and comply with all requests of the Sanitary District.
- D. Final Plat:
- (1) Simultaneously with the filing of the final plat or survey map, the owner shall file with the Town Clerk four copies of the final plans, and specifications for public improvements required by Sec. 16.09 of this Code. If the plat has not been certified by the State Agencies in accord with Sec. 236.12, Wis. Stats., then copies as required by Sec. 236.12(12), Wis. Stats., shall also be provided. Upon filing the final plat or map with the Town, the owner shall pay the required fees to the Town Clerk as specified in the fee schedule incorporated in this code. Owner shall also file a copy of the final plat to with the Sanitary District(s) if the property is located within the district(s).
 - (2) The Town Clerk shall forward the plat or map and plans and specifications of public improvements to the (Planning

Committee). Copies of the plat shall be forwarded to the state agencies for review.

- (3) The Planning Committee shall refer the final plat or map and final plans and specifications for public improvements to the Town Engineer for review.
- (4) The Town Engineer and the Sanitary District Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if they find them satisfactory, shall so certify in writing to the Planning Committee.
- (5) If the plat or map or the plans and specifications are not satisfactory, the Town Engineer and the Sanitary District Engineer shall return them to the owner and so advise the Planning Committee.
- (6) If the plat or map and the plans and specifications of public improvements are satisfactory to the Planning Committee, it shall so certify in writing to the Town Board; if they are not satisfactory to the Planning Committee, they shall be rejected in writing and returned to the owner.
- (7) When the Town Board receives the approved plat or map, and plans and specifications from the Planning Committee, it shall signify its action by motion or resolution. If the plat is rejected, the Clerk shall so notify the owner in writing. If the plat is approved, the Clerk shall sign the plat or map as required by Chapter 236, Wis. Stats., after the Development Agreement has been signed and financial guarantees have been obtained, and all fees and outstanding assessments have been paid in full. After signing the plat, the Clerk shall return it to the owner for recording. The owner shall pay recording fees. The Town Board shall consider the recommendations of the Sanitary District(s) (if property is located within a district) when making its determination.
- (8) The approval of the final plat or map by the Town Board shall constitute acceptance of the dedication of any public street, open space or other public areas shown thereon.
- (9) If recommended by the Planning Committee, and if permitted by the Town Board, the final plat may constitute only a portion or phase of the approved preliminary plat which the owner proposes to subdivide, construct and record at that time.

- (10) If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of that approval, it shall be approved by the Town Board. A final plat for a portion or phase of the approved preliminary plat shall be submitted within six (6) months from the last approval date of the preliminary plat. If the final plat is not submitted within six (6) months of the last approval date of the preliminary plat, the Planning Committee and the Town Board may refuse to approve the final plat.

16. 06 CONSTRUCTION OF PUBLIC IMPROVEMENTS:

- (1) After the Town Board has approved the final plat, the owner shall construct and install the required public improvements.
- (2) Prior to signing and recording the final plat or survey map as indicated in Section 16.05 D.(7), the owner shall provide the Town with a financial guarantee and surety for the cost of constructing and installing the required improvements. The financial guarantee or surety shall be in an amount estimated by the Town Engineer and the Sanitary District Engineer, if the property is located within the district, to cover the cost of the required improvements as outlined in Sec. 16.09 of this code.
- (3) The type of financial guarantee or surety may include either of the following types, as determined by the Town Engineer and Sanitary District Engineer and approved by the Municipal Attorney:
 - (a) Surety Bond – Obtained from a bank or bonding company authorized to do business in the state.
 - (b) Letter of Credit – Provided in irrevocable format from a bank or other reputable institution.
 - (c) Escrow Account – The Owner shall deposit cash, or other instruments readily convertible into cash at face value with a bank.

16. 07 TECHNICAL DETAILS:

A. A preliminary plat map shall be in legible print made from a drawing that shows correctly the following:

- (1) Date, scale and North point.
- (2) Proposed name of the subdivision, if a plat.
- (3) Name and post office address of owner or his agent.
- (4) Small drawings showing the location of the land to be divided.
- (5) Location and names of adjoining subdivisions and the owners of undivided lands.
- (6) Present zoning of land to be divided and adjoining lands.
- (7) Location, width and names of all existing and platted streets, alleys or other public ways and easements, railroad and public utility right-of-way, parks, cemeteries, water course, drainage ditches, existing wetlands, buildings, bridges and other pertinent data, as required by the Planning Committee, within 300 feet of the proposed division of land or of property owned or controlled by the owner.
- (8) Water elevations of adjoining lakes or streams at the date of survey and the approximate high and low water levels thereof. Floodplain limits showing the 100-year floodplain shall be shown. Shoreline limits shall be shown where appropriate. All elevations shall be referred to the datum approved by the town.
- (9) Layout, width and approximate grades of all streets and rights-of-way such as alleys, highways, easements for sewers, water mains and other public utilities.
- (10) Directions and distance to nearest water mains and sewer mains.
- (11) Approximate dimensions of the areas in square feet of all lots and parcels.
- (12) Proposed building setback lines, if different from that required by the Town Zoning Ordinance.

(13) Existing contour lines at an interval of not more than 2 feet, with reference to the datum established by the Town.

B. Construction Plans: As required by Secs. 16.08 and 16.09 of this Code, the owner shall furnish with the preliminary plat or map, necessary construction plans of public improvements. If the owner so chooses, he may obtain approvals of a preliminary plat as to layout only. If only a portion of the preliminary plat is to be improved and submitted for final approval, construction plans and specifications need to be prepared for only such portion. However, the design of public improvements shall be based on the needs of the whole area and such additional area as in the judgment of the Planning Committee is necessary. Approval of plans must be obtained from the Sanitary District(s) if property is located within the district(s), prior to Planning Committee approval.

C. Final Plat: A final plat of a subdivision shall comply in all respects with the requirements of Chapter 236, Wis. Stats.

16. 08 DESIGN OF SUBDIVISIONS

A. General: In laying out subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable ordinances of Jefferson County or the Town. In cases where the requirements of this Ordinance are different from the requirements of Chapter 236, the more restrictive provision shall apply.

B. Public Parks and Sites for Other Public Areas:

(1) Suitable sites for public areas shall be provided in conjunction with new subdivisions. These sites may include sites such as, but not limited to, parks, recreational areas, parkways, public building sites or other public uses, but excluding schools. These public sites shall be provided for using one or more of the following methods as determined by the Planning Committee:

(a) Land Dedication:

1. Dedication Calculation: All sub-dividers shall be required to dedicate to the Town developable land suitable for park purposes equal to 1,000 square feet per dwelling unit for detached single family dwelling units and 750 square feet per duplex dwelling unit or multiple-family dwelling units. The

Town Board upon the recommendation of the Planning Committee shall have sole authority to determine the suitability and adequacy of lands proposed for dedication. Drainage ways, detention basins, floodplains, wetlands, or areas reserved for streets shall not be considered as satisfying land dedication requirements.

2. Unknown Number of Dwelling Units: Where the plat does not specify the number of residential dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Town Zoning Ordinance.
3. Deeded to the Town: Land dedicated for public purposes shall be deeded to the Town at the time the final plats are approved.
4. Access to Dedicated Land: All dedicated land shall have frontage on a public street and shall have unrestricted public access.
5. Utility Extensions: The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties. Installation must meet Sanitary District(s) specifications if property is located within the district(s).

(b) Deed Transfer of Equivalent Land:

Transfer of ownership by deed to the Town or lands equivalent to the requirements of subsection (a) above may be accepted by the Town Board with the recommendation of the Planning Committee.

(c) Payment in Lieu of Land:

1. Amount of Payment: Where, in the opinion of the Town Board, with the recommendation of the Planning Committee, there is no land suitable for parks or other public open space or recreation uses within the proposed land division, the Town Board may require the subdivider to contribute a

payment of four hundred dollars (\$400) per single-family dwelling unit and three hundred dollars (\$300) per duplex dwelling unit or multi-family dwelling unit within the plat. If the number and type of dwelling units is not specified in the final plat, the total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Ordinance.

2. Exemptions: Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.
3. Time of Payment: In full at the time of or prior to the issuance of a building permit.
4. Park Fund for Fees Collection: Funds paid to the Town under the payment of fees in lieu of land dedication provisions are to be placed in a separate account designated for park and public land acquisition and improvement. Said account shall be continuing account and shall not lapse at the end of a budget period.

(d) Amount of Payments Made in Lieu of Land: The amounts of payments made in lieu of land shall be as specified in the fee schedule incorporated in this Ordinance as Section 16.13.

C. Streets:

- (1) Streets shall be provided for convenient access to all parcels of land to be created by the subdivision. All streets shall be dedicated to the public.
- (2) The layout of streets shall conform to the specification of Town Engineer and Town Board.
- (3) The layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and in their appropriate

relation to the proposed use of the land to be served by such streets.

- (4) Street Classification:
 - (a) Major Streets: Are streets which are intended to carry high volumes of traffic and typically have a right-of-way width of not less than 100 feet.
 - (b) Collector Streets: Are streets intended to carry traffic from minor streets to major streets, and typically have a right-of-way width of not less than 66 feet.
 - (c) Minor Streets: Are streets intended primarily for access to abutting property. They shall have a minimum right-of-way width of 66 feet, and shall be provided with a turn-around of not less than 120 feet in diameter.
 - (d) Cul-de-Sacs: Are minor streets used where through streets is not desirable or practical. They shall have a minimum right-of-way width of 60 feet along the stem, and shall have maximum length of 500 feet measured to the center of the turn-around, and shall be provided with a turn-around of not less than 120 feet in diameter.
 - (e) Frontage Streets: (As defined in Section 16.03(d) of this Code) may not be less than 66 feet wide.
- (5) Alignment: All proposed streets shall have a direct connection with, or be continuous and align with, existing, planned or platted streets with which they are to connect.
- (6) Limits: 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 Planning Committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length

will be approved when necessitated by the topography.

- (7) Grades: The grade of major and collector streets shall not exceed 6% unless necessitated by exceptional topography and approved by the Planning Committee. Grades of minor streets shall not exceed 10%. The minimum grade of all streets shall be 0.4%.
- (8) Horizontal Curves: A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least 500 feet on major streets, 200 feet on collector streets, and 120 feet on all other streets.
- (9) Vertical Curves: All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 30 times the algebraic difference in the rate of grade for major streets and 20 times this algebraic difference for all other streets.
- (10) Tangents: A tangent of at least 100 feet long shall be introduced between reverse curves and between curves and street intersection on major and collector streets.
- (11) Street Names: New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be approved by the Planning Committee.
- (12) Access Control: Access control along major streets may be required by the Planning Committee to prevent vehicular access in areas where traffic conflicts may affect public safety.
- (13) Half Streets: Where a half street is adjacent to the subdivision, the subdivider shall dedicate the other half street.
- (14) Intersections:

- (a) Property lines at street intersections of major streets shall be rounded with a radius of 15 feet or of a greater radius where the Town Engineer considers it necessary. Vision triangles may be required per the Town Engineer's discretion.
- (b) Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(15) Alleys:

- (a) Alleys shall be provided in all commercial and industrial districts, except that the Planning Committee may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alley shall connect with a major street.
- (b) Width of alleys shall be not less than 20 feet.
- (c) Dead-end alleys are prohibited.

D. Block and Lot Layout:

- (1) Blocks: If the subdivision is of block type design, the length, width and shape of blocks shall be such as are appropriate to the locality and the type of development contemplated, but block length in residential areas shall not exceed 1500 feet nor have less than sufficient width to provide for two tiers of appropriate depth between street lines. As a general rule, blocks shall not be less than 600 feet in length.
- (2) Pedestrian Walks: Pedestrian walks not less than 10 feet wide may be required through the center of a block more than 900 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (3) Lots, General Consideration:

- (a) The size, shape and orientation of lots shall be appropriate for the location on the type of development contemplated, provided that no single-family residential lot be less than 43,560 square feet in area, no two-family residential lot be less than 43,560 square feet in area, and no multi-family lot be less than 21,780 square feet per living unit.
- (b) Residential lots shall conform to the requirements of the Zoning Ordinance, but in no case shall have a width of less than 75 feet for one and two family residential lots, and a width of not less than 80 feet for multi-family residential at the building setback line and shall have a depth not less than 110 feet.
- (c) Residential lots, which front on major streets and highways, shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- (d) Corner lots for residential use shall have extra width to permit full building setback from both streets, as required by the Zoning Ordinance.
- (e) Street frontage shall be 66 feet on a regular street and the cul-de-sac right-of-way shall not service more than 5 lots with a minimum of 30 feet of street frontage per lot.
- (f) Butt lots shall be permitted by the Planning Committee only in exceptional cases.
- (g) Side lot lines shall be substantially at right angles to or radial abutting street lines.
- (h) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of photography and orientation.

E. Easements:

- (1) Utility easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easements shall be at least 24 feet wide and normally centered upon the rear or side lot line. Evidence shall be furnished that easements and any provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved. The Town Engineer may require utility easements or right-of-ways be dedicated or reserved for future utilities, which may pass through a subdivision.
- (2) Where a subdivision is traversed by a water course, drainage way, channel or stream:
 - (a) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and such further width or construction or both as will be adequate for the purpose and as may be necessary to comply with this section; or,
 - (b) The water course, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated water course, and such further width or construction both as will be adequate for the purpose and may be necessary to comply with this section.

F. Master Site Grading Plan: When deemed necessary by the Town Engineer, a Master Site Grading Plan shall be prepared for the entire subdivision or area. This plan shall show existing and proposed elevations at all lot corners and shall show proposed elevations at proposed building locations. The building location elevations shall indicate the proposed grade of the top of the foundation wall, and the finished grade of the garage floor. The plan shall also indicate the direction of flow of surface drainage, and shall show proposed grades along swells and ridges. The master site-grading plan may incorporate on the same drawing(s) the erosion control plan for the subdivision or. When a master site grading plan is required, it shall be enforced. That is, at the time

the footings are poured for a building, the building inspector shall certify that building will meet the master site grading plan.

16. 09 DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS:

- A. Improvements Completed: All improvements required under this Ordinance shall be constructed and completed in accordance with the provisions of the Development Agreement approved by the Town Board.

- B. Guarantee of Materials and Workmanship: The owner shall provide a surety bond running to the Town for a period of one year after acceptance by the Town Board, in the amount of twenty percent (20%) of the cost of the improvements to guarantee workmanship and materials of construction and to save the Town harmless from the cost of repair or replace the improvements.

- C. Procedure:
 - (1) Simultaneously with the filing of the preliminary plat with the Town Clerk, or as soon thereafter as practicable, four copies of the construction plans and specifications shall be furnished for the following improvements:
 - (a) Street grading and surfacing.
 - (b) Sanitary sewerage. (Copy shall be provided to the Sanitary District(s) by owner if property is located within the district(s)).
 - (c) Water mains and laterals. (if applicable)
 - (d) Curb, gutters and sidewalk. (if applicable)
 - (e) Master Site Grading Plan.

 - (2) Action by the Town Engineer: The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance. If he rejects the plans and specifications, he shall notify the owner who shall modify the plans or specifications, or both, accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications before improvements are installed.

 - (3) Construction and Inspection:

- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of paragraph F of this section.
- (b) Construction of all improvements required by the Ordinance shall be completed within two years from the date of the approval of the final plat by the Town Board or as may be specified in the Development Agreement.
- (c) During the course of construction, the Town Engineer shall make such inspections to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers, and other parties necessary to insure satisfactory work.

D. Design Standards:

(1) Streets:

- (a) Major Streets: Shall have a right-of-way width as established on the Official Map or of not less than 100 feet, and a pavement width to be specified by the Town Engineer, but not less than 49 feet wide measured between the backs of the curbs. If a major street is adjacent to or within the tract being subdivided, the owner shall construct the major street to these standards or may request a variance from these standards. If a special exception is granted from standards required for this class of street, the owner shall pay the Town a sum of money equal to the cost of improving the street to standards established in (c) for Minor Streets.
- (b) Collector Streets: Shall have a right-of-way width as established on the Official Map or of not less than 66 feet, and a pavement width of 24 feet wide. If a collector street is adjacent to or within the tract being subdivided, the owner shall construct the collector street to these standards or may request a variance from these standards. If a variance is granted from standards required for this class of street, the owner shall pay to the

Town a sum of money equal to the cost of improving the street to standards established in (c) for Minor Streets.

- (c) Minor Streets: Shall have a minimum right-of-way width of 66 feet. They shall be constructed with a 24-foot wide pavement. The pavement shall be as specified by the Town Engineer.
 - (d) Cul-de-Sac Streets: Cul-de-sac streets shall have a minimum right-of-way width of 66 feet along the stem with a minimum pavement width of 24 feet measured between the backs of the curbs.
 - (e) Turn-Around: The end of cul-de-sac streets shall be paved with an outside diameter of the pavement of 90 feet, and be connected by smooth curves to the pavement of the main portion of the street.
- (2) Curb and Gutter: All major, collector, and minor streets shall be provided with curb and gutter in accordance with the standard specification for the Town. Curb type shall be vertical face with integral gutter. (if applicable)
 - (3) Sanitary Sewerage System: If within the sanitary sewerage district there shall be provided a sanitary sewerage system in conformity with the Master Plan of sewers as approved by the Town Board and the Sanitary District(s). The cost of providing and installing sewer pipe of sizes larger than required to serve the area shall be borne by the Town and Sanitary District as agreed upon between the landowner and the Town Board and Sanitary District(s) prior to approval of the final plat.
 - (4) Water Supply System: If applicable there shall be provided a water supply system in conformity with the Master Plan for the water system as approved by the Town Board. The cost of providing and installing water pipe of sizes larger than required to serve the area shall be borne by the Town as agreed upon prior to the approval of the final plat. Hydrants and valves shall be installed and paid for by the owner.
 - (5) Underground Utilities & Service Systems: Facilities for distribution of electric, telephone and gas utility service located within a subdivision shall be installed underground except where the Town Board, upon recommendation of the Planning Committee, finds that adverse soil conditions or

problems of utility distribution make such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points or similar equipment may be installed upon the ground surface if the location and utility-approved landscape-screening plan therefore have been approved.

- (6) Storm Sewer Systems: There shall be provided a storm sewer system in conformity with the Master Plan of sewers as provided by the Town Board or as required by the Town Engineer.

The cost of designing, providing and installing a storm sewer system shall be the responsibility of the owner/subdivider prior to the approval of the final plat.

- E. Final Construction Plans: Shall be legible prints of a size acceptable to the Town Engineer and Sanitary District(s) Engineer if property is located within the district(s), and shall include the following:

- (1) Map of Plat or subdivision of lands, including title of plat or map.
- (2) Layout of streets.
- (3) Layout of sanitary sewers. (if applicable)
- (4) Layouts of water supply system. (if applicable)
- (5) Plans and profiles of streets and sewers at a scale of not more than 40 feet per inch horizontal and 4 feet per inch vertical.

* Note: Committee intends "if applicable" to mean anytime the proposed subdivision is within the existing sanitary district or future district or water supply system.

- (6) Master Site Grading Plan.
- (7) Erosion control plan.
- (8) All necessary details.

- F. Material Standards: All improvements constructed under this Code shall be to the standards, where applicable, established by the current State Highway Commission's Specifications, "Standard

Specifications for Road and Bridges Construction” and the current edition of the “Standard Specifications for Sewer and Water Construction in Wisconsin.” Where various specifications do not apply, the standards shall be as approved by the Town Engineer, and if property is located within the Sanitary District(s), by the Sanitary District(s) Engineer.

16. 10 PUBLIC IMPROVEMENTS UNDER SPECIAL ASSESSMENT PROCEDURE.

- A. Pre-application Conference: The owner of the land (or his agent) which is located within the limits of the Town, shall first submit to the Planning Committee or its representative such information as may be required by the Planning Committee to describe or outline the existing conditions of the site and the proposed development thereof. Following the pre-application conference, the Planning Committee shall submit to the Town Board at its next regular meeting their recommendations for approval or disapproval of the Special Assessment Procedure in this case. The Town Board shall then approve or disapprove the request for a Special Assessment Procedure. If the Town Board approves the request they shall instruct the owner to prepare a Preliminary Plat all in accordance with the provisions of Section 16.05, par B, sub-par (1) (2) (3) (4) (5) and (6).
- B. Simultaneously with the filing of the final plat or map, the owner shall file with the Town, cash, negotiable securities or a surety bond running to the Town, in value sufficient to cover the full estimated cost as certified to by the Town Engineer to assure the payment of the Special Assessments for the installation by the Town or its contractor of sanitary sewer main and laterals, water main and appurtenances and laterals, and all street improvements.
- C. If the plat or map and the surety of public improvements are satisfactory to the Planning Committee, it shall so certify in writing to the Town Board; if they are not satisfactory to the Planning Committee, they shall be rejected in writing and returned to the owner.
 - (1) When the Town Board receives the approved plat or map, and surety from the Planning Committee, it shall signify its action by motion or resolution; if

rejected, the Clerk shall so notify the owner in writing; if approved, the Clerk shall endorse the plat or map as required by Chapter 236, Wis. Stats., and return it to the owner for recording.

- (2) The approval of the final plat or map by the Town Board shall constitute acceptance of the dedication of any public streets, open space or other public areas shown thereon.
- (3) If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including the conditions of that approval, it shall be approved by the Town Board. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat. If recommended by the Planning Committee, and if permitted by the Town Board, the final plat may constitute only that portion of the approved preliminary plat, which the owner shall propose to record at that time.
- (4) Payment of the Special Assessments for the improvements installed under this section shall be paid in accord with payment schedule as determined by the Town Board.

16. 11 BOARD OF ADJUSTMENT:

The Town Board shall establish and appoint, pursuant to Sec. 60.65, Wis. Stats., a Board of Adjustment. The Board of Adjustment shall have the powers and duties provided for Boards of Adjustment under Sec. 59.99, Wis. Stats., and shall carry out their duties in the manner provided for Boards of Adjustment by Sec. 59.99, Wis. Stats.

- A. Membership: Three (3) members. Not more than one Town Board Supervisor may be a member. The initial terms of the members are one, two and three years, respectively starting from the first day of the month next following the appointment. Successors shall be appointed or elected at the expiration of each terms and their terms of office shall be 3 years and until their successors are appointed or elected. Members shall reside in Town and choose a Chairperson. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. The Town Board may compensate the members of the Adjustment Board.

- B. Powers and Duties: In appropriate cases and subject to appropriate conditions and safeguards, the Board of Adjustment may permit special exceptions to the terms of the Zoning Ordinance consistent with the ordinance's general purpose and intent and with applicable provisions of the ordinance. This subsection does not preclude the granting of special exceptions by the Town Zoning Committee designated under Sec. 60.61(4), Wis. Stats. Or, the Town Board, in accordance with regulations and restrictions adopted under Sec. 60.61, Wis. Stats.

16. 12 SPECIAL EXCEPTIONS:

- A. Procedure: In exceptional cases, where topography or other physical conditions would cause unnecessary hardship to the owner and/or not provide the Town substantial benefit, the Planning Committee may recommend to the Town Board that a special exception modification to the requirements of this code be granted to relieve such hardship. Any special exception needed shall be requested in writing by the owner clearly stating the reasons. If recommended by the Planning Committee, it shall be so endorsed by the Secretary and transmitted to the Town Board. The Town Board, if it approves, shall do so by motion or resolution and instruct the Town Clerk to notify the Planning Committee and the owner. Alternatively, the Town Board may refer the written requested special exception to the Board of Adjustment for a final decision.

- B. Basis: No special exception or modification to the provisions of this shall be granted unless the Town Board or Board of Adjustment finds that all 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 hardship should not apply generally to other properties or be of such a recurrent nature as to suggest that this ordinance should be changed.
- (2) Preservation of Property Rights. That such special exception 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 special exception 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.

C. Vote Required: A vote of 3 members of the Board of Adjustment shall be required to grant a special exception to the provisions of this ordinance. A vote of 3 members of the Town Board shall be required to grant a special exception to the provisions of this ordinance.

D. Variance for Monument Placement Granted by Town Board: The Town Board may waive the placing of monuments, required under Paragraph 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the sub divider execute a surety bond or irrevocable letter of credit to insure the placing of such monuments within the required time limits established by the Town.

16. 13 FEE SCHEDULE FOR SUB-DIVIDERS:

A. Application and review fee for preliminary plat: \$10.00 per lot towards actual cost incurred by Town; balance due at approval.

B. Application and review fee for final plat: \$10.00 per lot towards actual cost incurred by Town; balance due at or before final plat approval.

C. Park and Public Site Fee in Lieu of Land:

(1) \$400.00 per lot for single-family lots.

(2) \$300.00 per residential dwelling unit constructed on two-family and multi-family lots (excluding housing for the elderly). (to confirm with p. 12, sec. 16.08(c)(1))

(3) These fees shall be due in full at the time of or prior to the issuance of a building permit.

D. Storm Sewer Assessment Fee:

(1) An amount determined on a per acre basis and calculated using the net land area within the subdivision excluding public rights-of-way and other public lands, and excluding parklands, which shall be due in full at the time of or prior to the issuance of the building permit.

E. Water Main Connection Fee. (if applicable)

- (1) For connection to water mains installed by a subdivider, such fee shall be determined by the actual cost of all work and materials to make the connection, and shall be due in full upon the issuance of a building permit.
- (2) For connections to other existing water mains not covered in Paragraph E. (1) above, the fee shall be as determined by the Town of Sullivan, and shall be due in full upon the issuance of a building permit.

16. 14 PENALTY:

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resist the enforcement of any of the provisions of this ordinance, may be required, upon conviction, to forfeit no less than \$25.00 nor more than \$500.00 for each offense, together with the cost of prosecution, and in default of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail of Jefferson County, Wisconsin, until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation.

16. 15 VALIDITY:

Should any section, clause or provision of this Code be declared by the courts to be invalid, the same should not affect the validity of the Code as a whole or any part thereof, other than the part so declared to be invalie.

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Norman Stoner
Town Chair, Norm Stoner

Attestation:
Dawn Lynn
Town Clerk, Dawn Lynn