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**6.01 Title**

This ordinance is entitled the “Town of Fremont Subdivision Ordinance.”

**6.2 Purpose**

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

**6.3 Authority**

This chapter is adopted under the authority granted by §236.45, Wis. Stats.

**6.4 Amendments**

Amendments to this chapter shall be made only after notice and Public hearing.

**6.6 Interpretation**

The provisions of this chapter shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes.

**6.7 Abrogation and Greater Restrictions**

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

**6.8 Jurisdiction**

- (1) GENERAL. The jurisdiction of this chapter shall include all lands within the Town of Fremont.
- (2) EXCEPTIONS. In no instance shall the provisions of this chapter apply to the following:
  - (a) Transfer of interest in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed 10 years, mortgages or easements.
  - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by this chapter or other applicable laws or ordinances.

### **6.09 Compliance**

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

- (1) Provisions of Ch. 236. Wis. Stats.
- (2) Rules of the State Department of Administration 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 State 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 hunk highway or connecting street.
- (4) Duly approved comprehensive plan, or any component thereof including the Town Zoning Ordinance, County Shoreland Zoning Ordinance, the Town Official Map and all other applicable provisions of this Code.
- (5) All applicable local and County ordinances.

### **6.10 Land Suitability**

- (1) No land shall be subdivided which is determined to be unsuitable for use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or any feature likely to be harmful to the health, safety or welfare of the future users of the proposed subdivision or of the community. The Town Board, in applying the provisions of this section, shall recite the particular facts upon which it bases its conclusions that the lands not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Board may affirm, modify or withdraw its determination of unsuitability.
- (2) Where the subdivision of a tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, poor soil conditions, adverse rock formation, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or for any other reason, such areas shall not be divided into buildable sites and shall be subject to the following:
  - (a) Poor Drainage If land is subject to ponding, poor permeability or poor drainage, or for other causes, as determined by the Town Board or its designated agent and if said land is not zoned as a conservancy or wetland-floodplain district on an applicable zoning district map in which buildings are prohibited, it shall be subject to the following requirements:

1. If said land is designated as park, parkway, other open-space, or other public use on the Official Map of the Town, the developer may dedicate said land to the Town or County, but in any case, must present said land for not less than 2 years for acquisition by the Town or the County.
2. If said land is not designated as a park, parkway or other public use on the Official Map, the developer shall cause said land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building thereon,
3. In lieu of the requirements set forth in sub paragraphs 1 and 2 above, the developer may, at his expense, prepare a development proposal for the problem area. It shall be submitted for the Plan Commission's approval and shall be accompanied by a site plan and adequate engineering data to insure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the approving municipality to insure that such will be done at a specified time if approved.

(b) Floodable Conditions: Drainage Ways

1. If floodplains have been determined and are delineated on an applicable zoning map, or as determined by the Plan Commission from sources available to it, the subject platting shall be designated accordingly so that all building sites have sufficient area for the efficient operation of a private disposal system and so that the lowest floor level of a building shall be 2 feet above the normal high water line. (In accordance with Waupaca County Floodplain and Shoreline Ordinance,)
2. In designing plats, drainage easements shall be shown on the plan where conditions warrant and as determined by the Plan Commission as determined by sources available to it, and building permits shall not be issued therefore.

- (c) Adverse Soil and Rock Formation Soil suitability rating for a proposed subdivision shall be determined by the Plan Commission from sources available to it. The Commission shall determine the minimum lot size required if public sewer is not available even though the minimum lot size allowed under the zoning is less than the soil rating may require. In order to determine the precise location of soil boundaries, on-site investigation by soil scientists may be necessary, but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer, or soil scientist at the expense of the developer and according to procedures established by the State Department

of Administration. Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development indicating how through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data before approval of the development can be granted by the Plan Commission. If this plan is approved, the developer shall provide a surety bond to the approving Town to insure that such will be done at a specified time.

## **6.11 Definitions**

For the purpose of these regulations, the terms are defined as follows:

- (1) ALLEY. A special public way affording only secondary access to abutting properties.
- (2) ARTERIAL STREET. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways and parkway.
- (3) BLOCK. A parcel of land bounded on at least one side by a street and on the other side by a natural or man-made barrier.
- (4) BUILDING SITE. A parcel of land occupied, or intended to be occupied, by a structure as permitted under applicable zoning regulations.
- (5) CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with this chapter and Ch. 236, Wis. Stats.
- (6) 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.
- (7) COMMUNITY. A town, municipality or a group of adjacent towns and/or municipalities having common social, economic or physical interests.
- (8) COMPREHENSIVE PLAN. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified by the Town Board pursuant to §62.23, Wis. Stats., including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
- (9) CUL-DE-SAC STREET. Minor street closed at one end with a turn-around provided for vehicles.
- (10) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The Unincorporated area within 1 1/2 miles of a fourth class city of a village and within 3 miles of all other cities.
- (11) FRONTAGE STREET. A minor street auxiliary to and located on the side of an arterial Street for control of access and for service to the abutting development.
- (12) MINOR STREET. A street used, or intended to be used, primarily for access to abutting properties.
- (13) MINOR SUBDIVISION. Division of land by the owner or subdivider resulting in the creation of 2 parcels or building sites, any one of which is

- 4 acres in size or less, or the division of a block, lot or out lot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the exterior boundaries of said block, lot or out lot.
- (14) MUNICIPALITY. An incorporated village or city.
  - (15) OFFICIAL MAP. That map adopted pursuant to §62.23, Wis. Stats., which shows existing and proposed streets, highways, parkways, parks, playgrounds, other open space or other public sites.
  - (16) PLAT. A map of a subdivision complete with all certificates and engineering data in accordance with Ch. 236, Wis. Stats.
  - (17) PUBLIC WAY. Any public road, street, highway, walkway, drainageway or part thereof.
  - (18) REPLAT. The changing of the boundaries of a recorded subdivision plat or part thereof.
  - (19) SUBDIVIDER. Any person dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
  - (20) 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 3 or more parcels or building sites of 4 acres each or less in area, or where the act of division creates 3 or more parcels of building sites of 4 acres each or less in area by successive division within a period of 5 years, or where a street is created more than 150 feet long.

## **6.12 Dedications and Reservations**

- (1) Wherever a tract of land to be subdivided or divided by certified survey embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan or component part thereof or on the Official Map of the Town, or so designated on the Official Map of a contiguous municipality who exercises extraterritorial jurisdiction, said public way shall be made a part of the plat and dedicated or reserved or treated by the developer as determined by the Town Board, in the locations and dimensions indicated on such plan or map and as set forth in this chapter.
- (2) Wherever a proposed playground, park, school site or other public land, than streets or drainageways, designated in a comprehensive plan, component part thereof or on the Official Map of the Town or so designated on an official map of a contiguous municipality which exercises extraterritorial jurisdiction, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be so designed as to be made an integral part of the plat and may be dedicated, but in any case, shall be reserved for acquisition at undeveloped land costs by the agency having jurisdiction for a period not to exceed 2 years unless extended by mutual agreement.

- (3) Wherever a subdivision or certified survey map abuts a public use area such as a park, lake, stream or any similar type of public recreational area, The subdivider, at the option of the Town Board, shall provide land for a public street so that there shall be adequate public access to the public use area as determined by the Commission.
- (4) The dedication of land for public purposes such as parks, rights of way, school sites and easements shall become effective at the time of approval and recording of the final plat.
- (5) On sites reserved for eventual public acquisition, no building development is permitted during the time of reservation. Land so reserved shall be shown on the plat of a subdivision or on a certified survey map of other divisions.

### **6.13 Fees**

Fees are set forth in Appendix A Fee Schedule

### **6.14 Variances**

When the Town Board finds that extraordinary hardships may result from strict compliance with these regulations due to physical features of the site or its location, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of these regulations and any development plans of any other agency. In granting variances and modifications, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

## **PROCEDURES**

### **6.15 Subdivision**

- (1) **REQUIRED.** When it is proposed to divide land into 3 or more parcels or building sites, any one of which is 4 acres or less in size or where the act of division creates 3 or more parcels or building sites of 4 acres each or less in area by successive division within a period of 5 years, or where a road is created more than 150 feet long, the subdivider shall subdivide in accordance with the following procedures.
- (2) **INITIAL CONSULTATION.**
  - (a) The subdivider shall have an initial consultation with the Town Board before proceeding with platting procedures in order to obtain their advice and assistance and so that the subdivider is familiar with the necessary regulations and the following general factors:
    1. The suitability of the site for development.
    2. The accessibility of the site.

3. The availability of public facilities (sewer, schools, parks, water, etc.) and public services (police, fire, etc.)
  4. Soil conditions and drainage pattern.
  5. The effect on the proposed development of any contemplated improvements.
  6. Zoning.
- (b) At the meeting with the Town Board, the subdivider shall submit a sketch plan on a topographic survey map, which may be a free-hand drawing, but in sufficient detail to determine conditions, indicating the nature of the factors enumerated in par. (a) above. The sketch plan will be reviewed as it relates to:
1. Topography.
  2. The improvements, design, dedications or reservations required by this chapter.
  3. Continuity to existing development within 300 feet of all boundaries.
  4. Regulations as provided by Ch. 236, Wis. Stats.
  5. Regulations as provided in Ch. 236, Wis. Stats., relating to sewerage disposal as provided in Wis. Adm. Code ILHR 82.
  6. Regulations established under Wis. Adm. Code DOT 33 as it relates to highway regulations.

\* Minimum Lot size out of a sanitary District shall not be less than 4 Acres except as follows:

1. A subdivision of 4 or more lots is proposed providing for a central sewage system or other alternative individual treatment systems acceptable to the Town Board.
  2. In all subdivisions meeting the above requirement no lots shall be created smaller than 1 acre in size and all of the above subdivisions shall be designed with limited access to County roads and Town collector roads.
- (c) This consultation is intended to inform the subdivider of the purpose and of these regulations. The comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general progress and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

- (d) The Town Board may require submission of a draft of protective covenants, by which the subdivider intends to regulate land use in the proposed subdivision,
- (3) PRELIMINARY PLAT REVIEW.
- (a) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall file 16 copies of the plat and a letter of application with the Town Clerk at least 30 days prior to the meeting of the Town Board at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that required easements can be determined.
  - (b) The subdivider shall, pursuant to Section 236.12 of the Wisconsin State Statutes, submit the original drawing of the Preliminary Plat directly to the Objecting Agencies and 1 copy to East Central Regional Planning Commission, 1 copy to the municipality if the subject plat is within its extraterritorial jurisdiction, and an adequate number of copies to the Plan Commission.
  - (c) The Town Board is hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. The preliminary plat shall then be reviewed by the Town Board for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.
  - (d) The objecting agencies shall, within 30 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission, if an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat.
  - (e) The Town Board, within 90 days of the date of filing the preliminary plat with the Town Clerk, shall approve, approve conditionally or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Town Board permanent file.
- (4) FINAL PLAT REVIEW.
- (a) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 16 copies of the plat and the application with the Town Clerk at least 30 days prior to the meeting of the Town Board at which action is desired.

- (b) The subdivider shall, pursuant to Section 236.12 of the Wisconsin State Statutes, submit the original drawing of the Final Plat directly to the Objecting Agencies and 1 copy to East Central Regional Planning Commission, 1 copy to the municipality if the subject plat is within its extraterritorial jurisdiction, and an adequate number of copies to the Plan Commission.
- (c) Partial Platting The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat which the subdivider proposed to record at the time.
- (d) Final Plat Approval The objecting agencies shall, within 30 days of the date of receiving their copies of the final plat, until the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat.
- (e) If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.
- (f) The Town Board shall, within 90 days of the date of filing the original final plat with the Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider, If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider, The Board may not inscribe its approval on the final plat unless the Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 30 days or, if filed, have been met.
- (g) Failure of the Town Board to act within 90 days, the approval having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (h) Performance Guarantee. The subdivider shall file with the Town Clerk a performance guarantee to insure installation and construction of all required improvements at the standards required. At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Town so that adequate inspections can be made. The performance guarantee shall be approved by the Town and shall meet the following requirements:
  - 1. It shall be in the form of a bond, certified check, letter of credit or other satisfactory security.
  - 2. It shall be payable to the Town.
  - 3. An amount sufficient to complete the improvements as prescribed.
  - 4. Cash guarantees shall be held in an escrow fund.

5. A satisfactory date shall be specified for the completion of the improvements.
  - (i) When any of the required improvements have been completed and approved, a portion of the security commensurate with the cost of these improvements may be released and returned. In the event the subdivider fails to install the required improvements in accordance with the final plan, the performance guarantee is forfeited to the Town to be used for completion of the improvements. When the improvements have been completed and approved, the guarantee shall be released and returned.
  - (j) Copies The subdivider shall file 10 copies of the final plat which evidence all of the signatures and the recording information on the final plat with the Town Clerk for distribution to the Park Commission, the Plan Commission, the Town Engineer, the Building Inspector, the utilities, the Town Assessor, the East Central Planning Agency and other affected agencies for their files.
  - (k) Recordation After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered with 30 days from the date of the last approval.

#### **6.16 Replat**

When it is proposed to replat a recorded subdivision or part thereof so as to change the boundaries of a subdivision, or part thereof; the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in 236.40 through 236.44, Wis Stats. The subdivider or person wishing to replat shall then proceed as specified in sec. 18.16 of this chapter. The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

#### **6.17 Certified Survey Map**

- (1) When it is proposed to divide land into 2 parcels or building sites, whether in unplatted lands or platted lands under §236.34, Wis. Stats., or when it is proposed to divide a block lot or outlot into not more than 4 parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider may subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file an adequate number of copies of the map and the letter of application with the Town Clerk at least 30 days prior to the meeting of the Town Board at which

action is desired. Town Board approval shall be required under this section only where public lands are dedicated.

- (2) Previous to filing a certified survey map of any parcel of land, the subdivider shall consult with The Town Board for advice and assistance to assure that the plans do not conflict with local, County or regional plans. The Town Board shall require a reasonably accurate preliminary map of the land being considered for division. It may be a free hand drawing, but of a sufficient scale so that conditions can be determined to be reviewed for proximity to adjacent street, schools, etc., for analysis of soil types, topography, drainage and generally for the effect the land division would have on the development of surrounding property. Such map shall describe the entire ownership involved in the process of division, provided, however, that where the division results in a residual parcel in excess of 5 acres, not intended for immediate sale or other conveyance, the Town Board may waive the requirement for inclusion of the residual parcel, in such case a supplementary map of reasonable accuracy shall be attached showing the relationship to the original ownership of the parcel or parcels being severed.
- (3) If any lots to be divided are not served by public sanitary sewer, percolation tests shall be submitted to the Town Clerk for approval by the soil survey according to the procedure and standards established under the rules of the State Department of Administration applicable to subdivisions.
- (4) After approval of the Town Board as to general land divisions, the subdivider shall proceed to have a certified survey map prepared which shall be submitted to the Town Clerk who shall, within 5 days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (5) In accordance with Ch. 236, Wis. Stats., a certified survey map shall meet the following requirements:
  - (a) The survey shall be performed and the map prepared by a registered land surveyor.
  - (b) All corners shall be monumented.
  - (c) The map shall be prepared on durable white paper or on tracing cloth or paper of which a Photostat copy can be made, 8.5 inches wide by 14 inches long. The scale shall not be more than 500 feet to the inch.
  - (d) The map shall include the certificate of the surveyor, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States public land survey. The surveyor's certificate shall state that it has complied with the requirements of Ch. 236, Wisconsin State Statutes.

- (6) **TOWN BOARD APPROVAL.** The Town Board shall approve, approve conditionally or reject, such map within 60 days front the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the subdivider.
- (7) **PERFORMANCE GUARANTEE.** A performance guarantee shall be required for any proposed improvements required of this chapter.
- (8) **RECORDING.** The certified survey map shall be recorded with the County Register of Deeds. When a certified survey map has been so recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where recorded, and the name of the county. Any land or improvements offered for dedication shall be deeded at the time of recording unless otherwise arranged.
- (9) **COPIES.** The subdivider shall file copies of the certified survey mop with the Town Clerk for distribution to the Town Engineer, the East Central Wisconsin Regional Planning Agency, the Soil and Water Conservation Services, the Building Inspector, the Utilities, the Assessor and other affected departments for their files.

**6.18 Assessor’s Plat**

An assessor’s plat under §70.27, Wis. Stats., may be ordered by the Town Board at the expense of the subdivider when a subdivision is created by successive divisions.

**6.19 Plat Requirement Checklist**

- (1) **SKETCH PLAN.** The sketch plan for a preliminary plat shall provide the following:
  - (a) Title, scale, north arrow and date must be shown.
  - (b) The scale should not be less than 200 feet to the inch and be on a topographical survey map. It may be a free hand sketch. Such a map and must show the following:
    - 1. Subdivision boundaries.
    - 2. General street and lot layout, including streets and other features adjacent and within 300 feet of the proposed subdivision.
    - 3. Approximate location of trees and other prominent physical features.
  - (c) A location map which may be free hand and shall show:
    - 1. Municipal boundaries.

2. Subdivision location and boundaries.
  3. Location of existing facilities which serve or influence the subdivision, e.g., schools, parks, main traffic arteries, shopping centers, utilities, etc.
- (d) Shall show total acreage of subdivision and number of lots proposed and the typical width and depth of lots.
  - (e) Name and address of subdivider or his agent.
  - (f) Each sketch plan shall specify for each lot the total square footage of each lot created.
- (2) PRELIMINARY PLAT. The preliminary plat shall provide the following:
- (a) It shall be clearly marked “preliminary plat” and shall be in sufficient detail to determine whether the final plat will meet layout requirements.
  - (b) Title, scale, north arrow and date must be shown.
  - (c) The scale shall not be less than 100 feet to the inch and shall be drawn on a topographical survey map having contour intervals of no more than 2 feet between intervals.
  - (d) It shall show:
    1. The location and dimensions of existing, planned and proposed streets, public facilities or land, easements and other such features.
    2. The location and dimensions of facilities or land offered for dedication or reserved for public or other use as indicated.
    3. Contour lines/elevation points.
    4. Owners of adjoining land.
    5. Blocks and lots in consecutive order.
  - (e) It shall have a neighborhood location map showing subdivision location and surrounding roads, etc.
  - (f) It shall have a feasibility report on sewerage and water facilities.
  - (g) It shall show zoning classification, land use and minimum lot sizes within and adjacent to the subdivision.
  - (h) It shall be a drawing of all present and proposed street grades and facilities for storm water drainage.
  - (i) There shall be a draft of all types of restrictions placed on the land which will become covenants in the deeds for lots shown on the final plat submitted.
  - (j) It shall show’ total acreage of the subdivision and the number of lots proposed and the typical width and depth of lots, and the total street length must be indicated.

- (k) Name and address of subdivider or agent.
  - (l) The preliminary plat shall include the total square feet of each lot created by the said plat.
- (3) FINAL PLAT. The final plat shall show, more specifically, the corrected and data from the preliminary plat and shall comply with the provisions of §236.20, Wis. Stats., summarized as follows:
- (a) General Requirements
    1. It shall be on muslin-backed white paper 22 inches wide by 30 inches long.
    2. If more than one sheet is needed, they shall be consecutively numbered.
    3. It shall have a binding margin of 1 1/2 inches on the left side of the 30 inch length and a one inch margin on all other widths.
    4. Waterproof nonfading black ink shall be used.
    5. It shall be of a scale not to exceed 100 feet to an inch.
    6. Surveying and Engineering Data.
    7. It shall show the exterior boundary survey.
    8. It shall show all monuments erected corners and other points.
    9. It shall show the width, length, bearings, degrees; radii and angles of all boundaries; entire parcel; blocks; lots; streets; easements and center lines thereof, etc.; and all lake and stream meander lines established by the surveyor in accordance with 236.15, Wis. Stats.
    10. It shall show the total number of square feet for each new lot created by the plat and the said number of square feet shall appear on the plat and on each lot created therein.
  - (c) Name. Location and Position.
    1. The name of the plat shall be printed thereon and shall not be a duplicate of any other plat recorded in the County.
    2. The location of the subdivision by government lot, ¼ ¼ section, section, township, range and county shall be noted under the name of the subdivision.
    3. A small locational map shall be included and shall be oriented in the same direction as the main drawing.
    4. Where provisions are made for access from any subdivision to any lake or stream, the plat shall show the area over which access is provided.
    5. The names and dimensions of adjoining streets, State highway, and the subdivisions shall be shown and underlined by a dotted line.

- (d) Roads and Public Spaces
1. The name of each road or street in the plat shall be printed thereon.
  2. All lands dedicated to public use shall be so designated.
  3. All roads and streets not to be dedicated for public use shall be marked "private."
  4. All private roads shown on the plat may not be dedicated to or accepted by the Town until such time as the road or street in question is constructed to Town specifications in effect at the time of dedication or acceptance and, further, that the cost of such construction shall be borne by the abutting property owners. (This shall be noted on the face of the final plat.)

- (e) Site Conditions
1. The final plat shall show all existing building, watercourses, drainage ditches and other existing features.
  2. It shall also show the water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations thereof. All elevations shall be referred to some permanent established datum plane.

- (f) Certificates to Accompany Plat To entitle a final plat to be recorded, the following certificates shall be lettered or printed thereon:
1. Surveyor's certificate of compliance with Chapter 236 Wisconsin State Statutes...
  2. A clear and concise description of the land surveyed, divided and mapped.
  3. Owner's certificate.
  4. Certificate of taxes paid.
  5. Approval certification of the various approving authorities.
  6. Local clerk's certification that plat has been submitted as required by law.

(4) DRAINAGE PLAN REQUIREMENTS:

- (a) In order to insure positive drainage from all lots within each proposed block so that no surface water will pond within the block, the subdivider shall submit at the time of the preliminary plat review a drainage plan for each block within the proposed subdivision as well as reasonable distance beyond the subdivision limits.
- (b) The drainage plan shall have been prepared by a registered professional engineer, registered land surveyor or registered architect licensed by and in the State.
- (c) The drainage plan shall contain the following:

1. Scale, north point and date of preparation.
  2. The number of acres draining into the subdivision and the number of acres in the subdivision,
  3. Lot -numbers corresponding to the plat
  4. Direction of flow indicated by arrows on all lot lines, grades along the lot lines, elevations of break points along lot lines and the distance from the nearest lot corner to the break point.
  5. Proposed easements which will be on the final plat
  6. Contour information shall be provided in the drainage plan at vertical intervals of not more than 2 feet where the slope is less than 10% and not more than 5 feet where the slope is greater than 10%. All elevations shall be based on the verified datum plan of the U.S.G.S.
  7. Reference to an established U.S.G.S. bench mark.
  8. Areas to be filled showing the depth of fill, existing elevation and proposed elevation.
  9. Typical proposed street and ditch cross-sections.
  10. Culvert sizes, where applicable.
  11. Where a development is to be serviced by a storm sewer or sump pump shallow collector sewer, the size of pipe, proposed elevations, discharge points, inlets and lateral size shall be indicated.
  12. Area where water is to be discharged from the subdivision and file proposed amount of discharge.
  13. The final grade elevations and grade of the drainage ways in percent slope shall be provided along the front, rear and side yard lot lines. Each lot shall have an established grade identified at each corner of the lot or parcel and at any change in grade or slope along the front, rear and side yard lot lines and for the proposed house top of foundation.
  14. The subdivider shall include in the deed restrictions that permanent lawn be established with permanent lawns in conformance with the lot drainage plan elevations within one year after initial occupancy of any house.
  15. Any other information which shall be required by the Town Engineer.
- (d) A reproducible transparency of the final drainage plan shall be supplied to the Town Planner prior to the approval of the final plat.
- (e) Where the drainage plan requires a storm inlet to adequately drain the rear portion of lots within blocks of the subdivision, the subdividers shall

incorporate restrictive covenants in the deeds for the afore lots that the respective lot owners shall be responsible for maintaining a clear grate on the aforementioned storm drainage inlets.

## SUBDIVISION DESIGN STANDARDS

### 6.20 Location of Site

- (1) GENERAL PLAN. The location and design of any subdivision or other division shall conform to any applicable comprehensive plan or segment thereof prepared and adopted.
- (2) ZONING. The use of land in a subdivision or as described by a certified survey map shall conform to any applicable municipal, town or county zoning ordinances; however, larger lots may be required where conditions warrant.
- (3) OBJECTIONABLE AREAS. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, noise, falling aircraft or considered to be uninhabitable for other reasons may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards.
- (4) NEARBY DEVELOPMENT. A subdivision shall be coordinated with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously in a coordinated manner.

### 6.21 Design of Site

- (1) NATURAL FEATURES.
  - (a) Preservation In all divisions of land, care shall be taken to preserve all natural and historic features which will add attractiveness and value to the remainder of the land being divided, i.e., trees, watercourses, views, historic structures.
  - (b) Hillside Development Where a division of land is on a site that has a slope of more than 12%, the Plan Commission may require larger lot sizes than are zoned and may reduce setback requirements upon proper appeal. If a building site has a slope in excess of 12%, on-site absorption systems may not be permitted. The subdivider should encourage, by use of covenants, etc., a variety of dwelling types and development suitable to the site.
  - (c) Water Frontage and Surface Drainage The damming, filling or relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted, except with approval of the Plan Commission or any other affected agency. Building setback lines shall be established no less than 75 feet from the high water line of any stream, lake or body of water to prevent construction of

any structure other than a dam, bridge, boathouse or revetment in the setback area. Lots contiguous to any stream, lake or body of water shall be designed with sufficient buildable area so that the lowest floor of any building is at least 2 feet above the ordinary high water line. (See Waupaca County Shoreland Ordinance requirements for lot size, setbacks, well location, location of on-site absorption systems, etc.)

- (d) Planting Screens The Town shall require planting of buffering easements, extra lot depth or width alongside heavily traveled highways where lots are backed into the roadway, along zoning district lines, as buffer strips separating residential zoning districts from commercial or industrial land uses, as buffer zones along railroad rights of way, or for any such use as may be deemed appropriate and consistent with the total development of the community.

(2) STREET ARRANGEMENT,

- (a) Location Principles The streets shall be properly located and designed with regard to:
1. Existing and planned streets.
  2. Topographic conditions.
  3. Public convenience and safety, including facilitating fire protection and pedestrian traffic.
  4. The proposed uses of land to be served by the streets.
  5. Anticipated traffic volumes.
  6. Further subdivision possibilities with suitable access to abutting properties.
  7. Any other principles as may be deemed significant to protect the public interest by the Town.
- (b) Coordination of Existing Street Pattern The arrangement, character, extent, width, grade, location and engineering specifications of all streets shall conform to local plan commission standards, the standards of this chapter, adopted municipal or county plans and any official map, the arrangement of streets in a division of land shall provide for the continuation or appropriate projection of existing streets into surrounding areas, subject to topographic to be served. Where a subdivision borders on or contains a railroad right of way, the commission may require a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard to the requirements of approach grades and future grade separations.

(c) Subdivision Abutting Arterials Where a proposed subdivision abuts or contains an existing or proposed street right of way of primary classification, as designated on the official map of the Town, or as may be determined by the Town Board adequate protection of existing or proposed development and limitation of access and separation of through and local traffic shall be required as follows:

1. Reverse frontage lots shall have screen planting contained in a non-access reservation along the rear property line.

2. Frontage streets.
3. Development fronting on a perpendicular street to the primary right of way.
  - a. When Lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting easement at least 15 feet in width shall be provided adjacent to normal lot depth. This easement shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
  - b. Intersections on streets parallel to a limited access highway or railroad right of way, when intersecting a major street and highway, shall be located a minimum distance of 250 feet from said highway or railroad right of way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) Street Design

1. Arterial street. Provides for movement of through traffic from one area of the community to another.
2. Collector Street. Carries traffic between minor streets and arterial streets and also provides access to abutting properties.
3. Minor Street. Primarily provides access to abutting properties. Does not serve through traffic and does not intersect with arterial streets,
4. Cul-de-sac. Cul-de-sacs, designed as permanent installations, should not be longer than 1,000 feet, except where topographical and particular conditions warrant an extension, and will be subject to the approval of the Town Board. The closed end shall have a turn-around with an outside roadway diameter of at least 90 feet and a street property line diameter of 120 feet.
5. Alley. Alleys shall be provided in commercial and industrial district, except that the Commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking adequate for the uses proposed. Alleys shall be prohibited in residential areas unless necessary because of topography or other exceptional circumstances. The width of the alleys shall not be less than 30 feet. Dead-end alleys shall be avoided, but avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Town Board.
6. Half Streets. Half streets shall not be permitted except:

- a. To complete a street, the other half of which is already dedicated and accepted.
  - b. To conform to the major thoroughfare plan or an official map.
- 7. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where the control is definitely placed with the Town under conditions approved by the Plan Commission.
- (e) Intersection
  - 1. Streets shall be laid out so as to intersect at right angles.
  - 2. Intersection approach areas should not exceed a grade of 2% on all approaching streets for a distance of 50 feet from the intersecting points of the right of way lines.
  - 3. The minimum turning radius at an intersection shall not be less than 25 feet.
  - 4. Proper sight line easements shall be maintained at all street intersections. Measured along the centerline, there shall be a clear sight triangle easement with sides as follows:
    - a. State and Federal highways, 250 feet.
    - b. Arterial streets, 150 feet.
    - c. Collector streets, 75 feet.
    - d. Minor streets, 75 feet.
  - 5. No building, fencing or construction is permitted in this area nor plantings higher than 3 feet
  - 6. The distance between intersections of minor or collector streets with arterials should not be less than 800 feet and they shall be in alignment with existing and planned streets entering the arterial from the opposite side unless approved by the Plan Commission. In no case shall intersection center lines be offset less than 125 feet.
- (f) Street Grades Streets shall have a minimum center line grade of 6% and shall not exceed grades specified as follows:
  - 1. Arterial and collector streets, 8% maximum.
  - 2. Minor Streets, 10% maximum.

These figures can be adjusted where deemed necessary by the Town Board. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for major streets and one-half this minimum for all other streets.

- (g) Widths All street rights of way shall be the width specified by local ordinance. Where no local or county ordinance apply the provisions of §236.15 (2), Wis. Stats., shall apply and the Commission shall impose minimum standards, as established by §86.26, Wis. Stats., for improvements on Town roads.
- (h) Curves A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets, The minimum radii or

curvature on the center line shall be 300 feet minimum radius for arterial streets, 200 feet minimum radius for collector streets, and 100 feet minimum radius for minor streets.

- (3) **EASEMENTS.** Easements across lots or centered on rear or side lot lines shall be designed for utilities where necessary and shall be at least 15 feet wide. Electric and telephone lines shall be planned along rear lot lines wherever possible. The Plan Commission shall determine the feasibility of burying utility lines. 'Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way not less than 30 feet in width, conforming substantially with the lines of such watercourses. Parallel streets or parkways may be required in connection therewith.
- (4) **STORM DRAINAGE.** Storm sewers, culverts and related facilities shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all low points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same drainage basin is fully developed. Where adequate existing storm sewers are readily accessible, the subdivider shall connect his storm water facilities to these existing sewers. In the design of storm drainage facilities, special consideration shall be given to preventing excess run-off onto adjacent property. Where a storm drainage outlet will abut another property, sufficient and adequate engineering safeguards shall be designed in the plat to prevent damage to adjoining property. Sloped drainage channels must be protected against erosion.
- (5) **SANITARY SEWERS.** In areas that have a sanitary sewer system on or near the proposed subdivision, the Town shall determine the feasibility of service and the requirements to be followed by the subdivider. In areas that are not to be served by a sewer system, on-site subsurface sewage disposal systems shall be permitted only where soil tests and feasibility reports are satisfactory as regulated by the State Department of Industry, Labor and Human Relations.
- (6) **WATER FACILITIES.** Where there is an existing public water supply system on or near the subdivision, the Town shall determine the feasibility of connection to this system. Where there is a community water supply system, connection must be approved by the engineer of the water utility company holding the franchise covering the land to be subdivided and by the State Department of Natural Resources, Where there is no existing public water supply and no community water supply, individual water supply systems will be permitted in accordance with minimum standards, approved by the Slate Department of Natural resources.
- (7) **BLOCKS.** The lengths, widths and shapes of blocks shall be determined by the provision for building sites suitable to meet the needs of the type of use contemplated, zoning ordinance requirements pertaining to lot size and dimensions; needs for convenient access, circulation, control and safety of street traffic; and limitations and opportunities of topography. Block lengths shall normally not exceed 1,800 feet or be less than 1,000 feet in length. Pedestrian easements or dedications not less than 10 feet wide shall be required where

deemed necessary to provide access to playgrounds, schools, shopping centers or other community facilities.

- (8) **LOTS AND BUILDING LOCATION.** The lot size, width, depth, shape, orientation and the minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed. Lot dimensions shall conform to the requirements of the local zoning ordinance or as may be determined by soil capability ratings and by the County Shoreland Ordinance. Corner lots shall have increased width to permit adequate setback from and a dentation to both streets. Every lot in a subdivision shall abut on a public street for at least 30 feet; however, under special conditions, access to a lot may be provided by a private right of way if deemed appropriate by the Town Board. Side lot lines shall be substantially at right angles to the street lines. Double frontage shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and orientation disadvantages.
- (9) **FILLING.** Where any land is to be filled more than 6 inches above an adjacent property, a grading plan shall be approved by the Town Board,
- (10) **STREET NAMES.** No street name shall be used which will duplicate or be confused with the name of an existing street within the same community. Streets that are extensions or are obviously in alignment with existing named streets shall bear the names of those streets. Street names shall be approved by the local community.
- (11) **COMMERCIAL AND INDUSTRIAL AREAS.** In commercial and industrial areas, the land division shall be designed with consideration of site conditions to permit the best possible layout to serve the public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, to design individual units so that they blend with the whole, to provide for the most efficient arrangement of space for present use and future expansion, and to provide adequate and safe space for worker and customer access and parking. A development plan of this nature shall be accompanied by a plan indicating general landscape treatment intended.

## SUBCHAPTER IV: REQUIRED IMPROVEMENTS

### **6.22 Survey Monuments**

The subdivider shall install survey monuments placed in accordance with the requirements of 236. 15, Wis. Stats., mid as may be required by the Town.

### **6.23 Grading**

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

### **6.24 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. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town.

### **6.25 Curb And Gutter**

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curb and gutter in accordance with plans and standard specifications approved by the Town. Their requirements may be waived where a permanent rural section has been approved by the Town Board. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts.

### **6.26 Rural Street Sections**

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

### **6.27 Sidewalks**

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

### **6.28 Public Sanitary Sewerage And Private Sewerage Disposal Systems**

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision, if public sewer facilities are not available, the subdivider shall make provisions for adequate systems as specified by the County. The Town Board may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of 5 years from the date of plat

recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Sanitary District. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Sanitary District. The subdivider shall assume the cost of installing all sanitary sewers.

### **6.29 Storm Water Drainage Facilities**

The subdivider shall construct and assume the cost of all required stormwater drainage facilities which may include curbs and gutters, catch basins and inlets, culverts, storm sewers, road ditches and open channels, as may be required to meet the minimum requirements and standards of sec. 8 of this Code, Storm Water Drainage Standards. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the subdivider's engineer so as to be in conformance with the requirements and standards of sec. 8. of this Code. The storm water drainage facilities shall be in conformance with the Town of Fremont's Comprehensive Drainage Study, unless, in the judgment of the Town Board, circumstances warrant more extensive facilities. Should any subdivision disrupt any drainage courses, the subdivider is responsible for relocating this course to the satisfaction of the Town Board, and if applicable, tile appropriate State, County or local agency and allowing the natural flow' of storm water. Storm drainage facilities shall be so designed as to present no hazard to life or property and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Board.

### **6.30 Public Water Supply Facilities**

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

### **6.31 Other Utilities**

The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier. The subdivider shall consult with the various utility companies to determine the feasibility of burying utility lines, plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the particular utility having jurisdiction.

### **6.32 Street Lamps**

The subdivider may have street lamps installed of a type acceptable to and in accordance with plans and standard specifications set by the Town Board and the applicable utility company and only after Town Board approval.

### **6.33 Street Name Signs**

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

### **6.34 Street Trees**

The subdivider may plant trees of a species acceptable to and in accordance with plans and standard specifications set by the Town Board.

### **6.35 Lot Grading**

If topographic conditions warrant, the Town Board may require that a grading plan be submitted prior to the approval of a proposed plat.

### **6.36 Commencement**

No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved and the Town Board has given written authorization and only after required sureties have been accepted by the Town Board.

### **6.37 Building Permits**

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

### **6.38 Plans**

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

- (1) Street plans and profiles showing existing and proposed grades, soil conditions, elevations and cross-sections of required improvements.
- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (3) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) Planting plans showing the locations, age and species of any required street trees.
- (6) Additional special plans or information as required.

### **6.39 Inspection**

The subdivider prior to commencing any work within the subdivision shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to release of the sureties. Subdivider is responsible for any fees incurred.

## PLANNED UNIT DEVELOPMENT

### **6.40 Purpose**

The purpose of the planned unit development and applicable regulations is to encourage desirable, quality development through greater flexibility and design freedom than that permitted under the basic regulations. For projects conceived and implemented as comprehensive and cohesive developments, these regulations are established to permit and encourage diversification, variation and imagination in the relationship of uses, structures and heights of structures; encourage the preservation of open space; and encourage more rational, economic development with respect to the provisions of public services. Any development approved hereunder shall conform to the use designated by the Town of Fremont Zoning Ordinance and the Waupaca County Shoreland Zoning Ordinance.

### **6.41 General Provisions**

- (1) **QUALIFICATIONS OF APPLICANT.** Applicants for a planned unit development can be a person or a public or private association. At the time of application for preliminary approval, the applicant must demonstrate the ability to eventually exercise single ownership of the planned area. Previous to final approval, the applicant must acquire the entire planned area and place it in his singular ownership.
- (2) **ENGINEERING DESIGN STANDARDS.** Nominal standard or operational policy, regarding right of way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned unit development, but precise standard satisfactory to the Town Board, pursuant to the criteria as set forth in sec. 6.43 of this subchapter shall be made a part of the approved plan and shall be enforceable as a part of this chapter.
- (3) **GUARANTEE OF PERFORMANCE.** At the time final approval is given, the developer shall enter into an appropriate agreement through contract and performance bond with the Town insuring the completion of the proposed development in accordance with the plan and approvals given. Specific application of the performance bond shall be determined by the Town Board.
- (4) **FAILURE TO COMPLY.** Failure to comply with conditions, commitments, guarantees or recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Building Inspector, the developer then shall be require to appear before the Town Board at its next meeting to explain any such failure to comply. The Town Board at such meeting may set a time limit for compliance or recommend specific steps to be taken to rescind the approval of the development, including the termination of the construction of any buildings on such site upon 30 days' notice in writing to the developer at his last known address. Termination may be ordered only on the approval of the Town Board.

#### **6.42 Criteria For Approval**

As a basis for determining the acceptability of a planned unit development, the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- (1) **CHARACTER AND INTENSITY OF LAND USE** In a planned development, the uses proposed and their intensity and arrangement on the site shall be of visual and operational character which:
  - (a) Is compatible with the physical natural of the site, with particular concern for preservation of natural features, tree growth and open space.
  - (b) Would produce an attractive environment of sustained aesthetic, ecological desirability and functional practicality compatible with the general development plans for the area as established by the community.
  - (c) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (2) **ECONOMIC FEASIBILITY AND IMPACT.** The proponents of a planned unit development shall provide satisfactory evidence of its economic feasibility and, if available, adequate financing.
- (3) **ENGINEERING DESIGN STANDARDS.** The width of street rights of way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon a determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall minimal construction standards be less than those necessary to insure the public safety and general welfare.
- (4) **PRESERVATION AND MAINTENANCE OF OPEN SPACE,** in a planned unit development adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or by dedication to the public.
  - (a) In the case of private reservation, the open area to be reserved shall be protected against the building development by conveying to the Town as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where

- specifically authorized as part of the development plan or subsequently with the express approval of the Town Board.
- (b) The care and maintenance of such open space reservations shall be assured by establishment of an appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final development plan and shall be included in the title to each property.
  - (c) Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the Town Board and made a part of the conditions of the plan approval.
- (5) **IMPLEMENTATION SCHEDULE.** The proponents of a planned unit development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

#### **6.43 Procedure For Approval**

The procedure for approval of a planned unit development shall be comprised of the following stages:

- (1) Initial discussion with the Town Board to determine general feasibility of a planned unit development.
- (2) Preliminary approval of the plan in principle only by the Town Board. The Board shall hold a public hearing on the plan and shall refer the plan back to a Town meeting for the said preliminary approval.
- (3) Final approval of the plan in all its terms and details by the Town Board based on consistency with the preliminary plans as approved.

#### **6.44 Preliminary Approval**

- (1) A person desiring to develop a particular site as a planned unit development shall inform the Town Board of such desire and shall secure a date for a preliminary discussion with them. Prior to such discussion, the plans shall be referred to the Town Board for approval in principle only.
- (2) The Town Board at such meeting shall set a date for a formal public hearing at the earliest possible date, after which they may approve or disapprove of the district as presented and refer the plan to a Town meeting for final approval under sec. 18.46 of this subchapter.
- (3) The following information shall be provided by the applicant in adequate detail to satisfy the Town Board for preliminary approval.
  - (a) A statement describing the general character of the intended development.
  - (b) An accurate map of the planned area, including its relationship to surrounding properties and existing topography within 300 feet of the district's boundaries.

- (c) A general development plan of the proposed district showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in sec. 18.43 of this subchapter.
  - 1. The pattern of public and private roads, driveways and parking facilities.
  - 2. The size, arrangement and location of lots and/or proposed building groups.
  - 3. The type, size and location of structures.
  - 4. The location of sewer and water mains.
  - 5. The location of recreational and open space areas and areas reserved or dedicated for public uses such as school, park, etc.
- (d) Appropriate statistical data on the size of the development, residential density, ratio of various land uses and any other data pertinent to an evaluation under the criteria of sec. 18.43 of this subchapter.
- (e) Architectural drawings and sketches illustrating the design and character of proposed structures.
- (f) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

#### **6.45 Final Approval**

If the Town Board has approved the proposed plan in principal pursuant to the provisions of secs. 6.44 and 6.45 of this subchapter, the developer may file with the Town Clerk a petition executed by the owner of the property to be developed, or his agent, for the required final approval, stating that he seeks to develop such property under the provisions of this section. Such petition shall include:

- (1) The names of the owners and developers of the development site and the mailing addresses and telephone numbers of all parties.
- (2) A plat of survey of the planned unit development with a recordable legal description, including all existing utilities and recorded easements. The plat of survey shall conform to §236, Wis. Stats., if applicable, and Chap. 703, Wis. Stats., of the Condominium Ownership Act.
- (3) A copy of any declaration of covenants and restrictions which govern the use, maintenance and continued protection of the planned unit developer. Each development must meet all requirements of Ch. 703, Wis. Stats., and file a copy of his "condominium declaration" and any bylaws governing the administration of properties subject to the Unit Ownership Act.
- (4) A scale plot plan showing the location, type and size of existing structures within the planned unit development area and within 300 feet of said area's external boundaries and of every proposed structure and its proposed use; also driveways, driveway access

- roads, parking facilities, lighting appliances, recreation areas, open spaces, screening, fencing and landscaped areas.
- (5) A topographic map with 2 foot contour intervals showing all public rights of way and building locations. Said 'map shall also indicate all utility lines, storm water drainageways, including capacities and high water elevations along streams, and any easements therefore.
  - (6) Building plans and architectural drawings of all structures in sufficient detail so that the use of each floor and the balk and aesthetic nature of the building can be determined.
  - (7) A statistical table indicating the size of the site in square feet and acreage, percentage of open areas, dwelling unit densities and approximate costs of individual structures.
  - (8) A statement indicating the number of stages, if more than one is intended, to be used in constructing the development, the time limit for completion of each state, and a description of the real property to be included in each stage. If more than one stage is proposed, a plot plan shall be provided indicating the physical location of each stage.
  - (9) A fee as specified in Appendix A shall accompany the petition.

#### **6.46 Subsequent Change in the Plan**

Any subsequent change in the plans as finally approved shall first be submitted to the Town Board and if in its opinion, such change constitutes a substantial alteration of the original plan, the plans shall be resubmitted subject to approval procedures outlined in 6.45 this subchapter.

#### **6.47 Building Permits Required**

Final approval of the planned unit development does not constitute approval for the construction of new buildings or structures on the site. Separate approval shall be required for each building or structure upon application for a building permit from the Building Inspector who shall determine that the specifications set forth in the approved plan have been and will be complied with.

OPEN SPACE

#### **6.48 Dwelling Fee For Single Or Multiple Family Dwellings**

In order that adequate open spaces and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing facilities necessary to serve the additional families brought into the community may be most equitably apportioned on the basis of the additional need created by the construction and occupancy of new dwellings, The following provisions are established:

- (1) **DWELLING UNIT FEE ESTABLISHED.** A dwelling unit fee as specified in Appendix A for single-family dwelling units and for each two-family or multi-family dwelling unit shall be assessed under the terms of this section. Before the issuance of a building permit, the contractor or

- subdivider or other person requesting a building permit shall be required to show proof of payment of the fee before the building permit is issued.
- (2) DWELLING UNIT DEFINED. For purposes of this chapter, “dwelling unit” shall be defined as the building or group of rooms within a building where one person or a group of persons resides as a family unit.
  - (3) METHOD OF ASSESSMENT.
    - (a) In the case of the construction of a single or multiple dwelling unit on a parcel of land subdivided or not subdivided or required to be subdivided or having previously been subdivided, the owner or contractor shall pay the per unit fee as specified under Appendix A before issuance of the building permit. In the event that more than one dwelling unit, e.g., duplex multi-family apartment house, is to be constructed on a lot or parcel, each dwelling unit will be required to pay the fee as specified under Appendix A before a building permit is issued. This provision shall apply to all residential dwelling units constructed after the effective date of this section.
  - (4) SUBDIVISION FEE, USE OF. Dwelling unit fees shall be placed in a nonlapsing fund to be used solely for capital improvements for the Town. Such fee shall be used exclusively for immediate or future acquisition of capital improvement under the direction of The Town Board.

SUBCHAPTER VIII: ZONING AND CODE VARIANCES

**6.49 Zoning And Code Variance Registration**

Any zoning or Code variance granted on land located in the Town shall be filed with the Town of Fremont using the following form:

**TOWN OF FREMONT  
WAUPACA COUNTY, WISCONSIN**

**RE:**

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The Town Board of Supervisors of the Town of Fremont hereby gives notice to the public and in particular to the now owner or any subsequent owner of the above described real estate that a Zoning or Code variance has been granted in favor of the above described real estate and that such variance may have an adverse effect, in the future, upon the ability to resell, repair or replace any leasehold improvement upon the above described real estate.

The Zoning Variance in this matter is as follows:

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Any property owner or interested subsequent property owner of the above described real estate should consult with the Town of Fremont Zoning Administrator to determine the effect of the granted Variance upon the above described real estate.

## OFFICIAL MAP

### **6.50 Intent**

It is the intent of the Town Board to establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness and general welfare of the Town; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to insure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, storm water drainage and waterways; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

### **6.51 Authority**

This subchapter enacted under the authority of Chaps. 60, 62 and 236, Wis, Stats.

### **6.52 Established**

The Official Map shall show the location and extent of all platted and existing streets, highways, parkways, parks and playgrounds, waterways and railroad rights of way within the established by law, and shall be deemed conclusive in respect to location and width. There is hereby established as the Official Map of the Town. The Map accompanies and is made a part of this document bearing the date of January 1, 2008. This Map is hereby designated as the “Official Map of the Town of Fremont” and all notations, references and other information shown thereon shall be as much a part of this sub-chapter as though the matters and information thereon were fully described herein.

### **6.53 Changes And Additions**

- (1) The Town Board may change or add to the Official Map so as to establish the exterior lines of, widen, narrow, extend or close any platted, existing, proposed or planned streets, highways, parks, playgrounds, waterways or railroad rights of way.
- (2) A public hearing of parties in interest and citizens before the Town Board shall be required before any changes or additions to- the Official Map are effective. Notice of the public hearing shall be given as a Class II notice under Ch. 985, Wis. Stats.

- (3) Changes and additions made by duly approved subdivision plats and certified survey maps shall not require the public hearing if the change or addition do not affect any land outside the subdivision or certified survey map.
- (4) Ordinances amending Official Map: Non at this time.

#### **6.54 Building Permits**

For the purpose of preserving the integrity of the Official Map, a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered. No permit shall hereafter be issued for any building in the bed of any existing or proposed street or highway shown on the Official Map. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on this Map.

#### **6.55 Municipal Improvements**

No public sewer, water or other municipal street utility or improvement shall be constructed in any street or highway within the corporate limits of the Town until such street or highway has been placed on the Official Map.

#### **6.56 Appeals**

The Town Board shall have the power to review any administrative decision of the Building Inspector to deny a permit for the erection of a structure wider this subchapter mid to grant relief from the requirements of this chapter under the provisions of §62.23 (6) (e), (f) and (g), Wis. Stats.

#### **6.57 Certified Copy of The Map**

A certified copy of the Official Map shall be kept in the office of the Town Clerk and shall be available for inspection during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this subchapter, and shall show the date of adoption of this subchapter and shall be signed by the Town Chairman and countersigned by the Town Clerk. Thereafter no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Chairman and countersigned by the Clerk.

#### **6.58 Ordinance To Be Filed With Register Of Deeds**

The Town Clerk shall be responsible immediately upon adoption of the Official Map or any amendments thereto for recording a true copy of the ordinance or amendment with the Register of Deeds of Waupaca County, Wisconsin.

#### **6.59 Enforcement**

It shall be the duty of the Building Inspector and the Town Board to enforce the provisions of this subchapter.

**6.60 Penalties**

Any person who fails to comply with the provisions of this subchapter shall, upon conviction thereof; forfeit not more than \$200 and not less than \$50 and cost 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 30 days. No damages shall be allowed for the taking by any governmental agency for street or highway purposes any building erected in violation of this section.

**6.61 Violation And Penalties**

Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit in addition to the development fee, not less than \$25 nor more than \$400 plus the costs of prosecution for each violation and, in default of payment of such forfeit and costs, shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each violation and each day a violation exists or continues shall constitute a separate offense.