

5-4 LAND AND SUBDIVISIONS REGULATIONS
CHAPTER 4

LAND AND SUBDIVISION REGULATIONS

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5-4-1: GENERAL PROVISIONS

(1) Title: These regulations shall officially be known, cited, and referred to as the Land and Subdivision Division Ordinance of the Town of Lake Mills, Wisconsin.

(2) Authority: This ordinance is enacted and adopted pursuant to the provisions of Chapters 236 and 703 Wis. Stats. as amended.

(3) Purpose: The purpose of this chapter is to promote the public health, safety, morals, property, aesthetics, and general welfare of the Town of Lake Mills. The regulations are designed to:

- (a) Promote the orderly layout and use of land;
- (b) Lessen congestion on the streets and highways;
- (c) Secure safety from fire and other threats to public safety and welfare;
- (d) Facilitate the provision of adequate public services and facilities, including transportation, wastewater treatment, schools, public safety services, and parks;
- (e) Limit scattered development beyond the service areas of community services and utilities;
- (f) Conserve and protect land, water, and air resources;
- (g) Provide adequate access to water bodies without loss or damage to shorelines;
- (h) Prevent soil erosion and sedimentation;
- (i) Protect surface and groundwater quality.

(4) Intent: The intent of this ordinance is to incorporate and adopt by reference all the provisions of the Jefferson County Zoning Ordinance and Jefferson County Land Division and Subdivision Ordinance, as adopted and amended by Jefferson County, as the minimum requirements for the Town of Lake Mills, except insofar as the restrictions or provisions of this ordinance may be greater than the Jefferson County Zoning Ordinance and Jefferson County Land Division and Subdivision Ordinance, in which case the more restrictive of the town ordinances shall apply: No provision in this ordinance is intended to repeal, abrogate, annul, impair, or interfere with any rules, regulations, or provisions of the Jefferson County Zoning Ordinance and Jefferson County Land Division and Subdivision Ordinance, except,

that where this ordinance imposes a greater restriction than the Jefferson County Zoning Ordinance and Jefferson County Land Division and Subdivision Ordinance, the provisions of this ordinance shall govern.

(5) Separability: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase thereof.

(6) Compliance Required:

(a) Generally: Except as specifically provided in this ordinance, no person shall divide, re-divide, subdivide, file, or record a plat or re-plat, or re-subdivide land within the Town of Lake Mills, without complying with the applicable provisions of Chs. 236 and 703, Wis. Stats., as amended, which are incorporated in this ordinance as if fully set forth, all applicable Town plans and ordinances including the Town of Lake Mills Comprehensive Land Use Plan, all applicable ordinances and plans of Jefferson County, and all applicable ordinances of other municipalities having jurisdiction over the area.

(b) Condominiums, Co-ops, and other multifamily forms of ownership: No person shall record a condominium or a Co-ops, or other multifamily form of ownership plat amendment to a condominium, plat or a declaration of condominium as defined in Ch. 703, Wis. Stats., as amended, without first complying with the provisions of this ordinance.

(c) Prohibited Land Divisions: No land shall be divided that is unsuitable for development of the proposed use by reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, inconsistency with the Town of Lake Mills Comprehensive Land Use Plan, or any other condition likely to be harmful to the health, safety, or welfare of present or future residents or users of the community. Business/ commercial development will be directed to the Comprehensive Land Use Plans designated commercial development areas.

(7) Exceptions: The following are not subject to the provisions of this ordinance:

(a) Transfers in interest in land by will or pursuant to court order.

(b) Single term leases for a term of 10 years or less.

(c) Mortgages.

(d) Easements.

(e) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Ch. 236, Wis. Stats., as amended, this ordinance, or the Jefferson County Zoning Ordinance and Jefferson County Land Division and Subdivision Ordinance.

(f) The sale or exchange of land used exclusively for agricultural purposes.

(8) Variances: The Town Board may grant a variance upon receiving a report and recommendation 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. Application for any such variance shall be made in writing by the subdivider at

the time when the preliminary plat, certified survey map, or condominium 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 that may aid the Plan Commission and Town Board 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 from and entered in the minutes of the Town Board setting forth the reasons that justified the action. In granting variances and modifications, the Town Board may require such conditions that will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(9) Effective Date: This ordinance shall be effective after a public hearing, adoption by the Town Board, and publication as provided by law.

5-4-2: PLATTING PROCEDURES AND APPROVAL PROCESS

(1) Pre-application Procedure:

(a) Pre-application Meeting Request: Prior to filing of an application for approval of a preliminary subdivision plat, condominium plat, or a certified survey map, the subdivider may consult with the Plan Commission for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data that may affect the proposed development.

(b) Conceptual Plan Review: A conceptual plan may be considered as the basis for discussion between the subdivider and Plan Commission. Submission of such conceptual plan shall not constitute formal filing of a preliminary subdivision plat, condominium plat, or certified survey map. The Plan Commission may, on the basis of such conceptual plan, unofficially advise the subdivider of the extent to which the proposed land division conforms with this ordinance and other ordinances of the Town and discuss possible modifications, if needed.

(2) Preliminary Subdivision Plat Procedure:

(a) Submittal: Before dividing any tract of land in such a manner so as to create a Subdivision as defined in this ordinance, a subdivider shall file an application and the submittal documents and fees as required in this ordinance with the Town Clerk for preliminary plat approval.

(b) Distribution: The Town Clerk shall immediately distribute copies of the preliminary plat to the Plan Commission, Town staff and consultants, and other appropriate Town boards or committees for their review and comment.

(c) Plan Commission Review: The Plan Commission shall have the preliminary plat on its agenda at its next regular meeting.

(i.) Plan Commission Recommendation: The Plan Commission shall review the preliminary plat and submit its recommendation to the Town Board within sixty (60) days of the date on which the preliminary plat is submitted to the Town Clerk.

(ii) Reasons for Denial: If the preliminary plat is not recommended for approval, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Town Board.

(d) Town Board Approval: After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date of preliminary plat submittal to the

Town Clerk, approve, conditionally approve, or reject such plat. If the preliminary plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Town Board.

(e) Effect of Approval of Preliminary Plat: Preliminary plat approval shall entitle the subdivider to approval of the final plat if it conforms substantially to the approved preliminary plat or approved portion thereof, if all conditions of approval have been met, and if all applicable laws, ordinances, and regulations are complied with.

(3) Final Subdivision Plat Procedure:

(a) Time for Submission: The final plat application and submittal documents as required in this ordinance shall be submitted to the Town Clerk not later than six (6) months after the date of approval of the preliminary plat; otherwise, the preliminary plat will be considered void, unless an extension is requested in writing by the subdivider and for good cause granted by the Town Board.

(b) Submittal: The owner or subdivider shall submit to the Town Clerk an application for final approval and a final plat which is in full compliance with Ch. 236, Wis. Stats., as amended. The final plat shall have incorporated all changes or modifications required by the Town Board as part of its approval of the preliminary plat. In all other respects, the final plat shall conform to the preliminary plat. A final plat may constitute only that portion of the approved preliminary plat that the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations.

(c) Distribution: The Town Clerk shall immediately distribute copies of the final plat to the Plan Commission, Town staff, consultants, and other appropriate Town boards or committees for their review and comments.

(d) Plan Commission Review: The Plan Commission shall have the final plat on its agenda at its next regular meeting and shall act on the final plat and submit its recommendation to the Town Board within thirty (30) days of the date on which the final plat is submitted to the Town Clerk.

(e) Town Board Action: The Town Board shall review and approve, conditionally approve, or reject the final plat within sixty (60) days of its submission to the Town Clerk. If the final plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Town Board.

(f) Recording: Upon approval of the final plat, the subdivider shall:

(i) Record the plat with Jefferson County Register of Deeds within thirty (30) days after the date of approval; otherwise, the approval shall be considered void.

(ii) Furnish the Town with a reproducible copy of the recorded plat and three (3) prints showing evidence of the recording.

(g) Alterations After Approval: Once a final plat is approved, the plat shall not be altered without approval of the Town Board.

(4) Certified Survey Map Procedure

(a) Town Approval Required: No person, firm, or corporation shall divide any land located within the limits of the Town of Lake Mills which shall create up to two (2) lots, but less than three (3) lots, without first receiving approval from the Town Board and then filing with the Jefferson County Register of Deeds a certified survey map that

complies fully with Ch. 236, Wis. Stats., as amended, and with all applicable requirements contained within this ordinance.

(b) Certified Survey Map: A certified survey map application and certified survey map, prepared in accordance with this ordinance and Ch. 236, Wis. Stats., as amended, shall be submitted to the Town Clerk.

(c) Plan Commission Review: The Plan Commission shall, within thirty (30) days or less of its submission, review the certified survey map based on determination of conformance with the provisions of this ordinance. The Plan Commission shall make a recommendation to the Town Board to approve, conditionally approve, or reject the certified survey map. In the Plan Commission review, certified survey maps creating more than two (2) lots shall be subject to the same standards, assurances and guarantees, and review criteria as subdivisions of five (5) or more lots.

(d) Town Board Approval: The Town Board shall be the body responsible for approving certified survey maps after receiving the Plan Commission recommendation. The Town Board shall approve, conditionally approve, or reject the certified survey map within sixty (60) days of its submission. If the certified survey map is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Town Board. In the Town Board review, certified survey maps creating more than two (2) lots shall be subject to the same standards, assurances and guarantees, and criteria as subdivisions of five (5) or more lots.

(e) Recording: Upon approval of the certified survey map (CSM), the subdivider shall:

(i) Record the CSM with the Jefferson County Register of Deeds.

(ii) Furnish the Town with a reproducible copy of the recorded plat and three (3) prints showing evidence of the recording.

(f) Alterations After Approval: Once a certified survey map is approved, the map shall not be altered without approval of the Town Board.

(5) Condominium Plat Procedure

(a) Town Approval Required: No person, firm, or corporation shall create a condominium plat without first receiving approval from the Town Board and then filing with the Jefferson County Register of Deeds a condominium plat that complies fully with Ch. 703, Wis. Stats., as amended, and with all applicable requirements contained within this ordinance.

(b) Condominium Plat: A condominium plat shall be prepared and submitted in accordance with this ordinance and Ch. 703, Wis. Stats., as amended.

(c) Plan Commission Review: The Plan Commission shall, within thirty (30) days of its submission, review the condominium plat based on determination of conformance with the provisions of this ordinance. The Plan Commission shall make a recommendation to the Town Board to approve, conditionally approve, or reject the condominium plat.

(d) Town Board Approval: The Town Board shall be the body responsible for approving condominium plats after receiving the Plan Commission recommendation. The Town Board shall approve, conditionally approve, or reject the condominium plat within sixty (60) days of its submission. If the condominium plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Town Board.

(e) Recording: Upon approval of the condominium plat, the subdivider shall:

- (i) Record the condominium plat with the Jefferson County Register of Deeds within thirty (30) days after date of approval; otherwise, the approval shall be considered void.
 - (ii) Furnish the Town with a reproducible copy of the recorded condominium plat and three (3) prints showing evidence of the recording.
 - (f) Alterations After Approval: Once a condominium plat is approved, the map shall not be altered without approval of the Town Board.
- (6) Clerk to Inscribe Final Approval on Plat or Map: When the final subdivision plat, certified survey map, or condominium plat has been approved by the Town Board and all conditions imposed under this ordinance, including posting of required securities, have been met, the Town Clerk shall inscribe the Town's approval on the final subdivision plat, certified survey map, or condominium plat or true copy thereof. If the original of the final subdivision plat, certified survey map, or condominium plat has been filed with another approving authority, the subdivider may file a true copy of such land division in lieu of the original. However, before approval of the Town Board will be inscribed on the true copy, the registered land surveyor shall certify that the copy is identical to the original document.

5-4-3: SUBMITTAL REQUIREMENTS

- (1) Conceptual Plan Submittal: Subdividers are invited, but not required, to prepare for review with the Plan Commission, a proposed conceptual plan that should contain the following information.
- (a) Site location map showing existing streets, tract boundaries, and significant adjoining developments.
 - (b) Topographic contours and other physical features.
 - (c) Proposed general street and lot layout.
 - (d) Proposed land uses and number of dwelling units.
- (2) Preliminary Subdivision Plat Submittal: A preliminary plat prepared by a registered land surveyor shall be required for all proposed subdivisions. It shall comply in all respects with the requirements of Chapter 236, Wis. Stats., as amended, and the Jefferson County Zoning Ordinance and the Jefferson County Land Division and Subdivision Ordinance. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:
- (a) Identification and Description
 - (i) Name under which the proposed subdivision is to be recorded, which shall not be a duplicate name of any plat recorded in Jefferson County.
 - (ii) Location of proposed subdivision by: government lot, section, quarter section, range, township, county, and state noted immediately under the name.
 - (iii) Date, graphic scale, and north arrow or point.
 - (iv) Name and addresses of the owner, subdivider, and land surveyor preparing the plat.
 - (v) The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.

- (b) Plat Data: Preliminary plats shall show the following:
- (i) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours on datum established by Jefferson County.
 - (ii) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to datum established by Jefferson County.
 - (iii) Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way, and all section and quarter section lines within the exterior boundaries of the Plat or immediately adjacent thereto.
 - (iv) Location and names of any adjacent subdivisions, parks, and cemeteries and owners of record of abutting unplatted lands.
 - (v) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to datum established by Jefferson County.
 - (vi) Location, size, and invert elevations of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.
 - (vii) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 - (viii) Location, width, and names of all proposed streets and public rights-of-way such as alleys and easements.
 - (ix) Approximate dimensions of all lots together with proposed lot and block numbers.
 - (x) Approximate dimensions of all outlots together with proposed outlot numbers.
 - (xi) Approximate radii of all curves.
 - (xii) Existing zoning on and adjacent to the proposed subdivision.
 - (xiii) Town and corporate limit lines.
 - (xiv) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
 - (xv) Any proposed lake or stream improvement, relocation, or creation.
 - (xvi) Lands lying between the meander line and the water's edge and any other unplattable lands that lie between a proposed subdivision and the water's edge shall be included as a part of lots, outlots, or public dedications in any plat abutting a lake or stream, roadways are not considered a boundary.
 - (xvii) Location of principal building envelope and sanitary drain field, if applicable.
 - (xviii) Location of driveway.
 - (xix) Access or deed restrictions, where applicable.

(xx) The registered land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land division and features and that he has fully complied with the provisions of this ordinance.

(c) Comprehensive Development Plan for Adjoining Properties: The Town Plan Commission may require a subdivider to provide a Comprehensive Development Plan that shows the proposed future land use, street connections, general utility design, and storm water management facilities for all of the land area adjoining the property proposed for land division under the ownership of the subdivider. Such Comprehensive Development Plan shall demonstrate that the proposed land division will not limit the use of the adjoining property and will result in well planned, coordinated and harmonious land use and street patterns consistent with plans for overall development and welfare of the Town.

(d) Street Plans and Profiles: The Town Board may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon data established by the Engineer and plans and profiles shall meet the approval of the Engineer.

(e) Testing: The Town board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where an urban subdivision will not be served by public sanitary sewerage service, the provisions of the Wisconsin Administrative Code; Chapter Comm 85 shall be complied with and the appropriate data submitted with the preliminary plat. Where a rural subdivision will not be served by public sanitary sewer service, the minimum lot size shall be determined according to the percolation rates, as provided in 15.08(f) (4) Jefferson County Land Division and Subdivision Ordinance and according to the soil suitability.

(f) Deed Restrictions and Protective Covenants: The Town Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(g) Other Attachments: In addition to the preliminary plat and the aforementioned data, the following additional materials shall be submitted at the time the preliminary plat is submitted:

(i) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, congestion, or population.

(ii) Preliminary drainage study as defined under 5-4-5 "Comprehensive Design and Engineering Standards".

(h) Number of Copies: The subdivider shall submit ten (10) copies of the preliminary plat and three (3) reproducible copies of any required attachments. Three (3) of the ten copies of the preliminary plat must be full-sized at a scale no less than one (1) inch to one hundred (100) feet; the remaining copies may be reduced to 17" X 11".

(3) Final Subdivision Plat Submittal: A final plat prepared by a registered land surveyor shall be required for all proposed subdivisions. It shall comply with the requirements of Chapter 236, Wis. Stats., as amended, and the Jefferson County Land Division and Subdivision

Ordinance. The final plat of the proposed subdivision shall contain or have attached thereto the following information:

(a) Plat Data:

- (i) Exact street width along the line of any obliquely intersecting street.
- (ii) Tie to all government corners required to be used for the survey, according to state and federal surveying requirements.
- (iii) Railroad rights-of-way within and abutting the plat.
- (iv) Utility easements of sufficient width to provide all lots with necessary services based upon recommendation of the utility companies.
- (v) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat (shown as outlots).
- (vi) Special restrictions required by Jefferson County or the Town of Lake Mills relating to access control along public ways or to the provision of planting strips.

(b) Attachments: In addition to the final plat, the following attachments shall accompany the final application:

- (i) Certification showing that all taxes due on the property to be subdivided have been paid in full.
- (ii) An attorney's opinion of title showing title or control of the property to be subdivided by the applicant.
- (iii) Applicable deed restrictions and protective covenants.
- (iv) Erosion control plan.
- (v) Any other documents or information required by the Town Board at the time of approval of the preliminary plat or map as a condition of approval of the final plat or map.

(c) Development Agreement: If a Development Agreement is required by the Town Board, the applicant shall submit the Development Agreement, including any required letters of credit or other guarantees or assurances of payment.

(d) Number of Copies: The subdivider shall submit ten (10) copies of the final plat and three (3) reproducible copies of any required attachments. Three (3) of the ten copies of the final plat must be full-sized at a scale no less than 1 inch to one hundred (100) feet; the remaining copies may be reduced to 17" X 11".

(4) Certified Survey Map Submittal: A certified survey map prepared by a registered land surveyor shall comply in all respects with the requirements of Ch. 236, Wis. Stats., as amended, and the Jefferson County Land Division and Subdivision Ordinance. A certified survey map of a proposed land division shall contain or have attached thereto the following information.

(a) Certified Survey Map (CSM): The certified survey map shall show correctly on its face, in addition to the information required by Ch. 236 Wis. Stats., as amended, and the Jefferson County Land Division and Subdivision Ordinance, the following:

- (i) All existing buildings, watercourses, drainage ditches, and other features pertinent to proper division.
- (ii) Location of access to public roads.
- (iii) All lands reserved for future public acquisition.
- (iv) Date of the map.
- (v) Graphic scale.

(vi) Name and address of the owner, subdivider, and surveyor.

(vii) Building and driveway locations.

(viii) Utility easements, where applicable.

(ix) Access restrictions, where applicable.

(x) The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance.

(b) Number of Copies: The subdivider shall submit ten (10) copies of the CSM and three (3) reproducible copies of any required attachments.

(5) Condominium Plat Submittal: A condominium plat shall comply in all respects with the requirements of Ch. 703, Wis. Stats., as amended, and the Jefferson County Land Division and Subdivision Ordinance. A condominium plat submittal shall be prepared by a registered land surveyor and shall contain or have attached thereto the information identified in section 5-4-3 (2)(a)(b)(c)(d)&(e) and (3)(a)&(b) as well as the following:

(a) Diagrammatic Floor Plan: A diagrammatic floor plan of each building located or to be located on the property that shows the approximate dimensions, floor area, and location of each unit. Common elements shall be described and shown on the floor plan.

(b) Condominium Declaration: A copy of any required condominium declaration as defined in ss. 703.09 Wis. Stats., as amended.

(c) Condominium Bylaws: A copy of any required condominium bylaws governing administration of any condominium as required by ss. 703.10 Wis. Stats., as amended.

(d) Development Agreement: If a Development Agreement is required by the Town Board, the applicant shall submit the Development Agreement, including any required letters of credit or other guarantees or assurances of payment.

(e) Number of Copies: The subdivider shall submit ten (10) copies of the Condominium plat and three (3) reproducible copies of any required attachments. Three (3) of the ten copies of the final plat must be full-sized at a scale no less than 1 inch to one hundred (100) feet; the remaining copies may be reduced to 17" X 11".

5-4-4: REQUIRED GUARANTEES AND ASSURANCES:

(1) Development Agreement and Guarantees for Improvements: Before the recording of any certified survey map, condominium plat, or final subdivision plat located within the Town of Lake Mills, the Town Board may require a subdivider to enter into a Development Agreement with the Town agreeing to install all required improvements, including but not limited to public streets, sanitary sewer mains and laterals, and stormwater management facilities. The subdivider shall file said Development Agreement, subject to the approval to the Town Attorney, a bond, certificate of deposit, irrevocable letter of credit, certified check, or other security in an amount equal to 125 percent of the estimated improvement costs as approved or prepared by the Town Engineer as a guarantee that such improvements will be completed by the subdivider or contractors not later than eighteen (18) months from the date of recording of the plat.

(2) Public Improvements Requiring Guarantees: Prior to issuance of any zoning or building permits or commencing construction of any structures in a land division located within the jurisdiction of the Town of Lake Mills, the subdivider shall install, cause to be installed, or guarantee installation of the following improvements.

(a) Streets and Utilities:

- (i) Sanitary sewer collector lines, laterals to lot lines, manholes, force mains, lift stations (if required), and appurtenances, if required;
- (ii) Water mains, valves, hydrants, water services, common wells, and appurtenances, if required;
- (iii) Storm sewer lines, manholes, catch basins, catch basin leads, and appurtenances;
- (iv) Streets, fully constructed and surfaced;
- (v) Curb and gutter as required;
- (vi) Street signs;
- (vii) Sidewalks, trails, pedestrian facilities as required, and plants and landscaping materials related to pedestrian ways or commons areas; .and
- (viii) Other public improvements such as storm water detention or retention ponds or other improvements when deemed necessary by the Town Board upon recommendation of the Plan Commission.

(b) **Monumenting:** All subdivision plats and maps shall be monumented as required by Ch. 236 Wis. Stats., as amended.

(3) **Inspection of Improvements:** The Town shall provide for the inspection of required improvements during construction and insure their satisfactory completion. If the Town Engineer and City of Lake Mills Public Works Director determines that any of the required improvements have not been constructed in accordance with the Town's and City's standards, the subdivider shall be responsible for either completing the improvements or reimbursing the Town for its costs to complete the improvements. The Town Board shall approve the final acceptance of the required improvements.

(4) **Documentation of Completed Improvements:** The subdivider shall furnish the Town with a reproducible "as built" set of plans showing all improvements for the plat. The subdivider shall also furnish an itemized cost for the improvements in the Development Agreement prior to the Town's final acceptance of the improvements.

5-4-5: COMPREHENSIVE DESIGN AND ENGINEERING STANDARDS:

(1) Streets:

(a) **Street Arrangement:** In any new subdivision the street layout shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(b) **Extended to Property Lines:** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(c) **Arterial Street and Highway Protection:** Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

- (d) Stream or Lake Shores: Stream or lake shores shall be provided with public access in conformance with the provisions of Ch. 236. Wis. Stats., as amended.
- (e) Reserve Strips: Reserve strips shall not be provided on any plat to control access of streets or alleys, except where control of such strips is placed with a public agency under conditions recommended by the Town Board.
- (f) Street Names: Street names shall not duplicate or be similar to existing street names within ten (10) miles of the boundary of the community and existing street names shall be protected wherever possible.
- (g) Limited Access Highway and Railroad Right-of-Way Treatment: Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
- (i) 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 strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip 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."
 - (ii) Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
 - (iii) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street or highway or collector street that crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
 - (iv) Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and railroad rights-of-way shall be avoided in residential areas.
- (h) Cul-de-Sacs: Cul-de-sac streets designed to have one end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of fifty (50) feet.
- (i) Street Design Standards: All streets shall conform to Section 86.26, Wis. Stats., as amended. The following provisions shall apply when more restrictive than the state regulations. The minimum right-of-way and roadway width of all proposed streets shall be as follows: "URBAN CROSS SECTION", County or State highway set by County/State. "RURAL CROSS SECTION", County or State highway set by County/State. "TOWN ROAD", 66 feet right-of-way with 20 feet wide pavement.
- (j) Street Grades: Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following: Local street ten (10) percent, Pedestrian Ways twelve (12) percent, unless steps of acceptable design are provided. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of

ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grades for major streets, and one-half (1/2) this minimum for all other streets.

(k) Radii of Curvature: When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than one hundred (100) feet.

(l) Half-Streets: Where, on the date of enactment of this Ordinance, an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The creation of new half streets is prohibited.

(m) Street Intersections:

(i) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(ii) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. For local streets only, cross- type intersections shall be avoided in favor of T-type intersections.

(iii) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than twelve hundred (1,200) feet.

(iv) Street intersections shall show corner easement radii of fifteen (15) feet or greater.

(v) Local streets shall not necessarily continue across arterial or collector streets; however, if the centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and jog is avoided.

(n) Blocks: The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.

(i) Length: Blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(ii) Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

(o) Sidewalks: The Town Board has the authority to require sidewalks or other types of pedestrian paths for the safety of pedestrians in areas surrounding schools and other public buildings.

(i) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name of the existing or platted street so in alignment. Street names shall be subject to the approval of the Town Board.

(ii) Street signs shall be of a standard design and materials as approved by the Town Board.

(p) Construction Standards: Construction of all streets shall conform to Wis DOT's Standard Specifications for Road & Bridge Construction and the State of Wisconsin Standard Specifications for Sewer and Water and any other construction standards or specifications that have been adopted as the Town's construction specifications and shall be subject to approval of the Town Engineer before acceptance.

(2) Lots: The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(a) Side Lot Lines: Side lot lines, whenever practicable as determined by the Town Board, shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(b) Double Frontage Lots: Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(c) Access: Every lot shall front or abut for a distance of at least thirty (30) feet on a public street.

(d) Lot Size: Refer to the Jefferson County Zoning ordinance for minimum lot area, minimum lot width, minimum lot depth, minimum building set backs, and maximum building heights for each respective zoning district.

(e) Lots Not Serviced by Public Sewer: Lots not served by public sewers shall conform to the requirements of the Wisconsin Administrative Code and the Jefferson County Department of Zoning and Sanitation.

(f) Large Parcels: Whenever a tract is subdivided into large parcels of an acre or more, such parcels may be arranged and dimensioned so as to allow further division of such parcels into normal lots in accordance with the provisions of this ordinance. Deed restrictions may be required to regulate the placement of buildings on these lots.

(g) Lot Depth: Lots shall have a minimum average depth of one hundred (100) feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning regulations for such use.

(h) Lot Width: Width of lots shall conform to the requirements of the zoning regulations.

(i) Corner Lots: Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.

(j) Outlots: All lands within the plat boundaries that are not numbered as lots or dedicated as streets shall be outlots and shall be consecutively numbered. All outlots shall meet the minimum lot size requirements of this ordinance, unless dedicated to the public.

(k) Building Setback Lines: Where not controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established by the Town Board.

(l) Easements: The Town Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on said lot lines or across lots where necessary or advisable for electric power and communication poles, wires, and conduits; storm and sanitary sewers; and gas, water, and other utility lines.

(m) **Drainage Easements:** Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, an adequate drainage way or easement shall be provided. The location, width, alignment, and improvements of such drainage way or easement shall be subject to the approval of the Town Engineer. Parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; these design details are subject to review and approval by the Town Engineer.

(3) **Sanitary Sewerage System:** Connection to the sanitary sewerage system is required for all new Subdivisions (including Minor Subdivisions) within the City of Lake Mills Sanitary Sewer Service Area, as defined in the City of Lake Mills Comprehensive Land Use Plan, unless an exception is granted by the Town Board based on distance from existing sewer lines or lack of feasibility in serving the newly created lots. When Sanitary Sewer Service becomes available for any exempt lots, the owners of these lots will be required to hook up to the Sanitary Sewer System within one year of sewer availability. The sanitary sewers shall be in conformity with the requirements of the City of Lake Mills Public Works Department. The design plans for such sewers shall be reviewed and approved by the City of Lake Mills Public Works Director. Upon construction, the installed sewers shall be inspected by the City of Lake Mills Public Works Director.

(4) **Erosion Control:** The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes, and related activities of the subdivider or the contractors. Such measures shall include but not be limited to seeding, sodding, mulching, watering, and the construction of ponds and berms. The subdivider shall submit an Erosion Control Plan along with the construction drawings at the time the final plat is submitted. The Erosion Control Plan shall address the standards and requirements found in the "Wisconsin Construction Site Best Management Practice Handbook" in Wisconsin DOT's "Facilities Development Manual" Chapters 11 and 13, latest edition.

(5) **Stormwater Management Plan and Facilities:**

(a) **Preliminary Drainage Study:** At the time a preliminary plat is submitted for approval, the subdivider shall prepare a study of the drainage basin of the area in which the proposed development is located. The study shall include the design, routing, and estimated construction cost of the stormwater management system to serve the site and/or drainage basin of the area in which the proposed development is located. The preliminary drainage study and plans for any recommended stormwater management facilities must be prepared and designed by Professional Engineer.

(b) **Runoff Calculations:** In this study, the subdivider shall determine stormwater runoff or flow as a result of the new development. The subdivider shall also determine if existing stormwater facilities are adequate to handle additional stormwater flow from the development.

(c) **Maximum Runoff:** The facilities proposed under the stormwater management plan must meet the following standards:

(i) The peak runoff rate after the proposed construction activities should be no greater than the peak rate that would have resulted from the same ten (10) year storm event occurring over the site with the land in its natural undeveloped state.

(ii) Where on-site detention is used for runoff control, the detention facilities shall safely contain and/or safely pass the runoff of a one hundred (100) year storm of any duration.

(d) TR-55 Modeling: Determination of storm values shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled "Urban Hydrology for Small Watersheds, TR-55", and accepted by the Town Engineer.

(e) Stormwater Facility Design: Design of stormwater management facilities shall be in accordance with this ordinance or other applicable Town of Lake Mills ordinances. Stormwater peaks and volumes shall be addressed either through on-site detention, retention, infiltration, or a combination. If the development will result in the facilities to exceed their capacity or if the development uses the remaining capacity in the stormwater system, the subdivider shall, at its expense, arrange to have facilities constructed that will increase capacity sufficiently to handle the projected increase flow.

(f) Increased Flow Capacity: The Town of Lake Mills shall reserve the right to work with the subdivider to construct stormwater facilities that will increase the flow capacity above that are required for the development. The Town of Lake Mills may pay the difference between the cost of the facilities that the subdivider is required to provide and the cost of the facilities that the Town and subdivider agree to construct. The Town may recoup that cost from future developments that use those facilities.

(g) Regulation of impervious area on a per lot basis. Impervious areas increase the amount of runoff into our lakes and streams and increase runoff velocity and may cause: greater fluctuations in water levels, increased erosion, increased sediment and pollutant loads to waterways, degraded stream habitat, increased water temperature and loss of sensitive cold water fish populations, decline in fish diversity and reduced spawning habitat for fish. Regulating impervious surfaces will help to account for cumulative impacts to our waterbodies. Limiting impervious surface area is an important tool that will protect water quality, wildlife habitat and the natural aesthetics of our aquatic resources. Impervious surfaces include roof tops, pavement, compacted earthen material, and other surfaces which impede the natural infiltration of stormwater. Impervious surfaces shall not exceed 20% of the entire lot unless best management practices (BMP's) are implemented to control 90% of the post construction runoff. Potential BMP's for 90% control: Conservation Design, Rain Gardens, Disconnected Impervious, Bioretention Basins, Infiltration and Treatment Swales, Porous Pavement, Buffer Strips, and Nutrient Management Plans. Refer to technical standards in DNR regulation, NR-151.

(6) Dedication for Public Open Space and Recreation Areas: The subdivider shall be required to dedicate land or pay fees-in-lieu-of-land to the Town of Lake Mills for public purposes as required in this section. In deciding whether to accept dedicated land or fees-in-lieu-land or whether to waive the requirement, the Town Board shall consider the following guidelines:

(a) Subdivider's, including those making land divisions by subdivision plats, certified survey map, or condominium plat, shall be required to dedicate land to the Town for public parks, open space or other public purposes, other than land dedicated for roads, utilities, or stormwater or drainage facilities, at the rate of two thousand (2,000) square feet per dwelling unit. Land accepted for public purposes shall be usable land suitable for park or other public purposes. Drainageways, wetlands, floodplains, or land required for stormwater management may not be accepted as dedicated public land.

(b) The Town Board may grant a waiver from the requirements of subsection 5-4-5 (6) (a), if the subdivider provides a privately-owned park or recreation area equivalent to or exceeding the required land dedication that is centrally located within the subdivision and is suitable for the proposed recreational purposes. Private park or recreation areas accepted shall not include land within drainageways, wetlands, floodplains, or land required for stormwater management.

(c) At the Town Board's option, the Town may elect to receive fees-in-lieu-of land dedication at a rate of two thousand dollars (\$2,000.00) per proposed dwelling unit upon approval of the final subdivision plat, certified survey map, or final condominium plat. This fee may be adjusted by the Town Board from time to time by the passing of a Resolution. Any funds received by the Town in this manner shall be kept in a segregated account and reserved for the purchase or improvement of land for public parks, open spaces, or other public purposes.

(d) The requirements of this section do not affect or relieve the subdivider from complying with any requirements of the Jefferson County Land Division Ordinance or the land division ordinances of any other units of government with jurisdiction over the subdivided land.

(7) Piers: Placement of Piers in the waters of Rock Lake are subject to the provisions of Town Ordinance 5-6 "Regulations for the placement of piers and other structures in the waters of Rock Lake."

5-4-6: DESIGN CONCEPTS: BUSINESS AND INDUSTRIAL:

(1) General: The concepts outlined in this section have a primary purpose of: achieving development that is not only practical, feasible, and economical, but that is an asset to each owner, neighboring businesses and the community as a whole. The following design standards have been set to achieve development of attractive and functional commercial and business districts. Because of the difficulty of reducing design concepts to standards and specifications, the Plan Commission should be guided by the implementation of the concept rather than strictly adhering to the standards herein when there is evidence the concepts are being fulfilled.

(2) Parking Lots/Streets:

(a) All parking lots, streets, and vehicle traffic areas are to be paved with bituminous or concrete paving as approved by the Town.

(b) Occupancy of the building and/or premises will not be allowed until the requirements of item (2)(a) above are met and approved by the Town.

(c) The Town Board may grant an extension to the requirements of Section (2)(b) above and allow occupancy of the building and premises due to weather conditions. The extension shall not exceed eight (8) months in length.

(d) If an extension (2)(c) above is granted by the Town Board, the subdivider shall provide the Town with a certificate of deposit, irrevocable letter of credit or a certified check to the Town of Lake Mills in an amount equal to one hundred and twenty percent (120%) of the estimated cost or bid of the surface pavement. The amount of the cost shall be agreed and approved by the Town Board.

(3) Building Standards:

(a) The front facade and street side facades should incorporate brick, stone, architectural concrete panels, architectural metal, architectural wood and/or glass into their design. Unfaced concrete block, structural concrete, and prefabricated metal siding, and the like, shall not be approved for such facade areas.

(b) All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing, fenestration and overall design concept of the building.

(c) All buildings should be sited on the lot to present their most desirable face to the street and where possible, should be related to buildings on adjoining lots.

(4) Lot Size: Refer to the Jefferson County Zoning ordinance for minimum lot area, minimum lot width, minimum lot depth, minimum building set backs, and maximum building heights for each respective zoning district.

(5) Improvements to Boundary Lines: All required street, sidewalk, sanitary sewer, water main, and storm sewer improvements shall be installed to the boundary line of the subdivision or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Town Board.

(6) Partition Fences: When the land included in the plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider may be required to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. When partition fences are required, a covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners.

(7) Required Buffer Strips in Industrial Districts: Where an Industrial District abuts a Residential or Business District, there shall be provided along any rear, side, or front yard, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential district shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residence district shall be attractively maintained. Fencing may be used in combination with of planting materials to provide said screening. The fencing shall be not less than six (6) feet in height and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The exterior ten (10) feet of land adjacent to land used for

farming grazing purposes shall not be planted with trees or shrubs. The interior fifteen (15) feet may be devoted to parking vehicles.

(8) Required Buffer Strips in Business Districts: Where a business district abuts a residential district, there shall be provided along any rear, side, or front yard, coincidental with any residential boundary, a buffer strip not less than twenty (20) feet in width as measured at right angles to said lot line. Plant materials of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the residential district, may be planted in the buffer. If the planting screen is set back from the boundary, the portion of the buffer strip facing the residence district shall be attractively maintained. Fencing may be used in combination with of planting materials to provide said screening. Fencing shall not exceed six feet in height without Plan Commission approval. Fencing shall have a minimum setback of one foot from the lot line. The fencing shall be of such materials as to effectively screen the residential area. The exterior five (5) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The exterior ten (10) feet of land adjacent to land used for farming or grazing purposes shall not be planted with trees or shrubs. The interior fifteen (15) feet may be devoted to parking of vehicles.

(9) Signs: Refer to the Jefferson County Sign Ordinance adopted by the Town of Lake Mills.

(10) Lighting: It is the purpose and intent of this section to regulate and reduce the nuisance caused by the unnecessary intensity of the artificial illumination of the property and buildings, to promote the safety and welfare of citizens by restricting glare producing sources of light, and generally establish proper levels of lighting at business and commercial premises.

(a) Permits: Prior to the erection, installation, or placement of any exterior artificial light source, an application for permit shall be filed with the Town Board. All applications shall include a scaled plan depicting the proposed number, specific locations, intensity stated in wattage and lumens manufacturers isofootcandle curve reference plot, manufacturers fixture cut sheet and type of illumination of all light sources. This permit is in addition to the approval of the Plan Commission within the context of the site plan approval process. The permit shall be null and void if not implemented within six (6) months of the date of approval; whether issued to the developer, electrical, or building contractor.

(b) Outdoor Lighting and Building Lighting: All luminaries designed or intended for purpose of lighting any lot or building on the premises shall limit, to the greatest extent possible, spill over of light into the sky, traffic corridor, adjacent properties, or adjacent premises. Any mounted lighting shall be appropriately shielded or be directed as to prevent glare.

(11) Screening: The areas listed and identified below shall be effectively screened from view from adjacent properties, public roadways, and public right-of- ways. This screening shall be approved by the Planning Commission in the approval process.

(a) Parking lots.

(b) Exterior structures relating to heating systems, cooling and/or air conditioning systems.

(c) Refuse, garbage, and recyclable material collection points.

(d) Loading, unloading, or outdoor storage facilities or functions.

(e) Outdoor operations functions.

(12) Landscaping:

- (a) The developer shall provide for the planting or retention of street trees on one or both sides on new or existing roadways.
- (b) The front yard setback area should be landscaped with an effective combination of trees, ground cover, and shrubbery. All unpaved areas shall be landscaped in a similar manner. The entire area between the right-of-way and the building setback line of any property should be landscaped with a combination of landscape plantings.
- (c) Side and rear yard setback areas not used for parking or storage shall be landscaped using ground cover and/or shrub and tree materials. There shall be a minimum of an five (5) foot landscaping area reserved around the entire perimeter of a parcel. Exception: When a parcel of land is adjacent to land used for farming or grazing purposes the exterior ten (10) feet land shall not be planted with trees or shrubs.
- (d) Undeveloped areas proposed for future expansion shall be maintained and shall be landscaped if required by the Plan Commission.
- (e) The undeveloped area of any commercial or business site shall be landscaped with approved living trees, shrubs, vines, flowers, grass, and ground covers and may include water bodies, crushed rock, sand, wood chips, landscaping furniture, and ornamental pieces.
- (f) At least one (1) tree and two (2) shrubs shall be planted for each 2,000 square feet or portion thereof of the area to be landscaped. Each required tree shall have an initial caliper of no less than two and a half (2 1/2) inches and a height of at least six (6) feet.
- (g) No tree as measured from its center shall be located within five (5) feet of a vehicular access way, bike trail, or public sidewalk or with ten (10) feet of a street light, stop sign, fire hydrant, street sign, directional sign, or utility easement.
- (h) All landscaping material located within a site distance triangle shall be two (2) feet or less in height or have a clearance of eight (8) feet beneath the lowest branch or projection.
- (i) No permanent impervious surfacing or sub-surfacing shall be located around the base of any tree or shrub which may impede growth of said plant.
- (j) Landscaping Installation: All landscaping shall be installed in a sound workmanship manner and according to accepted good planting procedures with quality plant materials. A qualified representative of the Town shall inspect all landscaping and no certificates of occupancy or similar authorization shall be issued unless the landscaping meets the requirements herein provided.

(13) Waiver: Where, in the judgment of the Plan Commission, it would be inappropriate to apply the provisions of this section to a land division because exceptional or undue hardship would result, the Plan Commission may modify the requirements of this section to the extent deemed just and proper. Any modifications made may not be less restrictive than the requirements of the Jefferson County Zoning ordinance.

(14) Refer to section 5-4-5 (5)(g) of this ordinance for requirements related to percentages of allowable impervious surfaces.

5-4-7: DESIGN CONCEPTS: RESIDENTIAL SUBDIVISIONS:

(1) General: The concepts outlined in this Section have a primary purpose of: achieving development that is not only practical, feasible, and economical, but that is an asset to each

owner, neighboring homes and the community as a whole. The following design standards have been set to achieve development of attractive and functional residential districts. Because of the difficulty of reducing design concepts to standards and specifications, the Plan Commission should be guided by the implementation of the concept rather than strictly adhering to the standards herein when there is evidence the concepts are being fulfilled.

(2) Driveways.

(a) The maximum number of driveways allowed per lot in a residential subdivision shall be 2 (two).

(b) Circular driveways which enter a lot from one street and exit out onto a different street are prohibited.

(c) Driveways serving corner lots are to be located a minimum of 50 (fifty) feet away from the intersection of the streets. This setback is to be measured from the intersection of the adjacent street right-of-way lines.

(3) Streets.

(a) Streets entering a subdivision are to be designed as through streets. Dead end streets shall not be allowed. The use of cul-de-sacs shall be kept to a minimum.

(4) Required Buffer Strip.

(a) The exterior ten (10) feet of land adjacent to land used for farming or grazing purposes shall not be planted with trees or shrubs.

(b) Fencing shall not exceed six feet in height without Plan Commission approval. Fencing shall have a minimum setback of one foot from the lot line.

(5) Impervious Surface Requirements: Refer to section 5-4-5 (5)(g) of this ordinance for requirements related to percentages of allowable impervious surfaces.

(6) Lot Size: Refer to the Jefferson County Zoning ordinance for minimum lot area, minimum lot width, minimum lot depth, minimum building set backs, and maximum building heights for each respective zoning district.

(7) Piers: Placement of Piers in the waters of Rock Lake are subject to the provisions of Town Ordinance 5-6 "Regulations for the placement of piers and other structures in the waters of Rock Lake."

5-4-8: COMPREHENSIVE PERFORMANCE STANDARDS:

(1) Compliance: This permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

(2) Air Pollution: No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the "Ringelmann Chart" described in the United States Bureau of Mine's information Circular 8333, in any Industrial District.

(3) Fire and Explosive Hazards: All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire-suppression equipment and devices that comply with all Building Codes and the

International Fire Code. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.

(4) Glare and Heat: No activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the General Industrial District which may emit direct or sky-reflecting glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(5) Liquid or Solid Wastes: No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

(6) Noise and Vibration: There shall be no noise or vibration emanating from the operation which will be audible or discernible to human feelings beyond the boundaries of the immediate site.

(7) Odors: No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises.

(8) Radioactivity and Electrical Disturbances: No activity shall emit radioactivity or electrical disturbances outside the premises that are dangerous or adversely affect the use of neighboring premises.

(9) Storage of Hazardous Materials: No above or below ground storage tanks or other containers of hazardous materials in excess of 55 gallons capacity shall be located in a residential district or within 25 feet of a residential district boundary. Storage associated with residential heating systems shall be exempt from this requirement. At facilities where hazardous or flammable materials are used or stored above ground, underground, inside or outside of a building or structure, they are to comply with the Wisconsin Enrolled Commercial Building Code section, 414.5.5 "Spill Control, drainage and containment" and section, 414.6 "Outside storage, dispensing and use" and the International Fire Code.

(10) Regulation of outdoor wood-fired furnaces: Refer to the Town Ordinance 3-10 "Outdoor and Refuse Burning".

5-4-9: DEFINITIONS:

Definitions: The following terms, whenever they occur in this ordinance, are defined as follows:

Certified Survey Map (CSM): A map of land division creating lots or parcels of land for the purpose of transfer of ownership or of building development, where the act of division creates less than three (3) lots or parcels or building sites of five (5) acres each or less in area.

Comprehensive Development Plan: A plan prepared by the subdivider showing the proposed future land use, street layout, utilities, and storm water management and drainage facilities for all the land owned or controlled by the subdivider.

Comprehensive Land Use Plan: The plan adopted by the Town of Lake Mills for the purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the Town.

Condominium Plat: A plat of a condominium as defined in Ch. 703, Wis. Stats., as amended.

Final Plat: A map or plan of a subdivision prepared for recoding, and any accompanying material, as required by Ch. 236, Wis. Stats., as amended, or a map or plan of a condominium and any accompanying material as required by Ch. 703, Wis. Stats., as amended.

Land Division: The division of a lot, parcel, tract, or interest in land by the owner or owner's agent for the purpose of transfer of ownership or building development or that creates the need for a public dedication or reservation of land or for public facilities or improvements. For purposes of compliance with this ordinance other than survey requirements, land division includes condominium plat.

Minor Subdivision: A division of a lot or parcel of land for the purpose of transfer of ownership or of building development, where:

- (a) The act of division creates 3 or 4 parcels or building sites of five (5) acres each or less in area.

Parcel: Contiguous land or lands under the control of a divider, not separated by streets, highways, or railroad right-of-ways.

Plat: A map of a subdivision or a condominium.

Plan Commission: An advisory commission appointed by the Town Board of the Town of Lake Mills for the purpose of reviewing land divisions and zoning requests and making recommendations to the Town Board.

Preliminary Plat or Map: A map delineating the salient features of a proposed land division submitted to the Town Clerk for preliminary consideration and review by the Plan Commission and Town Board.

Redivide, Replat, and Resubdivide: The process of changing the boundaries of a recorded certified survey map, plat, lot, or outlot within a recorded plat or certified survey map. The legal division of a larger block, lot, or outlot within a recorded plat, without changing the exterior boundaries of said block, lot, or outlot is not a replat or resubdivision but is a land division, subdivision, or condominium plat, if it falls within the definitions set forth in this Ordinance.

Sanitary Sewer Service Area: City of Lake Mills Sanitary Service Area as defined in the City of Lake Mills Master Plan.

Street: A public way for vehicular and pedestrian traffic, however designated, and includes without limitation because of enumeration a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or court.

Subdivider: Any person, firm, partnership, corporation, association, estate, trust, or other legal entity requesting review or approval of a proposed certified survey map or subdivision plat or a condominium plat.

Subdivision: A division of a lot or parcel of land for the purpose of transfer of ownership or of building development, where:

- (a) The act of division creates 5 or more parcels or building sites of five (5) acres each or less in area.

Town Engineer: A registered professional engineer engaged by the Town of Lake Mills for purpose of reviewing plans and specifications and/or inspecting improvements required by this Ordinance.

5-4-10: ADMINISTRATION AND ENFORCEMENT:

(1) Application and Fees: Application for land divisions regulated by this ordinance shall be made to the Town Clerk who shall forward the application and required submittal materials to the Plan Commission and Town Board, and other officials or advisors to the Town.

(2) Fees: The certified survey, condominium plat, or final plat shall not be recorded and no building permits shall be issued until the following required fees have been paid.

(a) Application Fees: Application fees for review of certified survey maps, preliminary plats, final plats, condominium plats and other types of administrative permits and procedures required by this ordinance shall be as follows:

Certified Survey Map Application \$100.00 (1 to 2 lots)

Condominium Plat- \$500.00, + \$100/unit

Preliminary Plat- \$500.00, +\$100/lot (3 or more lots)

Final Plat- \$100.00, + \$10/lot (3 or more lots)

Re-plat- \$500.00, + \$100/lot (3 or more lots)

Variance/Conditional Use- \$100.00

Farm Consolidation Land Divisions- \$100.00

(b) Plan Review Costs: The Town Plan Commission or Town Board may request the Town Engineer, Town Planner, Town Attorney, City of Lake Mills Public Works Director, or other Town consultant or expert to review applications for land divisions or other types of permits required by this ordinance and inspect required improvements. The cost of all such reviews shall be borne by the applicant. The Town shall request a subdivider to pay an escrow deposit for plan review fees based on estimated review fee costs at the submission of the preliminary plat.

(c) Inspection Costs Escrow Deposit: Upon approval of the final plat certified survey map, or condominium plat, the subdivider shall pay to the Town a deposit for inspection fees equal to 3 percent of the amount of the estimated cost of the required improvements, as estimated by the Town Engineer. Such deposit shall be placed by the Town in an escrow account to be used exclusively for inspections for improvements required in Section 5-4-4 (2) of this ordinance. If such fees deposited in escrow are insufficient to cover the cost of review and inspection, the Town shall require the subdivider to make a second escrow deposit equivalent to 3 percent of the estimated cost of the required improvements. If funds remain in the escrow account after final inspection of the completed improvements and following final notice of completion from the Town Engineer and City of Lake Mills Public Works Director, if applicable, all escrowed deposits shall be returned to the subdivider.

(3) Violations: Failure to comply with the requirements of this ordinance shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of Ch. 236, Wis. Stats., as amended.

(4) Methods of Enforcement:

(a) Notification: Upon finding that any of the provisions of this ordinance are being violated or upon finding a condition that may lead to a violation, the Town Clerk shall notify in writing the property owner and the person responsible for such violation or condition, ordering the action necessary to correct such condition or violation. The Town Clerk may order discontinuance of illegal use of structures and land and order removal of illegal structures or additions, or may order discontinuance of illegal work being done. Further, the Town Clerk may take any other action authorized by this ordinance to ensure

compliance with or to prevent violations of this ordinance, including, but not limited to, calling upon the Town Attorney to institute legal proceedings and calling upon the Jefferson County Sheriff Department for assistance.

(b) Resumption of Work: When any work shall have been stopped for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed or corrected and written approval to proceed has been received from the Town Clerk.

(5) Injunctions: NE EXEAT and receivers all violations to this ordinance may be enforced by the forfeiture above, and/or by injunctive and other such relief afforded under chapter 813 Wis. Stats., this shall include ex parte restraining orders when necessary. Legal notification to the parties shall be controlled by Statute. Ownership for purposes of this section shall be that as appears on the tax assessment rolls of the Town of Lake Mills.

(6) Penalties: Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction thereof, forfeit not less than \$500.00 nor more than \$5,000.00 and the costs of prosecution, including reasonable attorney fees, for each offense. In default of payment of such forfeiture and costs, such person may be ordered to be imprisoned in the County Jail of Jefferson County, Wisconsin, until the payment of such forfeiture and costs of prosecution, but not exceeding thirty (30) days for each offense. Each day of violation shall constitute a separate offense.

Amended Dec. 8, 1998

Amended Sept. 2003

Amended May 13, 2008

James Heinz, Town Chairperson

David Schroeder, Supervisor I

Thomas Berns, Supervisor II

Attest:

Robin Untz, Town Clerk