

Chapter 308

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Scott 10-6-2004; amended 3-14-2006. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive Plan — See Ch. 62.
Construction site erosion control — See Ch. 73.
Driveways — See Ch. 97.
Natural and archaeological resource preservation — See Ch. 194.
Sewers and sewage disposal — See Ch. 260.
Stormwater management — See Ch. 297.
Water — See Ch. 357.
Zoning — See Ch. 375.

§ 308-1. General provisions.

- A. Short title. This chapter shall be known as the "Subdivision Regulations of the Town of Scott, Wisconsin."
- B. Purpose and interpretation.
 - (1) Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will, of necessity, be forced to adhere. Piecemeal planning of such subdivision, without correlation to the overall needs of the Town, will bring a disastrous disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and safe streets, all subdivisions hereafter platted within the jurisdiction limits of the Town shall in all respects fully comply with the regulations hereinafter set forth in this chapter. In their interpretation and application, the provisions of this chapter shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.
 - (2) The creation of a subdivision is only permitted where both municipal sewer and water are available.
- C. Scope. Except in the case of a resubdivision or a replatting, this chapter shall not apply to any lots or lot forming a part of subdivision plats recorded in the office of the County Register of Deeds prior to the effective date of this chapter, nor is it intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by or in conflict with this chapter, or with private restrictions placed upon property by deed, covenants, or other private agreement, or with restrictive covenants running with the land to which the Town is a party.

- D. Multiple jurisdictions. All persons reviewing the provisions of this chapter should be aware that the Town of Scott is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Scott cannot make any representations on behalf of any other government body. This chapter shall by reference include subsequent updates and amendments of any applicable ordinances. No land division may be made unless all required approvals have been given.
- (1) Development shall not be located within designated environmentally sensitive areas (ESAs) or as generally identified in the Town of Scott Comprehensive Plan. Environmentally sensitive areas include all features defined in the Brown County Subdivision Ordinance as well as any steep slope of 12% or greater associated with the Niagara escarpment.
 - (2) The owner/applicant of a land division shall meet with the appropriate Sanitary District Board if said land division occurs within a sanitary district. The land division shall be reviewed by the Sanitary District Engineer to estimate the feasibility and cost of sewer services to the land division. The Town Board will not approve the land division unless the sewer connection feasibility analysis has been completed and confirmation has been received from the sanitary district. Any cost of a feasibility analysis by the Sanitary District Engineer shall be the responsibility of the applicant.

§ 308-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given in this section. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any other words not defined in this section shall be defined by those definitions adopted in Chapter 375, Zoning, of the Code of the Town of Scott, the County's Subdivision Ordinance or common usage as defined by Webster's Dictionary.

AREA DEVELOPMENT PLANS (ADP) — The proposed design, adopted by the Town Board, which depicts, at a minimum, the future road network, illustrating how the streets connect with both existing and proposed streets. These plans should be developed prior any subdivision proposals and usually cover several tracts of land and multiple property owners.

ATTORNEY and ENGINEER — The attorney and engineer employed and/or contracted by the Town, unless otherwise stated in the text.

LOT, BUTT — A lot at the end of a block and located between two corner lots.

PARENT PARCEL — A continuous area of land described in a single description in a deed or a lot or outlot on a plat or certified survey map separately owned or capable of

being separately conveyed and existing as such at the time of creation of this chapter (October 6, 2004).¹

PARKS AND PLAYGROUNDS — Public or private lands and open spaces dedicated for and usable for recreation purposes.

PERSON — Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity.

PLAN COMMISSION — The Plan Commission of the Town of Scott, Brown County, Wisconsin.

PRELIMINARY PLAT — The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission and the Town Board for their consideration.

SIDEWALK, TRAIL and PEDESTRIANWAY — The right-of-way generally, but not necessarily, across or within a block for use by nonmotorized traffic, whether designated as a sidewalk, trail, pedestrianway, crosswalk, public path, or however otherwise designated. Designated pedestrianways allow bicycle usage unless explicitly prohibited.

STREET WIDTH — The shortest distance between the lines delineating the right-of-way for a street.

SUBDIVISION — A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where the act of division creates five or more parcels or building sites.²

TOWN BOARD — The Town Board of the Town of Scott, Brown County, Wisconsin.

§ 308-3. Applicability of state law.³

The provisions for recording and vacating plats contained in Ch. 236, Wis. Stats., and such other state laws as may apply are made a part of this chapter with the same force and effect as if set out in full herein. The procedures set out in this chapter shall apply in the Town and the territory over which the Town has been granted jurisdiction by the Wisconsin Legislature.

§ 308-4. Sketch plan and preliminary plat procedures.

A. Sketch plan procedures.

- (1) The subdivider shall prepare for review with the Plan Commission, Town Engineer, Planner, and others as necessary a proposed subdivision sketch plan which shall contain the following information:

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

². Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (a) All information required by Brown County as part of its preliminary consultation/sketch plan requirements.
 - (b) A site location map showing streets, schools, commercial centers, cemeteries, historically significant sites, and other significant developments near or adjacent to the proposed subdivision.
 - (c) Proposed stormwater management areas.
 - (d) Tract boundaries.
 - (e) North arrow and scale.
 - (f) Proposed lot layout, size, and orientation.
- (2) The sketch plan will be considered as the basis for discussion between the subdivider and the Plan Commission. Submission of such sketch plan shall not constitute formal filing of a preliminary plat. The intent of this submission shall be to point out any deficiencies in the plan and to recommend any modifications necessary to bring the plan into conformance with these regulations.

B. Preliminary plat procedures.

- (1) Before subdividing any tract of land into five or more lots, the owner or subdivider shall, unless a variance is authorized under the terms of this chapter, make application to the Town Clerk for preliminary plat approval by the Plan Commission not less than 10 days prior to the next regularly scheduled meeting of the Plan Commission.
- (2) Upon receipt of the subdivision application, the Town Clerk shall place it on the agenda for the next regular Plan Commission meeting and shall forward copies of the plat to the necessary agencies and plat reviewers.
- (3) The Plan Commission shall have the preliminary plat on the agenda for the next regular meeting and shall act on the preliminary plat within 30 days from the date on which it was filed with formal request for approval. The Town Board shall review it for conformance with this chapter and shall order the Town Clerk to arrange a public hearing notification in the official Town newspaper. The hearing notice shall be published once. The publication shall be at least 10 days prior to the hearing, which will be held at a regular Town Board meeting unless the Town Board otherwise orders said hearing to be held at a special meeting.⁴
- (4) Following the public hearing, the Plan Commission shall recommend either to approve, approve with conditions, or disapprove the preliminary plat. If not approved by the Plan Commission, the reasons for such action shall be recorded in the proceedings of the Plan Commission and transmitted to the

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

applicant and the Town Board. If approved by the Plan Commission, the preliminary plat shall be referred to the Town Board for approval.

- (5) The Town Board shall act on the preliminary plat within 60 days of the date on which it was received from the Plan Commission.
- (6) If the Town Board does not approve the preliminary plat, the reasons for such action shall be recorded in the proceedings of the Board and transmitted to the applicant. If the preliminary plat is approved, such approval shall constitute acceptance of the layout but not final acceptance.
- (7) Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat, which shall follow the same procedure except for the hearing and fee; unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, then it shall be refiled.

§ 308-5. Preliminary plat information.

The preliminary plat shall be clearly and legibly drawn to scale. All subdivision maps shall be drawn to a scale of not more than 100 feet to the inch. The preliminary plat shall contain the following information:

- A. Identification and description.
 - (1) All information required by Brown County as part of its preliminary plat requirements.
 - (2) Detailed and accurate information of all of the items required under the initial proposed sketch plan.
- B. Existing conditions.
 - (1) Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 100 feet beyond the tract.
 - (2) Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
 - (3) Boundary lines of adjoining subdivided or unsubdivided land within 100 feet, identified by name and ownership.
 - (4) Water table and absorption or percolation tests when requested by the Town.
 - (5) A copy of all proposed private restrictions shall be submitted.
- C. Subdivision design features.
 - (1) Locations and size of proposed sewer lines and water mains.

- (2) Approximate center-line gradients of proposed streets and alleys, if any.
 - (3) Minimum front and side street building setback lines, indicating dimensions.
 - (4) Areas, other than streets, alleys, pedestrianways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area in acres.
- D. Other information.
- (1) Proposed protective covenants.
 - (2) Preliminary provision for water supply.
 - (3) Preliminary provisions for sewage disposal.
 - (4) Preliminary provisions for stormwater drainage, including details of where proposed stormwater will drain off the site.

§ 308-6. Final plat procedure.

- A. The owner or subdivider shall file the final plat with the Town Clerk not later than 24 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town Board.⁵
- B. The Town Clerk shall refer the final plat to the Plan Commission and the necessary agencies and plat reviewers. A copy of the final plat shall be acted upon by the Town Plan Commission within 40 days. The Plan Commission shall submit a report on the final plat to the Town Board.
- C. The Town Board shall act on the final plat within 60 days from the date on which it was received by the Town Clerk.
- D. If the final plat is approved by the Town Board, payment of all fees due the Town pursuant to this chapter and related to the plat will be certified as approved. Such fees shall include parkland acquisition moneys in lieu of dedicated parkland (see § 308-14) and any other fees the Town may require.
- E. If the Town Board approves the final plat, the subdivider shall record it with the County Register of Deeds within six months after the date of final approval; otherwise, the approval of the final plat will be considered void.⁶

§ 308-7. Qualifications governing final approval of preliminary plat.

- A. The Plan Commission may require such changes or revisions as it deems necessary for the health, safety, general welfare, and convenience of the Town.

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. The approval of a preliminary plat by the Plan Commission is tentative only and involves the mere general acceptability of the layout as submitted.
- C. Before final approval by the Town Board, a preliminary plat shall have a prior report by the Town Planner and Engineer and other public officials having jurisdiction over engineering proposals pertaining to water supply, storm drainage, sewage and sewage disposal, utilities, grading, roadway gradients and width and the surfacing of streets. Specific requirements include:
 - (1) A comprehensive design of the proposed stormwater and flood control runoff showing drainage into and from the proposed plat. Adjacent areas to a distance of 100 feet around the plat are to be included. Such designation may be a separate or overlay map to the proposed plat drawn to the same scale as the plat base map.
 - (2) A designation of grades, cross sections and improvements on all proposed streets, alleys and pedestrianways. Such designations are to include, by separate profile drawings, drawn to scale, all of the following:
 - (a) Typical cross sections of streets, alleys and pedestrianways showing proposed dimensions, slopes, grades, water drainage and improvements.
 - (b) Approximate center-line gradients of all proposed streets, alleys and pedestrianways showing dimensions, slopes and grades, including tie-ins to existing and adjoining streets, alleys and pedestrianways, if any.
- D. No plat shall be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots improbable or impossible unless the subdivider agrees to make improvements which will, in the opinion of the Town Board, make the area completely safe for occupancy and provide adequate street and lot drainage.

§ 308-8. Final plat.

The final plat shall be prepared by a land surveyor who is registered in the State of Wisconsin and shall conform to all state and county requirements and the requirements of this chapter.

- A. Required data for final plat:
 - (1) All information required by Brown County as part of its final plat requirements.
 - (2) Finalized details and accurate information of all of the items required under the preliminary plat requirements.
 - (3) When lots are located on a curve or when side lot lines are at angles other than 90°, the width at the building setback line shall be shown.
 - (4) Form for approval of the Town Board as follows:

Approved by the Town Board of Scott, this _____ day of _____, 20 _____.

Chairperson

Attest: _____
Clerk

One form for approval by county authorities as required.

- B. Required supplementary data. In addition to the data required by the preliminary plat, the following data shall be supplied with the final plat:
 - (1) Certifications showing that all taxes due on the property to be subdivided have been paid in full.
 - (2) An attorney's opinion of title showing title of the property to be subdivided by the applicant.
- C. Plat layout. The final plat shall conform in all respects with § 236.20, Wis. Stats. Where necessary, a final plat may be on several sheets accompanied by a key map showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Town Board.
- D. Land division. In any case where the division of a parcel of land into five or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of "subdivision" as defined by this chapter, a certified survey map of such land division shall be filed with the Plan Commission, which shall submit copies of such division to the Town Board and Town Engineer. No building permits shall be issued until such description has been received by the Secretary of the Plan Commission.
- E. Minor land divisions. In the case of a minor land division where a new parcel or parcels are created by certified survey map (CSM) and are located outside of the sewer and water service area, only the parent parcel has the right to be divided. The new parcel or parcels created by the minor division shall have the following statement recorded on the face of the certified survey: "This parcel is restricted from further division until such time as when municipal sewer and water services are available."

§ 308-9. Minimum design standards.

Minimum subdivision design standards are the guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plat.

- A. The proposed subdivision shall conform to the Town Comprehensive Plan, Area Development Plan, Master Plan developed as part of the Joint Planning Area or any applicable component thereof.
- B. Street plan. The arrangement, character, extent, width, grade and location of all streets shall conform to the Town pattern and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (1) The arrangement of streets in a new subdivision shall make provision for the appropriate continuation of the existing street in adjoining areas.
 - (2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
 - (3) When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
- C. Streets.
 - (1) Street grades. All center-line gradients shall be at least 0.5% and shall not exceed the following:

Street Type	Percent Grade
Arterial	6%
Collector	7%
Minor	10%
Marginal access	10%

- (2) Local streets. Local streets shall be so aligned that their use by through traffic will be discouraged.
- (3) Marginal access streets. Where a subdivision abuts on or contains an existing or planned arterial, the Town Board may require marginal access streets, frontage roads, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (4) Half streets. Half streets shall be prohibited unless specific waiver is granted by the Town Board.
- (5) Private streets. Private streets in platted lands shall not be approved nor shall public improvements be provided for any private street in existence.
- (6) Sight easements. Sight easements with tangent distances of 30 feet shall be provided at street intersections on local roads.

- (7) Hardship to owners of adjoining property avoided. The street arrangements shall not be such as to cause undue hardship to owners of adjoining property in platting their own land and providing convenient access to it.

D. Utilities.

- (1) Water supply. Extensions of the public water supply system shall, when available, be designed to provide public water service to each lot. The design of said extensions shall be in accordance with the standards of the Town.
- (2) Sewage disposal. Extensions of the public sanitary sewer system shall, when available, be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the standards of the Town sanitary district.
- (3) Drainage. A complete and adequate drainage system design shall be required for the subdivision and shall include a storm sewer system for handling stormwater runoff from the streets. The subdivision may also include a system of open ditches, provided that they are not abutting new roads within the development, culverts, pipes and catch basins. Such system or systems shall be designed in conformity with all applicable standards of the Town, the county, and the Wisconsin Department of Natural Resources.
- (4) Storm sewer service laterals. There shall be installed a storm sewer lateral for sump pump discharges to service each lot in a new subdivision or new certified survey. Such service lateral shall be connected to the Town storm sewer system where such system is made available by the Town. Installation of the storm sewer lateral from the storm sewer system shall be completed concurrent with the installation of sanitary sewer and water laterals. Installation shall be in conformance with the Town sanitary district codes. Surface discharge of sump pumps may be permitted if recommended by the Plan Commission and approved by the Town Board.
 - (a) The costs of constructing the required laterals from the local storm sewer main line to the lot line shall be the responsibility of the subdivider and shall be included in the performance bond required under § 308-16.
 - (b) The costs of constructing the required laterals from the lot line to the building shall be the responsibility of the building owner.
 - (c) Surface discharge may be requested by either the subdivider or the homebuilder, provided that a detailed plan showing location and direction of discharge is presented to the Plan Commission and the Town Board for their consideration.

§ 308-10. Easements.

- A. Provisions for utilities. Easements shall be provided for utilities where necessary and shall be dedicated to the public by appropriate language in the owner's

certificate. They shall have continuity of alignment from block to block, and at deflection points easements for pole-line anchors shall be provided along property lines from utility easements on rear lot lines to rights-of-way.

- B. Provisions for drainage. Easements shall be provided along each side of the center line of any watercourse or drainage channel, whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Town Engineer to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers, and they shall be dedicated to the Town by appropriate language in the owner's certificate.

§ 308-11. Blocks.

- A. Factors governing dimensions. Block length and width or acreage within bounding roads shall be such as to accommodate the size of residential lots required in the area and to provide for convenient access, circulation, control and safety of street traffic.
- B. Nonresidential blocks. Blocks intended for commercial, institutional and industrial use must be designated as such.
- C. Arrangements. A block shall be so designated as to provide two tiers of lots, unless it adjoins a major arterial, river, park, or parkway, where it may have a single tier of lots.

§ 308-12. Lots.

- A. Location. All lots shall abut by their full frontage on publicly dedicated street or streets which have received the legal status as such.
- B. Size. The dimensions of all lots in a subdivision shall conform to the zoning districts in which they are located.⁷
- C. Corner lots. Corner lots shall have extra width to permit appropriate building setbacks from and orientation to both streets.
- D. Watercourse. Lots abutting upon a watercourse drainageway, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to flooding.
- E. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.
- F. Lot remnants. All remnants of lots below minimum size left over after subdividing a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

⁷. Editor's Note: See Ch. 375, Zoning.

- G. Lot extensions. No lots shall extend over a political boundary or school district line.
- H. Access. In the platting of small tracts of land fronting on limited-access highways or arterials where there is no other alternative, a temporary entrance may be granted. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.
- I. Double frontage. Double-frontage or lots with frontage on two parallel streets shall not be permitted except where lots back on arterial streets or highways or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have a setback, in addition to the standard setback requirements, of at least 50 feet in order to allow space for screen planting along the back lot line.
- J. Conventional design layout. In all instances where land located within the Town is to be conventionally divided, the following shall apply as minimum lot sizes:
 - (1) Subdivisions are only permitted within the existing sanitary district boundaries.
 - (2) Each lot within the subdivision shall conform to the standards of the zoning district in which it is located.
 - (3) The building site shall not contain ESAs.
- K. Conservation design layout.
 - (1) Intent. The conservation design layout approach potentially allows subdividers density bonuses or reduced minimum lot sizes as a further incentive to design land divisions in a way that best preserves or connects open space for recreation, rural character and aesthetics, water quality protection, groundwater recharge, wildlife habitat, and/or farmland conservation.
 - (2) The proposed conservation subdivision shall conform to the Town Comprehensive Plan, Area Development Plan, Master Plan developed as part of the Joint Planning Area or any applicable component thereof.
 - (3) All information required by Brown County as part of its conservation designed subdivision requirements shall apply, except as provided herein.
 - (4) Eligibility. The parcel to be divided must consist of a:
 - (a) Development area.
 - (b) Open space preservation area.
 - (5) Development area.
 - (a) Maximum size of development area. The development area shall be limited to no more than 50% of the land division and shall contain all future residential and related land uses (e.g., garages, outbuildings,

decks, swimming pools, lawns, etc.), roads, driveways, and parking areas.

- (b) Minimum lot size. All lots within the development area shall be a minimum of 10,000 square feet.
 - (c) Site conditions and landscaping. A landscape plan and materials list may be required upon request of the Plan Commission.
- (6) Location of development area. The physical development area shall be designed to minimize disturbance or encroachment upon designated environmentally sensitive areas as defined in this chapter.
- (7) Utilities. Utilities serving new development shall be placed underground.
- (8) Open space preservation area.
- (a) Minimum percentage of open space. A minimum of 50% of the land division shall be designated as permanent open space, not to be further subdivided.
 - (b) Location of open space. The open space shall be located to maximize the protection of environmentally sensitive areas (ESAs) as designated by the Town's and the county's ordinances. Primary protection consideration shall be given to maximizing protection of:
 - [1] Floodplain areas of wetlands, lakes, rivers, streams and creeks.
 - [2] Wetlands and surface water features such as wooded wetlands and natural marshes.
- (9) Design of open space.
- (a) The open space should be designed as a large, single contiguous and interconnected block with logical, straightforward boundaries. Long, thin strips of conservation land should be avoided unless the conservation feature is linear (streams and tree lines) or unless such configuration is necessary to connect with other features or to create open space corridors or trails that will link to other parcels.
 - (b) A minimum of 25% of the designated open space shall consist of lands other than identified environmentally sensitive areas.
 - (c) Dedication and maintenance of open space.
 - [1] Lands not used for lots and streets shall be dedicated in perpetuity to open space or recreation by:
 - [a] Conveyance in common to each lot owner via a homeowners' association or similar organization;⁸

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

[b] Conveyance in fee simple of an equal, undivided interest in common to each lot owner;

[c] A recognized land trust or conservancy organization; or

[d] If deemed acceptable by the Town Board, dedication to the Town or other governmental agency.

[2] In all cases, the Town, on advice of its Municipal Attorney, may levy an assessment for the cost of any maintenance not taken care of by an association to the satisfaction of the Town.

[3] The manner of assuring maintenance and assessing such cost shall be determined prior to final plat approval and shall be included in the title of each property.

L. Planned development district (PDD).

(1) Intent. The planned unit development approach allows subdividers creativity in regards to design style, land uses, density bonuses, reduced right-of-way widths, reduced setback requirements, or reduced minimum lot sizes as a further incentive to design land divisions in a way that will encourage a mix of uses in a village-style development, preserve open spaces, and/or preserve areas of historic, archaeological, or aesthetics importance.

(2) The requirements of this chapter may be waived by the Plan Commission for planned developments, provided that any such proposal which may apply to this section conforms to the following standards:

(a) The proposed planned unit development shall conform to the Town Comprehensive Plan, Area Development Plan, Master Plan developed as part of the Joint Planning Area or any applicable component thereof.

(b) All information required by Brown County as part of its planned unit development requirements shall apply, except as provided herein.

(c) The procedures and criteria for developing a PDD as defined in this section shall be set by the Plan Commission and shall require the subdivider to provide sufficient guarantees that the final development proposal will follow the intent of the Town's Comprehensive Plan and the intent of this chapter.

(d) These procedures and requirements shall be applied, as appropriate, to any proposed subdivision, certified survey map (CSM), lot split or condominium proposal that does not strictly conform to the standard subdivision requirements outlined in this chapter.

M. Grading plan. Grading plans for the lots or other areas in the proposed development shall be prepared and submitted for review and approval prior to the commencement of grading and construction. Grading (both subgrade and final grade), topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials,

excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. No such activities shall be permitted on lands to be dedicated or held for public acquisition without the written consent of the Town Board.

- N. Drainage and erosion control. Stormwater drainage and erosion control plans shall be prepared and submitted along with other grading and road construction plans and shall indicate how surface water runoff is to be accommodated on the development and on downstream properties. The developer shall maintain drainage and erosion control measures during the construction of the subdivision. This provision can be combined with the grading plan if applicable.
- O. Soil and water conservation. If the Town determines from review of the preliminary plat that the soil, slope, vegetation, or drainage characteristics of the site require substantial cutting, clearing, grading, and other earth-moving operations in developing the subdivision or otherwise entail an erosion hazard, it may require the subdivider to provide stormwater management plans, soil erosion and sedimentation control plans and specifications. The Town may also request a review of such plans by the County Land Conservation Department.

§ 308-13. Building location.

- A. Building locations shall conform with Chapter 375, Zoning, in accordance with the zoning districts in which they are located.
- B. For the purpose of this chapter, eaves and steps shall not be considered as part of a building; provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

§ 308-14. Parks, playgrounds and other public sites.

- A. When a proposed park, playground, school site or other public site as shown on the Comprehensive Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not already dedicated to the public, such public ground shall be reserved and no action taken towards approval of preliminary or final plat for a period not to exceed 180 days to allow the Town Board or Board of Education the opportunity to consider and take action toward acquisition of such public ground or park by purchase or other causes.
- B. When proposed sidewalks, trails, paths, and pedestrianways, as identified by the Town's Comprehensive Plan, Area Development Plans, or specified within the Joint Planning Area, fall within a proposed land division, these public ways shall be improved according to the Town's specifications and, upon completion, be dedicated to the Town by either dedicated right-of-way or by a platted outlot. Any environmentally sensitive area (ESA) that is adjacent to or closely affiliated with a trail shall also be dedicated to the Town as part of the trail system.

- C. All stormwater management areas, including ponds, shall be developed in such a fashion as to be an amenity to the development and to serve as a feature amenity in a parklike setting. The stormwater management pond shall be developed in accordance with standards set forth by the Department of Natural Resources, Brown County, and the Town of Scott's specifications. Upon completion of the stormwater management area, all lands affiliated with the pond and the adjacent management area shall be dedicated to the Town by either dedicated right-of-way or by a platted outlet.

§ 308-15. Required improvements.

- A. It is hereby declared to be the policy of the Town to require that, as soon as practicable after approval of a subdivision plat, installation of all the following improvements within the subdivision be developed. Such improvements shall be financed in accordance with § 308-16.
- (1) Street and alley grading. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.
 - (2) Water supply. Water mains shall be provided to serve the subdivision by extension of the existing Town water system where available. Service connection stubbed to the property line and all necessary hydrants shall also be provided.
 - (3) Sewer disposal. Sanitary sewer mains and service connections stubbed to the property line shall be provided to serve all the lots in the subdivision and shall be connected to the existing Town sanitary sewer system except where connection to the Town sewer system is not available.⁹
 - (4) Street and alley paving. All streets and alleys shall be designed according to the approved plan, have an adequate subbase and shall be improved with an all-weather, permanent surface.
 - (5) Curb and gutter. Permanent curb and gutter shall be installed.
 - (6) Drainage. A system that will adequately take care of the water runoff within the subdivision shall be provided.
- B. No building permit shall be issued where a lot is not served by public water and sanitary sewage disposal systems or unless a lot is approved for private well and sanitary sewer disposal system.
- C. The Town Board may authorize preparation of plans and specifications by the Town Engineer, or by an engineer employed by the subdivider at his sole expense, under the direction and subject to the approval of the Town Engineer.
- D. Subdivider's responsibility.

⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) It shall be the responsibility of the subdivider to pay the improvement costs for all of the infrastructure for a proposed development. This will include but not be limited to water, sewer, and stormwater management systems, including laterals and all affiliated costs, grading and paving of all roads, and any other public or semipublic infrastructure asset that may be installed, such as natural gas, telephone service, or cable service.
 - (2) The subdivider must also pay a connection charge fixed by the Town sanitary district.
 - (3) The subdivider shall pay for any damages incurred to the Town of Scott's existing roads during the construction of the development.
- E. Streets signs. The developer shall be responsible for the cost of all necessary street signs. The Town shall approve the configuration, size, and location of the regulatory and street name signs prior to their installation. The developer agrees to indemnify the Town for damages caused within the right-of-way prior to final completion of all street improvements.
- F. Commencement and completion periods. All subbase and roadbed improvements shall be completed within one year after construction has begun. Final surface application/paving shall occur within two years after construction has begun. If the developer is unable, for reasons beyond its reasonable control, to complete the improvements within the allotted time period, the Town, at its sole discretion, may allow the developer an additional period of time to complete the improvements.

§ 308-16. Required bonds.

- A. Plans and written agreement required. The subdivider shall install the infrastructure and improvements established by the Town Board as reasonably necessary for the approved plat. These shall be set forth in plans and specifications approved by the Town and in the standard written agreement between the Town and the subdivider to be known as the "subdivider's agreements."
- B. Inspection, financial surety and warranty. Said agreement shall be established that the subdivider shall follow the approved plans and specifications, including a performance time schedule, shall permit Town inspection of the work as it proceeds, with payment for said inspection by the subdivider, shall provide acceptable sureties that all required work shall be completed, and shall warranty work and materials for one year after adoption of a resolution of acceptance by the Town Board.
- C. Subdivider's right of recovery. Said agreement shall also establish that the Town shall perform its inspections in a timely manner, may allow reduction in sureties in proportion to work inspected and tentatively accepted, shall, upon negotiation and mutual agreement with the subdivider, contribute toward oversized, on-site improvements, or, in lieu thereof, shall assure the developer's rights of recovery of his expenditures for oversized, on-site improvements or for necessary off-site improvements, as shall be negotiated. A specific repayment schedule by the Town

shall be included. Where data cannot be established, events related to repayment shall be identified, such as the levying and collecting of special assessments from other owners, issuance of revenue of general obligation bonds, or the receipt of certain taxes or user fees.

D. Financial sureties.

- (1) Financial sureties furnished to the Town by the subdivider to ensure performance of obligations and guarantees under the terms of this chapter shall only be in a form which the Town deems secure and may include certified checks, corporate bonds, irrevocable letters of credit in a form approved by the Town, or performance bonds. The initial amount of the surety shall not be less than the full amount of the obligation being ensured, as estimated by the Town Engineer, nor for less a period of time than that in which the work is scheduled to be completed; however, the Town, upon request of the subdivider, may consider reductions in the amount of the surety in proportion to the amounts of the obligations as they are fulfilled.
- (2) The sureties shall be conditioned upon the making and installing of improvements required of the subdivider under all terms of this chapter within a four-year period following approval of the final plat by the Town Board.

§ 308-17. Certified surveys.

A. Certified survey.

- (1) All certified survey maps in the Town shall be presented to the Plan Commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats insofar as practicable. The Plan Commission shall first approve the arrangement, sizes, and relationship of proposed tracts, and the tracts to be used as easements of roads should be so designated. Unless Town Board approval has been obtained, building permits will be withheld for buildings or tracts which have been so subdivided by registered land surveys, and the Town may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts unless so approved.
- (2) Any parent parcel divided by certified survey cannot be divided more than four times. A certified survey creating four new lots with the remaining portion being the parent parcel will create no more than five buildable parcels. Any attempt to further divide the subject property will trigger full subdivision platting requirements.

B. Conveyance by metes and bounds. No division of land under 10 acres described by metes and bounds will be permitted in the Town.

§ 308-18. Inspection of improvements.

All required land improvements to be installed under the provisions of this chapter shall be inspected during the course of construction. Such inspection shall be by the Town Engineer or other inspector appointed by the Town Board.

§ 308-19. Building permits.

No building permit shall be issued by a Building Inspector for the construction of any building, structure or improvement on any land required to be subdivided by this chapter until all requirements of this chapter have been fully complied with, unless a variance is granted.

§ 308-20. Modifications, exceptions and variances.

- A. Complete neighborhood. The Town Board, upon receiving a report from the Plan Commission, may grant an exception from these regulations in the case of a subdivision large enough to constitute a more or less self-contained neighborhood, provided the Town of Scott receives adequate safeguards to assure developments according to a plan. Such plan shall not be in conflict with the Comprehensive Plan and shall, in the opinion of the Town Board, provide adequate public open space and be a desirable community development.
- B. Planned developments. Exception from the strict application of this chapter may also be granted in the case of planned developments, provided the Town Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this chapter. A "planned development" shall be considered any development which consists of detailed plans which have been submitted showing all proposed lots, uses, traffic ways, walks, landscaping, off-street parking, and other features and facilities. This provision of this chapter is intended to provide flexibility needed for new land planning and land development trends and techniques.
- C. Variances. The Town Board may grant a variance upon receiving a report from the Plan Commission in any particular case where the subdivider can show that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations.
- D. Application required. Application for any such variances shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Town Board, setting forth the reasons which justified the action.
- E. Conditions. In granting variances and modifications, the Town Board may require such conditions as will in its judgment secure substantially the objective of the standard or requirements so varied or modified.

§ 308-21. Engineering standards and specifications.

A. Required improvements.

- (1) Utility, street and other improvements.
 - (a) Subdivisions lying in a sewer area will be required to have a curb and gutter, sanitary sewer main, water main and storm sewer on all streets; and sanitary sewer and water laterals to all lots within the subdivision. The Town Engineer shall approve the design size, depth, and locations of the required improvements unless otherwise approved. The cost of improvements and engineering fees shall be paid by the developer. The increase in cost for the installation of sewer and water mains of greater diameter than required to serve the requested development may be paid for by the Town sanitary district.
 - (b) Adequate facilities to provide surface water drainage for interior lots shall be the responsibility of the developer. Where possible, surface water shall be drained along easements and back or side lines to public facilities. Where necessary due to topography, storm sewers, including inlets, shall be provided at the developer's cost.
 - (c) The subdivider shall be responsible for all costs associated with designing, staking, inspection and construction services associated with all street and utility construction. The subdivider shall further be responsible for the cost of backfilling behind the curb and for topsoiling and seeding the terrace area.
- (2) Development agreements. In connection with any major land division approval, or with minor land divisions as deemed necessary, the Town Board shall be authorized to enter into development agreements that may include provisions clarifying duties to construct specific improvements, the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of not more than 10 years, assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public or the environment.
- (3) Privately owned improvements. No privately owned utilities, including gas mains, electrical cables, or any other nonpublic improvement, shall be installed until such time as the sanitary sewer, storm sewer, and water mains have been installed. These private utilities shall be installed in a common trench whenever possible.
- (4) Responsibilities and duties of the subdivider for public improvements.
 - (a) After submission of the preliminary plat, the subdivider must secure all properly notarized waivers of hearings as per § 66.0703, Wis. Stats., for

the respective construction of sanitary sewer mains, water mains, sidewalks, curb and gutter, or any other public improvement as petitioned for, if the proposed improvements affect other property owners outside the subdivision. If the subdivider is unable to obtain all the required signatures on the waivers above, the developer shall, in writing, request to the Town Board an opportunity for a public hearing on this project. The Board will decide whether or not a hearing will be held on the project. All blank waiver forms shall be supplied by the Board for use by the subdivider.

- (b) If the subdivider is unable to obtain all the signatures for waiver in Subsection A(4)(a) above and/or if the project is rejected by the Board after a public hearing, the subdivider may still promote the project by executing special written agreements with those individuals who did not sign the waiver. The agreement would stipulate that the subdivider would conditionally assume the financial responsibilities of those respective uninterested parties.
 - (c) The subdivider shall obtain all required utility easements beyond the limits of the subdivision, the location and width of which shall be determined by the Board. The Board will furnish blank easement forms to the subdivider, who will be responsible for the proper legal description of the easement parcel and for the proper execution of the easement by the grantor. All completed easements will be submitted to the Board, designated as the grantee, for its review and will be recorded at the Brown County Register of Deeds office by the Board.
- B. Street grading and surfacing. Design specifications for any local street shall conform to the Town of Scott's standard specifications manual.
 - C. Curb and gutter. Concrete curb and gutter designed in a "roll-curb" style is required. Due to safety concerns, the Town's engineer may recommend an alternative style of curb.
 - D. Sidewalks, trails, and pedestrianways. Surface material of all required walks shall be determined based on location and proposed use. Specifications for any sidewalk, trail or pedestrianway shall conform to the Town of Scott's standard specifications manual. Grade shall be as approved by the Town Engineer. Sidewalks shall be placed in the public right-of-way at the property line.
 - E. Water main. The type, style, and size of required water mains shall be approved by the Town Engineer.
 - F. Sanitary sewer. Sanitary sewer pipe shall be installed as the minimum size placed at grades approved by the Town Engineer.
 - G. House services. Each house service shall be run from the main to the property line, where a cap or plug shall be placed until the service is extended to the structure.

- H. Utilities location. All utilities shall be placed underground; all underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in easements.

§ 308-22. Division and consolidation of individual lots of record.

- A. Plats authorized. For purposes of conveying or securing building permits, platted lots shall be in compliance with the following conditions:¹⁰
- (1) The owner or owners of such platted lot or lots to be so divided shall file in the office of the Town Clerk a proposed survey plat by a registered land surveyor of the lot or lots to be divided or consolidated. Such plat or survey shall show the dimensions of said lots as measured upon the recorded plat and also the proposed division thereof. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation will be filed with such plat or survey.
 - (2) The separately described tract of land to be conveyed or designated for building permit purposes by reason of such plat shall not be less than the minimum dimensions required to secure the minimum lot area specified in § 308-12 of this chapter.
 - (3) As a result of such division or consolidation as herein authorized, no remaining part of an original subdivision lot shall become a separately described lot upon said proposed plat with a size less than the minimum lot area specified in Chapter 375, Zoning.

§ 308-23. Enforcement; violations and penalties.

- A. The Town shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any services until approval of the final plat and recording of the same.
- B. Any person who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these regulations shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 and the costs of prosecution for each violation and in default of payment of such forfeiture and the costs shall be imprisoned in the county jail until payment thereof, but not exceeding six months. This forfeiture shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues shall constitute a separate offense. Compliance herewith may also be enforced by injunction order at the suit of the Town or the owner or owners of real estate within the district affected by the regulations of this chapter as provided by law. In addition, the remedies provided by §§ 236.30 and 236.31, Wis. Stats., shall be available to the Town. The Town Building Inspector shall have primary responsibility for enforcing this chapter.¹¹

¹⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).