ARTICLE I. Introduction

§ 110-1. Authority and purpose.

A. In accordance with the authority granted by § 236.45, Wis. Stats., and for the purposes listed in §§ 236.01, ~~and~~ 236.45, Wis. Stats., and 2009 Wisconsin Acts 376 and 399 the Town Board of the Town of New Glarus, Green County, Wisconsin, does hereby ordain as follows:

(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of New Glarus.

(2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it may apply whenever it imposes stricter restrictions on land use.

B. The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the Town of New Glarus. The regulations are designed to foster the orderly layout and use of land; to facilitate adequate provision for transportation, water and sewerage systems, parks, playgrounds, schools and educational facilities, and other public necessities; to discourage overcrowding of the land; to protect the Town's agriculture base; to provide for a system of transportation which meets or exceeds minimum standards for public safety; to lessen congestion on Town roads, highways and streets; to secure safety from fire, panic, and other dangers; and to facilitate the further division of large tracts of land into smaller parcels.

C. The regulations are made with reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing for the most appropriate environment for human habitation, protecting farming, agriculture industries and open space, encouraging commerce and industry, providing for the most appropriate use of land in the Town of New Glarus, and providing a fair and equitable opportunity for landowners to develop housing sites consistent with public expectations as put forth in the Survey of 1998.

§ 110-2. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern. However, when the chapter imposes greater restrictions and those restrictions subsequently invalidated by Wisconsin State Statutes, Wisconsin State Statutes shall prevail as to those limited restrictions without invalidating the remainder of the provisions of this chapter.

§ 110-3. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the Town of New Glarus and shall not be deemed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 110-4. Title.

This chapter shall be known as, referred to, or cited as the "Town of New Glarus Subdivision Ordinance" or "Town of New Glarus Land Division and Subdivision Ordinance."

ARTICLE II. Definitions

§ 110-5. Definitions.

The following definitions shall be applicable to this chapter:

AGRICULTURAL USE

General farming, including dairying, livestock and poultry raising, nurseries, greenhouses, vegetable warehouses or other similar enterprises or uses, except fur farms and farms primarily operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no greenhouse or building for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.

ALLEY

A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

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ARTERIAL STREET

A street which provides for the movement of relatively heavy traffic to, from, and within the Town. It has a secondary function of providing access to abutting land.

BLOCK

An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or bodies of water.

BUILDING ENVELOPE

The area within which structures are permitted to be built on a lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and any Land Use Plan and Town ordinances adopted by the Town.

BUILDING INSPECTOR

Person or persons holding the required state certifications and employed by (or agent for) the Town of New Glarus for the purpose of inspecting and determining compliance with Town, County, State, Extra Territorial Zoning, and Federal rules and regulation pertaining to construction and placement of new, re-modeled, re-located, revised or demolished structures within the Town of New Glarus.

BUILDABLE PARCEL

A parcel of land which meets the requirements of Chapter 110 Articles VII and VIII, Design Standards 110-32, and permits construction of residential, commercial or industrial structures. (Also see Legal Non-Conforming.)

CERTIFIED SURVEY

A map or plan of record of a minor subdivision meeting all the requirements of § 236.34, Wis. Stats., the Green County Land Division Ordinance and this chapter.

CLUSTER DEVELOPMENT

A form of residential development that concentrates building sites on parts of the parcel and allows 85% of the parcel to be used for ~~common~~ open space. A cluster development shall consist of one or more cluster groups. Each cluster group shall contain a minimum of 3 lots.

CLUSTER GROUP

A group of single-family detached dwellings within a cluster development where building sites have at least one common lot boundary.

COLLECTOR STREET

A street which collects and distributes internal traffic within an urban area, such as a residential neighborhood, between arterial and local streets. ~~Editor's Note: An entry for "Comprehensive Development Plan" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). The entry consisted of the term only with no actual definition. See the definition of "Master Plan."~~

COMMERCIAL STRUCTURES

Buildings that are suitable for trade or commerce; the interchange of goods or commodities.

CUL-DE-SAC

A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

DIVISION OF LAND/LAND DIVISION

Any action which creates a subdivision~~,~~ by plat, ~~or~~ certified survey, metes and bounds description or which makes substandard an original parcel.

EASEMENT

The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

EXISTING PARCEL

The total contiguous acreage which exists under single ownership at the time of approval of the Land Use Plan. (October 13, 1997). Certified survey maps recorded prior to October 13, 1997, are excluded from existing parcel.

FRONTAGE STREET

A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

GREENWAY

An open area of land, the primary purpose of which is to carry stormwater on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use: including but not limited to vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater retention basins, and park development.

IMPROVEMENT, PUBLIC

Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

INDUSTRIAL STRUCTURES

Buildings suitable for housing or accommodating industry with productive labor

LAND DIVISION

See definition for "division of land/land division."

LAND USE PLAN

Also known or referred to as "Master Plan," as defined below.

LARGE LOT DEVELOPMENTS

Allow residential, commercial and Industrial developments on lots that are greater than 2.0 acres and comply with Green County Zoning, or Extra Territorial Zoning.

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LOCAL STREET

A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

LOT

A piece of land defined by survey, certified survey map, metes and bounds or plat having access on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, location guides and other open space provisions of this chapter and any applicable zoning ordinance.

LOT AREA

The area contained within the exterior boundaries of a lot, excluding streets and land under navigable bodies of water.

LOT, CORNER

A lot abutting intersecting streets at their intersection.

LOT LINES

The peripheral boundaries of a lot as defined herein.

LOT, NON-BUILDABLE

Due to size, location in open space and defined as sub-standard.

LOT, LEGAL NON-CONFORMING

Lots as defined pre-ordinance and meeting County, State and Town ordinances (except 110-32 A (1) (b).

LOT, THROUGH

A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

LOT WIDTH

The width of a parcel of land measured along the front boundary line.

MAJOR THOROUGHFARE

A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

MASTER PLAN

A plan for guiding and shaping the growth and development of the Town of New Glarus which has been adopted by the Town Board. Also known as or referred to as "Land Use Plan" and the "Amended Town of New Glarus Land Use Plan dated August 20, 1999."

OPEN SPACE

The 85% or more of the existing parcel (or the 91% division of the original parcel in a Large Lot Division) that remains undeveloped or free of residential, industrial or commercial structures. Permitted uses of open space are agriculture, recreation, passive recreation use, and preservation of environmentally sensitive features.

OWNER

Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of these.

PASSIVE RECREATION USE

Uses of open space to include but not limited to wildlife sanctuary, forest preserve, nature centers, trails, prairie areas and similar uses. (Hunting, birding, etc.)

PLAN ADMINISTRATOR

Person appointed by the Town Board to assist developer during consultations prior to developer meeting with the Plan Commission.

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PLAN COMMISSION

The Town of New Glarus Plan Commission as appointed by the Supervisors of the Town of New Glarus. The Plan Commission shall consist of seven members. Initially three members shall be appointed to three-year terms, two to two-year terms and two to one-year terms. Thereafter the members shall be appointed to three-year terms. The Plan Commission shall review subdivisions as outlined in this chapter and make recommendations to the Town Board. (See Technical Review Committee)

PLAT

The map, drawing or chart on which the land divider's plat of subdivision is presented to the Town for approval.

PLAT, FINAL

The final map, drawing or chart on which the land divider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recordation.

PLAT, PRELIMINARY

The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Town Board for their consideration as to compliance with the regulations contained in this chapter along with required supporting data.

PROTECTIVE COVENANTS

Contracts entered into between private parties or between private parties and public bodies pursuant to § 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a certified survey or subdivision for the benefit of the public or property owners and to provide mutual protection against the undesirable aspects of development which would tend to impair the stability of property values.

REMNANT PROPERTY

Property remaining after lots and open space are defined. Uses shall be the same as open space uses.

REPLAT

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The process of changing, or a map or plat which changes, the boundaries of a recorded plat or a part thereof. The legal dividing of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of such block, lot or outlot is not a replat.

RESIDENTIAL STRUCTURES

Buildings suitable for residence; a place of abode meeting all current codes.

SANITARY DISTRICT COMMISSION

A board established under § 60.74, Wis. Stats.

SHORELANDS

Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

SUBDIVIDER/LAND DIVIDER

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land ~~resulting in a major subdivision, minor subdivision or replat~~in accordance with Land Division definition above.

SUBDIVISION, MAJOR

Any land division ~~which is not a minor subdivision~~that has a potential for nine (9) or more building sites. Note: any existing parcel of 120 acres or more..

SUBDIVISION, MINOR

The division of land by the owner or land divider resulting in the creation of not more than eight parcels or building sites. Note: any existing parcel division of less than 120 acres.

TECHNICAL REVIEW COMMITTEE

A committee appointed by the Town Board to assist in preliminary site review for land divisions.

TOWN

The Town of New Glarus, Green County, Wisconsin.

WETLANDS

An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [See § 23.32(1), Wis. Stats.]

WISCONSIN ADMINISTRATIVE CODE

The rules of the administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

ARTICLE III. General Provisions

§ 110-6. Compliance required; jurisdiction; minor subdivisions; building permits.

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

(1) The provisions of Chs. 82, ~~and~~ 236, Wis. Stats and 2009 Wisconsin Acts 376 and 399.

(2) The rules of the Department of Commerce contained in the Wisconsin Administrative Code for land divisions not served by public sewer.

(3) The rules of the Department of Agriculture, Trade and Consumer Protection contained in the Wisconsin Administrative Code for land divisions not served by public sewer.

(4) The rules of the Department of Transportation contained in the Wisconsin Administrative Code for subdivisions which abut a state trunk highway or connecting street.

(5) The rules of the Department of Natural Resources contained in the Wisconsin Administrative Code for the floodplain management program.

(6) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.

(7) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.

(8) The Town of New Glarus Land Use Plan and the Amended Town of New Glarus Land Use Plan dated August 20, 1999.

(9) Applicable provisions of the Green County Code of Ordinances.

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(10) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection A.

B. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of New Glarus. The provisions of this chapter, as they apply to minor subdivisions, shall not apply to:

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

(2) Leases for a term not to exceed 10 years, mortgages or easements.

(3) The sale or exchange of parcels of land between owners of adjoining property if additional buildable lots are not thereby created and ~~the lots resulting are not reduced below the minimum sizes required by this chapter or~~ meet other applicable laws or ordinances. A public hearing is not required for a neighbor exchange.

C. Minor subdivisions. Any minor subdivision of land other than a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats.

D. Building permits. The Town of New Glarus shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a major subdivision, minor subdivision, metes and bounds legal description or replat originally submitted to the Town of New Glarus on or after the effective date of this chapter until the applicant has complied with all of the provisions and requirements of this chapter.

§ 110-7. Land suitability; protection of existing flora and areas of special interest.

A. Suitability.

(1) No land division shall be allowed for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, unsuitable soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of future residents of the community. The Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial or industrial use and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

(2) Except as provided herein, the Town Board shall preferably determine land suitability at the time of the preliminary consultation, following review and recommendation by the ~~appropriate Town and county committees~~Technical Review Committee~~, if any~~. The Technical Review Committee may include, but is not limited to the Building Inspector, Plan Administrator and other technical expertise. The land divider shall furnish such maps, data and information as may be requested by the Town or necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or certified survey, the land divider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

(a) Two copies of an aerial photograph or two maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to the floodplain zoning limits, if present, channel or stream fill limits and elevations, and floodproofing measures taken or proposed to be taken.

(b) Two copies of a typical valley cross section showing the channel or stream, the floodplain adjoining each side of the channel or stream, cross-sectional area to be occupied by the proposed development and high-water information.

(c) Two copies of a profile showing the slope of the bottom of the channel or the flow line of the stream.

(d) Such other data as may be requested or required.

(3) When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Town Board may transmit to the Department of Natural Resources information provided by the land divider and may request that the Department provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed.

(4) Where a proposed land division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the applicable county ordinances shall apply.

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B. Existing flora. The land divider shall make every reasonable effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails.

C. Additional considerations.

(1) The land divider shall make every effort to preserve and protect:

(a) Areas of archaeological and/or historical interest, including but not limited to those areas designated by the State Historical Society.

(b) Areas of geological interest, including but not limited to those areas designated by the State Geological and Natural History Survey.

(2) In addition, the suitability of land for private sewage systems shall be determined in accordance with the appropriate provisions of the Wisconsin Statutes and Wisconsin Administrative Code.

§ 110-8. Guidelines for reviewing land divisions.

The following criteria shall be applied by the Plan Commission and Town Board when reviewing land divisions. Nothing in this chapter shall prevent the Town Board from developing and applying such additional guidelines and review criteria that the Town Board, in its sole discretion, determines appropriate.

A. Land divisions should be consistent with the goals, objectives and development standards set forth in the Town of New Glarus Land Use Plan and the Amended Town of New Glarus Land Use Plan dated August 20, 1999.

B. Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties.

C. Land divisions should be planned and designed to maintain the rural character of the Town of New Glarus.

D. Land divisions should be planned and designed to protect environmentally sensitive sites.

E. Land divisions should be planned and designed to minimize the disruption of groves of existing mature vegetation, particularly native canopy trees.

F. Land divisions should be planned and designed to be sensitive to historic and archaeological sites on both the parcel being divided and on adjoining and nearby properties.

G. Land divisions should be planned and designed to minimize the disruption of its vistas. (See Building and Location Guides.)

H. The preferred locations for building envelopes are woodland fringes, at the edges of open fields and within new tree plantations where the aesthetic and visual impact of new structures will be minimized.

I. Building envelopes shall be located in such a manner as to make such structures as inconspicuous as possible. Such building envelopes shall be located to minimize the aesthetic and visual impact of new structures. (See Building and Location Guides.)

J. Building envelopes shall consider setback requirements, if any, including but not limited to public road rights-of-way, recreational trail easements and dedicated recreational trails.

K. Where feasible in the judgment of the Town Board and Town Engineer, utility lines serving land divisions shall be placed underground in order to maintain the rural character of the area and preserve views and vistas. Where placement of underground utility lines is not feasible, easements for overhead utilities shall be located within land divisions in such a manner as to minimize their visual impact.

§ 110-9. Hillside protection.

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No land division for residential, commercial or industrial purposes shall be approved which would result in, or authorize a use or disturbance of land, including construction of private roads and driveways, on hillsides with a slope of 20% or more, unless the land divider has submitted and the Town Engineer and the Town Board have approved construction plans and specifications, including an erosion control plan. For purposes of this section, 20% means a vertical elevation differential of 10 feet in 50 horizontal feet, the horizontal distance being measured perpendicular to the slope.

§ 110-10. Fees.

A. General. The land divider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

B. Engineering fees. The land divider shall pay a fee equal to the actual cost to the Town for all engineering and technical assistance work incurred by the Town in connection with the Technical Review Committee, preliminary plat, final plat or certified survey map, including inspections required by the Town. The land divider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town and any other governmental agency.

C. Legal fees. The land divider shall pay a fee equal to the actual cost to the Town for all legal fees and costs incurred by the Town in connection with the preliminary plat, final plat or certified survey map, including conferences, review and preparation of documents, and consultations with the land divider or the Town.

D. Administrative fees. The land divider shall pay a fee equal to the cost of any administrative or fiscal work, publication and special meeting costs which may be incurred or undertaken by the Town in connection with the preliminary plat, final plat or certified survey map.

E. Preliminary plat, ~~and~~ certified survey review, metes and bound ~~-~~and final plat review fees. Fees for Town review of preliminary plats, final plats, replats, special meetings, ~~and~~ certified survey maps and metes and bound descriptions shall be established by resolution of the Town Board. ~~Editor's Note: See Ch. 55, Fees.~~

F. Escrow account. At the time of filing with the Town Clerk a preliminary plat or certified survey map, the land divider shall deposit with the Town Clerk an escrow fund amount as established by the Town Board. ~~Editor's Note: See Ch. 55, Fees.~~ As required at the sole discretion of the Town Board, funds may be drawn against such escrow accounts for the payment of engineering, legal, administrative and other costs incurred by the Town in reviewing the proposed land division. Moneys not required for such engineering, legal, administrative and other costs shall be returned to the land divider within 180 days of final acceptance of all improvements required by the Town. If Town costs exceed the initial amount deposited in the escrow account, the Town shall require the land divider to deposit an additional amount in the escrow account. Such additional deposit in the escrow account shall be determined by the Town Board. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

ARTICLE IV. Plat Review and Approval

§ 110-11. Preliminary consultation.

A. Before filing a preliminary plat, the land divider shall consult with the Plan Commission ~~and Town Board and the Town Engineer for advice regarding general subdivision requirements~~. Before consulting with the Plan Commission, the land divider shall consult with the Plan Adminstrator who may refer the land divider to consult with the Building Inspector and/or the Technical Review Committee.The land divider shall inform the Town Clerk in writing of the impending land division and shall request information on meeting dates, agenda deadlines and filing requirements. Such information shall be obtained from the Town Clerk.

B. The land divider shall, at the time of preliminary consultation, submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. In addition, the land divider shall submit a preliminary community impact statement.

C. The preliminary consultation is intended to inform the land divider of the purpose and objectives of these regulations, the Town Land Use Plan and duly adopted plan implementation devices of the Town and otherwise to assist the land divider in planning the proposed development. The preliminary consultation is also designed to provide the Plan Commission with information regarding the potential impact of the contemplated land division.

D. During the preliminary consultation, the Plan Commission and the land divider may reach mutual conclusions regarding the general program and objectives of the proposed development and its potential impact and effects on the neighborhood and community.

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E. The Plan Commission may, at this preliminary consultation, require a second meeting with the land divider at which the land divider will provide any additional information the Plan Commission requests prior to the preliminary plat submission by the land divider.

F. If the land divider owns or controls 120 acres or more, then the Plan Commission and the land divider shall discuss potential for a major subdivision.

§ 110-12. Submission of preliminary plat for major subdivisions.

A. Submission. Before submitting a final plat for approval, the land divider shall prepare a preliminary plat and a letter of application. The land divider shall submit five copies of the preliminary plat and letter of application. The letter of application shall include a written description of the proposed land division. The preliminary plat shall be prepared in accordance with the provisions and requirements of this chapter, and the land divider shall file the copies of the preliminary plat and letter of application with the Town Clerk. The Town Clerk shall distribute the filed information to the Plan Commission members and schedule the initial review of the preliminary plat by the Plan Commission within 30 days of receipt of the application and preliminary plat.

(1) All items and documents required by this section must be submitted to the Town Clerk before the time requirements for review of land divisions will legally commence.

(2) The Town Clerk shall submit a copy of the preliminary plat to the Town Engineer for review and comment. The Town Engineer shall prepare and submit to the Plan Commission a written report regarding the review of the preliminary plat. The report shall include observations and recommendations regarding the preliminary plat.

B. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that the surveyor has fully complied with all provisions of this chapter.

C. Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:

(1) Use statement. A statement of the proposed use of the lots, stating the type of residential buildings, with the number of proposed dwelling units, and types of business or industry so as to reveal the effect of the development on traffic, fire hazards, police services and congestion of population;

(2) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions;

(3) Area plan. Where the land divider owns property adjacent to the property which is being proposed for the land division, the land divider shall submit a concept plan for the remainder of the property so as to show the possible relationships between the proposed land division and future land divisions; all land divisions must be shown to be compatible with and to be consistent with existing or potential adjacent land divisions; and

(4) Adjacent land divisions. A record of any adjacent land divisions made within the last five years.

(5) Aerial view of property, topographic map of site(s), drawing of property showing the location of proposed driveways, building envelopes, open space, septic fields and underground utilities.

D. Soil testing. The land divider shall provide a preliminary soils report, listing the types of soils in the proposed land division, their effect on the land division and a proposed soil testing and investigation program. A Soil Conservation Service map would meet the requirements of this subsection. Pursuant to the public policy concerns prescribed in § 110-7, the Town Board may require that borings and soundings be made in specific areas to ascertain subsurface soil, rock and water conditions, including depth of bedrock and depth to the groundwater.

E. Environmental assessment and evaluation. The purpose of the environmental assessment and evaluation is to provide the basis for an orderly, systematic review of the effects of the proposed land division upon the community environment in accordance with the principles and procedures of § 236.45(1), Wis. Stats. The goals of the community are to eliminate pollution and siltation or reduce them to acceptable standards; preserve open space and parks for recreation; provide adequately for stormwater control; maintain scenic beauty and aesthetic surroundings; administer to the economic and cultural needs of the citizens; and provide for the effective and efficient flow of goods and services. The Town Board shall review, as part of the analysis and evaluation of the preliminary plat, any environmental assessment reports, together with such supporting data and information as the Town Board may require for determining the suitability of the proposed land division and subsequent development.

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F. Referral to other agencies.

(1) The land divider shall, within five days after filing of the preliminary plat and letter of application, transmit copies of the preliminary plat to other state and local agencies as required by state statutes, Wisconsin Administrative Code, Green County ordinances or Town of New Glarus ordinances and such other copies as may be required to be transmitted.

(2) Within 20 days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection F(1) above shall notify the land divider and all approving or objecting authorities of any objection based upon the failure of the plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The land division shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty-day limit, it shall be deemed to have no objection to the plat. Sanitary districts within the Town may file objections with the Town Board at any time prior to, and including, the Board's public hearing on the land division.

G. Drafting standards. The land divider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Ch. 236, Wis. Stats., copies of a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of no less detail than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) and easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

§ 110-13. Preliminary plat review and approval.

A. Town Board review; public hearing.

(1) After the preliminary consultation and following an initial review of the preliminary plat by the Plan Commission, the Plan Commission shall submit its written recommendations to the Town Board within 20 days of its review of the preliminary plat. The Town Board shall schedule a public hearing on the preliminary plat. Such public hearing shall be held within 60 days of the initial review of the preliminary plat by the Plan Commission. (Note: An extension of time or a decision to hold the matter in abeyance may only be made by written agreement of the landowner and the Town Board.)

(2) The Town Clerk shall schedule a public hearing on the preliminary plat before the Town Board. The Town Clerk shall give notice of the Town Board's review and public hearing on the preliminary plat by listing it as an agenda item in the Board's posted meeting notice. The applicant shall also be notified in writing. The meeting notice shall include the name of the applicant, the address of the property in question and the requested action. Abutting property owners and property owners within 600 feet of the applicant's total parcel shall receive written notice of the public hearing.

B. Town Board action. The Town Board shall, within 90 days of the date the plat was filed with the Town Clerk, approve, approve conditionally or reject such plat or survey map and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the land divider. Failure of the Town Board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the land divider the action of the Town Board. If the plat or map is approved, the Town Clerk shall endorse it for the Town Board.

C. Determination of adequacy of public facilities and services.

(1) A preliminary plat or final plat shall not be approved unless the Sanitary District Commission (if appropriate) and the Town Board determine that adequate public facilities and public services are available to meet the needs of the proposed land division and that no public funds, other than those already provided in an adopted capital budget or operating budget, are required.

(2) The applicant shall furnish any data requested by the Town Board or its designee to the Town Clerk, who shall transmit this information to the appropriate Town commission(s) and committee(s) for review and shall act as coordinator for their reports to the Sanitary District Commission and the Town Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreational facilities, transportation facilities and schools. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

(3) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:

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(a) The Town Board or its designee and the appropriate committee(s) certify that adequate funds, either public or private, are available to ensure the installation of all necessary stormwater management facilities. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

(b) The future residents of the proposed subdivision can be assured park, recreation and open space facilities and services.

(c) The appropriate Sheriff's Department, Emergency Medical Service and Fire District verify that timely and adequate service can be provided to the residents of the proposed subdivision.

(d) The proposed land division is accessible by existing all-weather roads, whether publicly or privately maintained, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division or necessary additional roads and road improvements are budgeted in the current adopted budget for construction with public or private financing.

(4) The appropriate school district should be provided an opportunity to review and comment regarding the impact of the proposed subdivision on school facilities and programs.

(5) Where the Town Board determines that one or more public facilities or services are not adequate for the proposed development but that a portion of the area could be served adequately or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

D. Effect of preliminary plat approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within ~~24~~ 36 months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Town Board at the time of its submission. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

E. The Town's engineering firm or designee shall review all final plats and provide their conclusion, either written or verbal, to the Town Board as to whether the final plat conforms substantially to the preliminary plat and give their recommendation as to whether or not the final plat should be approved. Their conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered.

~~E~~F. Should the land divider desire to amend the preliminary plat as approved, the land divider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which case it shall be refiled.

§ 110-14. Final plat review and approval.

A. Filing requirements.

(1) The land divider shall prepare a final plat and letter of application in accordance with this chapter and shall file five copies of the final plat and the application with the Town Clerk. The land divider shall file the final plat with the Town Clerk not later than ~~24~~ 36 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and the final plat will be considered void, unless an extension is granted in writing to the land divider and for good cause as determined in the sole judgment of the Town Board. The land divider shall also submit with the final plat a certificate of ownership as required by § 236.21(2), Wis. Stats., or registered property report and such other evidence as the Town Board or Town Attorney may require showing title or control in the applicant. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

(2) Three copies of a draft of the legal instruments and rules for the proposed property owners' association, when the land divider proposes that common property within a land division be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to § 236.293, Wis. Stats., and proposed deed restrictions and/or restrictive covenants shall be submitted at the time of filing of the final plat with the Town Clerk. (Note: Deed restrictions and restrictive covenants in subdivisions may be private contractual agreements not enforceable by the Town.)

(3) The land divider shall, within five days after filing of the preliminary plat and letter of application, transmit copies of the preliminary plat to other state and local agencies as required by state statutes, Wisconsin Administrative

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Code, Green County ordinances or Town of New Glarus ordinances and such other copies as may be required to be transmitted.

(4) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object as provided by § 236.12(2), Wis. Stats.

(5) Public improvements, plans and specifications. Simultaneously with the filing of the preliminary plat, the land divider shall file with the Town Clerk three complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this chapter, specifically addressing drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the land division.

(6) The Town Clerk shall refer two copies to the Town Engineer. The abstract of title or registered property report shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The Town Engineer shall examine the final plat or map and final plans and specifications of public improvements for technical details and, if the Town Engineer finds them satisfactory, shall so certify in writing to the Town Board. If the final plat or map or plans and specifications of public improvements are not satisfactory, the Town Engineer shall return them to the land divider and advise the Town Board, in writing, as to the items which are not satisfactory.

(7) Street plans and profiles. The land divider shall provide plans showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed land division when requested by the Town Board or the Town Engineer. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

B. Town Board review and approval.

(1) Within 20 days of the date of receiving the copies of the final plat, any state or county agency having authority to object above shall notify the land divider and all approving or objecting authorities of any objection based upon the failure of the final plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the final plat and return that copy to the approving authority from which it was received. The land division shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty-day limit, it shall be deemed to have no objection to the final plat.

(2) If the final plat is not submitted within ~~24~~ 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

(3) The Town Board shall, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such final plat unless the time is extended by written agreement with the land divider. If the final plat is rejected, the reasons shall be stated in the minutes of the Town Board meeting and a written statement of the reasons shall be forwarded to the land divider. The Town Board may not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the final plat that the copies were forwarded to the objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, such objections have been corrected and all conditions have been met.

(4) Failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the final plat shall be deemed approved.

(5) After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation filed, the Town Clerk shall cause the certificate inscribed upon the final plat attesting to such approval to be duly executed, and the final plat shall be returned to the land divider for recording with the County Register of Deeds. The County Register of Deeds cannot record the final plat unless it is offered within ~~six~~ 12 months after the date of the last approval of the final plat and within ~~24~~ 36 months of the first approval. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

(6) The land divider shall file eight copies of the final plat with the Town Clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.

C. Partial platting. The final plat may, if permitted by the Town Board in its sole discretion, constitute only a portion of the approve preliminary plat which the land divider proposes to record at that time.

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§ 110-15. Replat.

A. Except as provided in § 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the land divider or person wishing to replat shall simultaneously vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats. The land divider or person wishing to replat shall then proceed using the procedures for preliminary and final plats contained in this chapter.

B. The Town Clerk shall schedule a public hearing before the Town Board when a preliminary plat of a replat of lands within the Town is filed and shall cause notices of the proposed replat and public hearing to be mailed to the applicant and to the owners of all properties within the limits of the exterior boundaries of the proposed replat, to all abutting property owners, and to the owners of all properties within 600 feet of the exterior boundaries of the proposed replat.

C. Where lots are more than double the minimum size required for the applicable zoning district, the Town Board may require that such lots be arranged so as to allow the resubdivision of such parcels into normal lots in accordance with the provisions of this chapter.

ARTICLE V. Technical Requirements for Plats and Certified Surveys

§ 110-16. Technical requirements for preliminary plats.

A. General. When a land divider proposes to create a major subdivision, the land divider shall provide a preliminary plat prior to submitting a final plat. It shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The preliminary plat shall be based upon a survey by a registered land surveyor, prepared on Mylar or paper of good quality at a scale of no less detail than 100 feet to the inch and shall comply in all respects with the requirements of Ch. 236, Wis. Stats., and this chapter.

B. Plat data. A preliminary plat shall show correctly on its face the following information:

(1) Title under which the proposed subdivision is to be recorded.

(2) Location of the proposed subdivision by government lot, quarter section, township, range, county, and state.

(3) Date, scale, and North point.

(4) Names and addresses of the owner, land divider, and land surveyor preparing the plat.

(5) Entire area contiguous to the proposed plat owned or controlled by the land divider, even though only a portion of such 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 chapter and undue hardship would result from strict application thereof.

(6) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other significant features within the tract being subdivided or immediately adjacent thereto.

(7) 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.

(8) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

(9) Type and width of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center-line elevations.

(10) If applicable, location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, and electric and communication facilities, whether overhead or underground, and the location and size of any existing utility mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the

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direction and distance from the tract, size, and invert elevations, assuming the availability of such sewer and water mains is consistent with the Master Plan of the Village of New Glarus.

(11) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

(12) Existing zoning on and adjacent to the proposed subdivision.

(13) Contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to national map accuracy standards based upon mean sea level datum at vertical intervals of not more than two feet. At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to mean sea level datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Engineer, undo hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

(14) High-water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.

(15) Water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.

(16) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.

(17) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the United States Department of Agriculture, Soil Conservation Service.

(18) Location, width, and names of all proposed streets and public rights-of-way, such as alleys and easements.

(19) Approximate dimensions of all lots together with proposed lot and block numbers. The area in acreage or square feet of each lot shall be provided.

(20) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, conservancy areas, recreational trails, drainageways, or other public uses or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

(21) Location of building envelops within each lot.

(22) Identification of the land area that is to be deed restricted, dedicated, or otherwise protected from future development in order to meet the definition of a cluster subdivision.

(23) Approximate radii of all curves.

(24) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

(25) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable.

(26) Identification of land that has a slope of 20% or more.

(27) Location of any proposed overhead utility poles and service or transmission lines.

(28) Define open space for Normal Density Developemnt.

C. Additional information. Where the Town Board or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the land divider.

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§ 110-17. Technical requirements for final plats.

A. General. A final plat prepared by a registered land surveyor shall be required for all major subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats., and this chapter.

B. Additional information. The final plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats., the following:

(1) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(2) Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.

(3) Identification of land that is to be deed restricted, dedicated, or otherwise protected from future development.

C. Deed restrictions. Restrictive covenants, affidavits for open space and deed restrictions for the proposed subdivision shall be filed with the final plat.

D. Property owners' association. The legal instruments creating a property owners' association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.

E. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

F. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.

G. Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and in addition the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 110-18. Certified survey map procedure and requirements.

A. Certified survey requirements. When a land divider proposes to create a minor subdivision or to create lot(s) restricted to no residential development, the land divider shall subdivide by use of a certified survey map prepared in accordance with § 236.34, Wis. Stats., and this chapter.

B. Preliminary consultation. Before filing a certified survey map, the land divider shall consult with the Plan Commission for advice regarding the requirements for certified surveys. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the ~~Town Clerk~~Plan Administrator. This consultation is intended to inform the land divider of the purpose and objectives of these regulations, the Town Land Use Plan, and duly adopted plan implementation devices of the Town and otherwise to assist the land divider in planning his development. In so doing, both the land divider and the Town may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the land divider may gain a better understanding of the subsequent required procedures. Following this consultation, the Plan Commission shall submit its written recommendations to the Town Board. Such written recommendations shall be submitted within 20 days of the consultation.

C. Submission and review.

(1) Following consultation, five copies of the final map in the form of a certified survey map shall be submitted to the Town Clerk. The certified survey shall be reviewed, approved or disapproved by the Town Board pursuant to the procedures in this section. Town review and action shall be completed within 90 days of proper filing with the Town Clerk. ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

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(2) The Town Clerk shall give notice of the Town Board's review of the certified survey by listing it as an agenda item in the Board's posted meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action.

(3) The Town Clerk shall schedule a public hearing on the certified survey before the Town Board. The Town Clerk shall give notice of the Town Board's review and public hearing on the certified survey by listing it as an agenda item in the Board's posted meeting notice. The applicant shall also be notified. The notice shall include the name of the applicant, the address of the property in question and the requested action. Abutting property owners and property owners within 600 feet of the applicant's total parcel shall receive written notice of the public hearing.

D. Additional map information. The certified survey map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

(1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

(2) All lands reserved for future public acquisition.

(3) Date of the map.

(4) Graphic scale.

(5) Name and address of the owner, land, divider, and surveyor.

(6) Square footage of each parcel.

(7) Present zoning for parcels.

(8) Identification of land that has a slope of 20% or more that is within 100 feet of building envelopes and/or road construction sites.

E. Supplemental data. In addition to information on the face of the certified survey, land dividers shall provide the Town with the following information to assist the Town in its review of a proposed certified survey:

(1) Property owners' association; restrictive covenants. Three copies of a draft of the legal instruments and rules for proposed property owners' associations, when the land divider proposes that common property within a certified survey land division would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to § 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants shall be submitted at the time of filing the certified survey with the Town Clerk which shall identify dedications of land and easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

(2) Use statement. A statement of the proposed use of the lots, stating type of residential buildings, with number of proposed dwelling units, and types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

(3) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

(4) Area plan. Where the land divider owns property adjacent to that which is being proposed for the land division, the Town Board may require that the land divider submit a concept plan of the remainder of the property so as to show the possible relationships between the proposed land division and future land divisions. In any event, all land divisions must be shown to relate well with existing or potential adjacent land divisions.

(5) Adjacent land divisions. A record of any adjacent land divisions made within the last five years.

(6) Street plans and profiles. When made necessary by the certified survey land division, the land divider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed land division when requested.

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(7) Soil testing. Pursuant to the public policy concerns prescribed in this chapter, 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 groundwater table.

(8) Define 91% open spaces for normal density development or 85% open spaces required for cluster development.

F. Drafting standards. The land divider shall submit to the Town Clerk copies of a certified survey which shall identify dedications of land and easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

G. State plane coordinate system. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.

H. Certificates. All certified survey maps shall provide all the certificates required by § 236.34, Wis. Stats., and in addition the surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

I. Street dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

J. General requirements, design standards and improvements. To the extent reasonably practicable, the land divider with a certified survey shall comply with the provisions of this chapter relating to general requirements and design standards and required improvements prescribed in Articles VI, VIII and VIII.

ARTICLE VI. Required Improvements

§ 110-19. Liability for costs; general standards.

A. Payment for improvements. The improvements prescribed in this chapter are required as a condition of approval of a land division. The required improvements described in this chapter shall be installed, furnished and financed at the sole expense of the land divider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.

B. General standards. The following required improvements in this chapter shall be designed and installed in accordance with the engineering standards and specifications which have been adopted or approved by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good and accepted engineering practices. All engineering designs, standards and specifications must be approved by the Town Engineer prior to the start of any construction.

§ 110-20. Developer's agreement.

A. Contract. Prior to installation of any required improvements and prior to the meeting at which the final plat or certified survey map is approved, the land divider shall enter into a written contract, termed a "developer's agreement," with the Town requiring the land divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection and approval of construction details by the Town Engineer.

B. Financial guarantees.

(1) The developer's agreement shall require the land divider to make an escrow deposit or, in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to 1 1/4 times the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspections and approvals by the Town Engineer.

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(2) The land divider may construct the project in phases as the Town Board approves, said approval not being unreasonably withheld. If the project is to be constructed in phases, the amount of the required financial guarantees shall be applied and complied with on a phase by phase basis.

(~~2~~3) On request of the land divider, the developer's agreement may provide for completion of all or part of the improvements covered thereby prior to the approval of the land division, and in such event the amount of the deposit, letter of credit or bond shall be reduced in a sum equal to the estimated costs of the improvements so completed prior to approval of the final plat or certified survey map.

(~~3~~4) If the required improvements are not completed within the specified period, all amounts held under performance bond, deposit or letters of credit shall be turned over to the Town of New Glarus and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or land divider.

(~~4~~5) The Town Board, at its option, may require extension of the bond, deposit or letter of credit period for additional periods not to exceed two years for each additional period.

(~~5~~6) The time for completion of the required improvements, and the several parts thereof, shall be determined by the Town Board upon recommendation of the Town Engineer. The Town Engineer shall consult with the land divider regarding the establishment of the time for completion of the required improvements. The completion date shall be a component of the developer's agreement. The Town Board may, in its sole discretion, provide such penalties as it deems appropriate to ensure the timely completion of the required improvements.

(~~6~~7) The land divider shall pay the Town of New Glarus for all costs incurred by the Town for review, approval and inspection of the subdivision. Such costs shall include, but not be limited to, the review, and preparation at the Town Board's sole discretion, of plans and specifications by the Town Engineer; the review, and preparation at the Town Board's sole discretion, of legal documents, plans and specifications by the Town Attorney; as well as all other costs of a similar nature which are related to the review, approval and inspection of the subdivision.

§ 110-21. Required construction plans; Town review; inspections.

A. Engineering reports, construction plans, and specifications.

(1) At the time of submission of the final plat, engineering reports, plans and proposed specifications shall be submitted, or, when necessary for a minor subdivision, upon the filing of a certified survey map, construction plans for the required improvements conforming in all respects to the standards established by the Town Engineer and the ordinances of the Town shall be prepared at the land divider's expense by a professional engineer who is registered in the State of Wisconsin, and such plans shall contain the professional engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for his approval prior to signing the final plat and for his estimate of the total costs of the required improvements; upon approval the construction plans shall become part of the contract required.

(2) Simultaneously with the filing of the final plat with the Town Clerk, or, when necessary, upon the filing of a certified survey map, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:

(a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(b) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

(c) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Town's Erosion and Stormwater Runoff Control Ordinance (Building Code). ~~Editor's Note: See Ch. 15, Building Construction.~~

(d) Additional special plans or information required by the Town Board, Town Engineer or other parties designated by the Town Board.

B. Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent Town ordinances and design

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standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the land divider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.

C. Construction and inspection.

(1) Prior to starting any work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Occupancy permits shall not be issued until all improvements required by this chapter are satisfactorily completed.

(2) Construction of all improvements required by this chapter shall be completed within two years from the date of the approval of the preliminary plat or certified survey map by the Town Board, unless good cause can be shown for the Town Board to grant an extension. Any request for an extension of the construction completion date shall be made in writing to the Town Clerk and shall state the reasons for the requested extension. The Town Board may, in its sole discretion, grant such an extension.

(3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual costs incurred by the Town for such inspections. This fee shall be the actual costs to the Town of inspectors, engineers and other parties necessary to ensure satisfactory work.

§ 110-22. Street improvements.

The land divider shall construct streets, roads, and alleys as outlined on the approved plans based on the requirements of this chapter.

A. Street construction standards. The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications established by the Town of New Glarus. Editor's Note: See Ch. 75, Highway Design Standards. After applicable utilities have been installed, where required by the Town, the land divider shall construct, as part of the subdivision, all required streets.

B. Completion of street and sidewalk construction.

(1) Prior to any occupancy permits being issued on lands adjacent to streets, required street construction in conformance with the developer's agreement shall be completed by the land divider, inspected and approved by the Town Engineer, and accepted by the Town Board.

(2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area, or construction material shortages (i.e., cement or asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.

(3) The land divider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

§ 110-23. Sanitary sewerage system.

A. Private sewage disposal systems shall comply with the appropriate provisions of the Wisconsin Statutes, the Wisconsin Administrative Code and Green County ordinances.

B. Public sewerage systems established with sanitary districts or connected to the Village of New Glarus collection and treatment systems shall comply with Town of New Glarus engineering requirements or Village of New Glarus ordinances.

C. Public sanitary sewerage service shall be required at the time of initial development for land divisions meeting the following criteria:

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(1) Developments that are located within the Agricultural Transition District (A-T) and are zoned A-T in accordance with the Village of New Glarus Zoning Map as currently approved; and ~~Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

(2) The land division, or last in a series of land divisions, results in the creation of five or more lots or building sites from the existing parcel as it was configured on October 13, 1997, including lots created via separate land divisions and all residences on the parcel before October 13, 1997.

§ 110-24. Stormwater drainage facilities.

A. Pursuant to § 110-33, the land divider shall provide stormwater drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten-year storm; culverts, stormwater swales and ditches shall be designed to accommodate the ten-year storm and shall be sized so that the twenty-five-year frequency storms do not cause flooding of adjacent arterial or collector streets.

B. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the land divider; however, the cost of oversizing above a twenty-four-inch diameter storm sewer shall be paid by other users connecting to the system.

§ 110-25. ~~Other utilities.~~Utility Services for Land Divisions

A. The land divider of a major subdivision shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.

B. ~~All new electrical distribution lines, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons~~In all new utility services for major, minor cluster, or large lot developments, the electrical distribution and service voltage lines, cable lines, telephone lines which serve the subdivision shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

(1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or

(2) The lots to be served by said facilities can be served directly from existing overhead facilities.

C. All new utility services for lots defined pre-ordinance (before October 13, 1997), the service voltage electrical lines shall be underground.

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§ 110-26. Street signs and lighting.

A. The land divider shall furnish and install street signs in the subdivision in such locations as the Town Board may determine. Such signs include traffic control signs. The Town Board or its designee shall determine the design and construction standards for all such street signs.

B. The Town Board, in its sole discretion, may require the land divider to furnish and install streetlights in such locations as the Town Board may require. The Town Board or its designee shall determine the design and construction standards for all such streetlights.

§ 110-27. Erosion control.

The land divider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented. The land divider shall prepare and submit an erosion control plan that identifies measures that will be taken to assure compliance and the minimization of erosion problems within the land division.

§ 110-28. Partition fences.

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When the land included in a subdivision or certified survey map abuts upon or is adjacent to land used for agriculture, farming or grazing purposes, the land divider shall, if requested by adjacent landowners, 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. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for agriculture, farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

§ 110-29. Easements.

A. Utility easements. The Town Board, on the recommendation of the appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains, or other utility lines. It is the intent of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees and shrubbery in the easement area.

B. Drainage easements.

(1) Where a subdivision is traversed by a watercourse, drainageway, channel or stream:

(a) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or

(b) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.

(2) Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain one-hundred-year frequency storm. If the drainage easement is located in an established floodway or flood-fringe district, the entire floodplain area shall be included within the drainage easement.

C. Easement locations. Evidence shall be furnished to the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

ARTICLE VII. Design Standards

§ 110-30. General street design standards.

Street design standards to be followed shall be those prescribed by the Town Board. ~~Editor's Note: See Ch. 75, Highway Design Standards.~~

§ 110-31. Pedestrian pathways.

Pedestrian pathways, preferably acquired by easement, may be required by the Town Board where deemed essential to provide circulation or access to schools, playgrounds, public recreation areas, shopping centers, transportation, and other community facilities.

§ 110-32. Lot design standards.

A. Size.

(1) Lot sizes shall be appropriate for the location, zoning, type of sewerage or septic system to be utilized, and for the type of land division contemplated. The following lot size requirements shall be met:

(a) For land divisions to be immediately provided with public sanitary sewerage service at the time of initial land development the minimum lot size shall be 20,000 square feet.

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(b) In all other areas within the Town which are served by private sewer systems the minimum lot size shall be two acres.

(2) Residential lots within each block shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions.

(3) Every lot on a public or private street shall front or abut for a distance of at least 66 feet on a public street and 30 feet for a cul-de-sac.

(4) Width of lots shall conform to the requirements of the Green County Zoning Code.

B. Commercial lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Green County Zoning Code.

C. Lots where abutting major thoroughfare. Residential lots fronting on a major thoroughfare shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.

D. Corner lots. Corner lots for residential use shall have extra width of 10 feet to permit building setback from both streets, or as required by the Green County Zoning Code.

E. Side lots. Where practical, side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.

F. Through lots and reversed frontage lots. Through lots and reversed frontage lots shall be avoided for residential lots, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

G. Natural features. In the subdividing of any land, 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.

H. Land remnants. All remnants of lots below minimum lot and/or dimension size left over after land division of a larger tract must be added to adjacent lots or a plan shown as to future use rather than allowed to remain as unusable parcels. (See definition)

I. Building envelope placement. The land divider shall meet the following standards with respect to location of the building envelopes:

(1) All building envelopes shall be located within a lot such that all minimum setback, side yard, or rear yard requirements of the Green County Zoning Code and any applicable restrictions or requirements of the Land Use Plan or ordinances adopted by the Town Board are met.

(2) No building envelope may be located on a hillside with a slope of 20% or more unless the land divider has submitted, and the Town Engineer and Town Board have approved, construction plans and specifications, including an erosion control plan.

§ 110-33. Drainage system.

A. Drainage system required. As required by this chapter and/or where recommended by the Town Engineer, a drainage system shall be designed and constructed by the land divider to provide for the proper drainage of the surface water of the major subdivision and the drainage area of which it is a part. A final plat shall not be approved until the land divider shall submit plans, profiles and specifications as specified in this section which have been prepared by a registered professional engineer and approved by the Town Board and Town Engineer.

B. Drainage system plans.

(1) The land divider shall submit to the Town at the time of filing a final plat a final drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate

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that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:

(a) Estimates of the quantity of stormwater entering the land division naturally from areas outside the subdivision.

(b) Quantities of flow at each inlet or culvert.

(c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) A grading plan for the streets, blocks and lots shall be submitted by the land divider for the area within the land division.

(3) The design criteria for storm drainage systems shall be based upon standard engineering information and accepted engineering techniques and models.

(4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.

C. Grading. The land divider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography. The land divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

D. Drainage system requirements. The land divider shall install all the storm drainage facilities indicated on the plans required in Subsection A of this section.

(1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building stormwater drainage.

(2) Off-street drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the land divider shall make provisions for dedicating an easement to the Town to provide for the future maintenance of said system. Easements shall be a minimum of 20 feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.

E. Protection of drainage systems. The land divider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded, rip-rapped or paved depending upon grades and soil types.

§ 110-34. Nonresidential land divisions.

A. General.

(1) If a proposed land division includes land that is zoned for commercial or industrial purposes, the layout of the land division with respect to such land shall make such provisions as the Town may require.

(2) A nonresidential land division shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. Editor's Note: See Ch. 15, Building Construction. A nonresidential land division shall be subject to all the requirements of this chapter as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Master or Land Use Plan or the Green County Zoning Code.

B. Standards. In addition to the principles and standards in this chapter, which are appropriate to the planning of all land divisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

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(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

(3) Special requirements may be imposed by the Town Board with respect to street design and construction.

(4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer, and stormwater drainage.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial land division, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

(6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE VIII. Development Density

§ 110-35. Normal and cluster density.

A. Normal density, 91% open space.

(1) All existing parcels less than 70 acres as of October 13, 1997, shall have no more than one residential building site. If such existing parcels already possess a residence, no additional residential building sites shall be granted.

(2) All parcels 70 acres or more shall have the number of building sites determined as follows: the number of acres is divided by 35 and the resulting number is rounded down to the next whole number. That resulting whole number is the number of permitted building sites. (Examples: 69.9 acres divided by 35 equals 1.997, rounded down gives one building site; 70 acres divided by 35 equals 2.00, rounded down gives two building sites; 104 acres divided by 35 equals 2.97, rounded down gives two building sites.)

B. All parcels within 1/2 mile of the corporate limits of the Village of New Glarus may not be subject to the density requirements of Subsection A above or Subsection ~~B~~ C below but must meet the Town plat requirements for public sanitary and public services and must meet the requirements of § ~~110-32~~110-32.

C. Commercial or industrial development as allowed in areas of normal density and does consume a building site and may not occur in open space.

Comment [NG3]: (Non ETZ?)

D. Cluster density, 85% open space. Notwithstanding Subsection A above, if cluster development is used under the guidelines of the Amended Town of New Glarus Land Use Plan, dated August 20, 1999, then the number of building sites is determined using the following criteria:

(1) The minimum number of lots required to qualify as a cluster is three.

(2) The cluster development design and layout shall meet the definition of "cluster."

(3) Eighty-five percent or greater of the existing parcel shall remain open space.

(4) Open space shall be protected from development until at least December 31, 2025, through deed restrictions, affidavits or cluster development ownership covenants.

(5) Open space that is commonly owned by the cluster development shall be managed in a stewardship-like manner to permit active and passive recreational use of the commonly owned open space by residents of the development ~~and the general public~~and be compatible with adjoining land.

(6) Open space that continues to be utilized for agricultural purposes shall be utilized in a manner compatible with adjoining restrictions.

(7) Fifteen percent or less of the existing parcel may be classified residential and eligible for building permits, if all other code requirements are met.

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(8) Minimum lot size shall be two acres.

(9) Examples.

(a) Example No. 1. A forty-acre existing parcel under cluster development would be permitted three building sites (40 acres times 15% divided by two acres equals three). If there is an existing residence, the other two building sites would have to be clustered around the existing residence. If there is no existing residence, the three building sites could be located elsewhere. Any existing parcel less than 40 acres would not be able to take advantage of cluster development.

(b) Example No. 2. An existing parcel of 53.34 acres under cluster development would be permitted four building sites (53.34 acres times 15% divided by two acres equals four). If there is an existing residence, the other three building sites could either be clustered around the existing residence or clustered elsewhere.

(c) Example No. 3. An eighty-acre existing parcel under cluster development would be permitted six building sites (80 acres times 15% divided by two acres equals six). The developer could have up to two clusters with at least three building sites in each cluster. If there is an existing building site, that site could be unclustered and the other five would then have to be clustered in one location.

(10) Only single-family detached dwellings can be included in a cluster development.

ARTICLE IX. Variances; Enforcement

§ 110-36. Variations and exceptions.

A. Where, in the sole judgment of the Town Board, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper by the Town Board.

B. Application for any such variance shall be made in writing by the land divider on a form prescribed by the Town. Such application for variance shall be made at the time when the final plat is filed with the Town Clerk 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 Town Board in the analysis and evaluation of the requested variance.

C. The Town Board shall not grant variations or exceptions to the regulations and provisions of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.

(3) Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the regulations contained in this chapter were strictly enforced.

D. The Town Board, if it approves of the request for variance, shall do so by resolution. The Town Clerk shall notify the land divider of the action of the Town Board.

E. Such relief shall be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town in accordance with any Town Master or Land Use Plan or component thereof, this chapter, or Zoning Code of Green County.

F. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this chapter. Such vote shall be by roll call of all members, and the reasons for granting or denying the variation shall be entered in the minutes of the Board.

G. The Town Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the land divider execute a surety bond to insure the placing of such monuments within the time required.

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§ 110-37. Violations and penalties; appeals.

A. Violations. It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this chapter or the Wisconsin Statutes, and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

B. Penalties.

(1) Any person, firm, or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than $200 nor more than $2,000 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 90 days. Each day a violation exists or continues shall constitute a separate offense.

(2) Recordation improperly made has penalties provided in § 236.30, Wis. Stats.

(3) Conveyance of lots in unrecorded plats has penalties provided in § 236.31, Wis. Stats.

(4) Monuments disturbed or not placed have penalties provided in § 236.32, Wis. Stats.

(5) Assessor's plat made under § 70.27, Wis. Stats., may be ordered by the Town at the expense of the land divider when a subdivision is created by successive divisions.

C. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in §§ 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within 30 days of notification of rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

§ 110-38. Annexation and Reverse Annesation

A. Annexation: When part of a contiguous parcel of land under the ownership of one entity is annexed to the Village of New Glarus, the number of acres used to calculate the number of available residential building sites is the total number of acres of the contiguous parcel of land under the ownership of one entity prior to annexation.

B. Reverse Annexation: When a parcel of land under the ownership of one entity is un-annexed from the Village of New Glarus, the number of acres used to calculate the number of available residential building sites is the total number of acres in the un-annexed parcel.

§ 110-39. PRIVATE ROAD STANDARDS

A. Access for 1 lot (a large lot development) is by private drive as defined by the existing Town of New Glarus Driveway Ordinance (Chapter 36)
B. Access to 2 to 4 lots can be served by a private drive as defined by existing driveway standards; however, enough land must be designated on either side of the drive to accommodate the current width standard for a Town road Right of Way (ROW=66') in the event of future residential development
C. Access to 5 or more lots, the private road must be built to corrent Town Road standards (Chapter 75) but those private roads will not necessarily be accepted by the Town for public dedication
D. Commercial enterprises along a private road should be counted the same as a residence for the purposes outlined above
E. All private roads shall have a shared driveway agreement recorded with the Register of Deeds of Green County, Wisconsin and as approved by the Town of New Glarus Board.
(Note: Green County Code Title IV prevails for maximum number of lots served by private roads

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