

**TOWN OF JANESVILLE
LAND DIVISION AND SUBDIVISION ORDINANCE**

1.00: Introduction and Purpose

- (1) Introduction. This Ordinance is adopted for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes.
 - (a) The provisions of this Ordinance shall be held to be the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Janesville.
 - (b) This Ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

- (2) Purpose. The purpose of this Ordinance is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the 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 the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Janesville.

State Law Reference: Chapter 236, Wis. Stats.

1.01: Abrogation and Greater Restriction

It is not intended by this Ordinance 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 Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.02: Interpretation

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

1.03: Severability

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

1.04: Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.05: Title

This Ordinance shall be known as, referred to, or cited as the Town of Janesville Land Division and Subdivision Ordinance.

1.06: Definitions

- (1) The following definitions shall be applicable in this Ordinance:
 - (a) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (b) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land and to collector and minor streets.
 - (c) Bikeway. A bike route completely apart from a Street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
 - (d) 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 water bodies.
 - (e) Building Line or Building Setback Line. A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Town Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.
 - (f) Town. The Town of Janesville, Wisconsin, and, where appropriate, its Town Board, commissions, committees and authorized officials.
 - (g) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

- (h) Committee. The Planning and Zoning Committee created by the Town Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
- (i) Comprehensive Development Plan. A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (j) Concept Plan. A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
- (k) Condominium. A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (l) Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (m) Days. As used in this Ordinance, “days” shall mean calendar, not working days.
- (n) Dead End Street. A Street permanently or temporarily closed at one end, with or without turnarounds.
- (o) Drainageway. An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as “greenways.”
- (p) 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.
- (q) Final Plat. The final map, drawing or chart, on which the Subdivider’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (r) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (s) Half Street. A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street,

of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.

- (t) Impervious Lot Area. Roof areas, gravel or bituminous surfaces, sidewalks, decks or other hard surface areas.
- (u) Improvement. Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (v) Land Division. A division of a parcel of land where the act of division, including by certified survey, creates lots, parcels or building sites of thirty-five (35) acres each or less in area.
- (w) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (x) Lot. A parcel of land having frontage 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 and other open space provisions of this Ordinance and any applicable zoning ordinance.
- (y) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (z) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (aa) Lot Depth. The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (bb) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (cc) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (dd) Lot, Through. A lot having a pair of opposite lot lines along two (2) 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.
- (ee) Lot Width. The width of a parcel of land measured along the front building line.
- (ff) 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.

- (gg) Master Plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Town Board which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as placing documents within this definition.
- (hh) Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street.”
- (ii) Minor Subdivision (Certified Survey). The division of land by the owner or Subdivider resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is thirty-five (35) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites.
- (jj) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Town Board pursuant to Chapter 62, Wis. Stats.
- (kk) Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division, or is an otherwise undefined territory in a plat.
- (ll) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Ordinance.
- (mm) Parcel. Contiguous lands under the control of a Subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (nn) Parking Space. An off-street area suitable to be used for parking a passenger automobile.
- (oo) Person. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (pp) Planned Commercial Site. A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities

and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Town recorded in the office of the County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Town. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.

- (qq) Planned Unit Development or PUD. A form of development characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement by public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (rr) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (ss) Plat. The map, drawing or chart on which the Subdivider's plat of subdivision is presented to the Town for approval.
- (tt) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Committee and Town Board for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (uu) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (vv) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.
- (ww) Residential Dwelling Unit or Dwelling Unit. A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.

- (xx) Right-of-Way. A public way dedicated to the public for its intended use.
- (yy) Setbacks. The standards for setbacks shall be as defined in the Town Zoning Code.
- (zz) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (aaa) Street. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (bbb) Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (ccc) Subdivider. Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the Subdivider under the provisions of this Ordinance.
- (ddd) Subdivision. Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
 - a. The act of division creates five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (eee) 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. (Sec. 23.32(1), Wis. Stats.)
- (fff) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

1.07: General Provisions

- (1) Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Ordinance and the following:
 - (a) The provisions of Ch. 236 and Sec. 82.18, Wis. Stats.
 - (b) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter Trans. 233 for subdivisions which abut a state trunk highway or connecting street.
 - (c) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
 - (d) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (e) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (f) The Town of Janesville Development Plan and Official Map, or components thereof:
 1. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said "Development Plan" or Official Map, such part of such proposed public way shall be platted and dedicated by the Subdivider in the location and at a width indicated along with all other streets in the subdivision.
 2. Where a proposed school site or other public ground shown on the Development Plan or Official Map of the Town of Janesville is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Ordinance or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the Town of Janesville, Rock County, or any other appropriate agency having the authority to purchase said property. The Town, or other agency having the authority to purchase said property, and the Subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.

- (g) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (2) Certified Survey. Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (3) Compliance; Issuance of Permits. The Town of Janesville shall not recognize, and no building or other permits shall be issued by the Town authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully complied with and a resolution approving the land division has been adopted by the Town Board of the Town of Janesville.
- (4) Applicability to Condominiums. This Ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (5) Recording of Plats or Certified Surveys. Plats and certified surveys, approved by the Town Board of the Town of Janesville must be recorded together with the certification of approval, with the Rock County Register of Deeds within six (6) months of the date of the last resolution of approval and not later than twenty-four (24) months following the date of the first resolution of approval. Land divisions shall not be recognized by the Town until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Town Clerk and Building Inspector prior to issuance of any permits. The Subdivider shall file one recorded copy of the approved land division with the Town Clerk.
- (6) Exemptions. The provisions of this Ordinance shall not apply to:
 - 1. Cemetery Plats or Assessor's Plats.
 - 2. Transfers of interests in land by will or Court Order.
 - 3. Leases for a term not to exceed 10 years, mortgages or easements.
 - 4. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance or the Town of Janesville Zoning Ordinance.

1.08: Land Suitability

No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board upon the recommendation of the Planning and Zoning Committee, for reason of flooding, inadequate drainage, adverse soil on area to be improved or

rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provision of this Ordinance, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Board upon the recommendation of the Planning and Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.

1.09: Condominium Developments

- (1) Purpose.
 - (a) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Ordinance to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
 - (b) The factor that makes this Ordinance applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
 - (c) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 1. Additional population density.
 2. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 3. Additional demands upon Town area parks, recreation areas, utility facilities and schools.
 4. Additional traffic and street use.
- (2) Portions of Ordinance Applicable to Condominium Developments. The following Sections of this Ordinance shall apply to condominium developments:
 - (a) Section 1.08 relating to land suitability and construction practices.

- (b) Sections 1.10-1.13 and 1.15-1.17 relating to preliminary and final plat approval. The technical requirements for plats set forth in Sections 1.18 and 1.19 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (c) Section 1.36 relating to fees for review.
 - (d) Sections 1.21-1.30 relating to required improvements.
 - (e) Sections 1.31-1.35 relating to design standards for improvements.
 - (f) Section 1.38 relating to enforcement.
- (3) Exceptions. This Ordinance shall not apply to any condominium plat recorded prior to the effective date of this Ordinance.

1.10: Preliminary Consultation

It is recommended that prior to the filing of an application for the approval of a land division, that the land divider consult with Town staff in order to obtain an understanding of local planning procedures, regulations and other pertinent information which may help the land divider secure approval of the land divider's application. This consultation is neither formal nor mandatory, but is intended to help the land divider and the Town reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the Town as a whole.

1.11: Submission of Preliminary Plat

- (1) Submission. Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat and a letter of application. The Subdivider shall submit twenty (20) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with the standards of this Ordinance, particularly Section 1.18 and the Subdivider shall file copies of the Plat and the application as required by this Ordinance with the Town Clerk at least ten (10) days prior to the meeting of the Planning and Zoning Committee at which action is desired. The Town Clerk shall submit copies of the Preliminary Plat to the Planning and Zoning Committee.
- (2) 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 he has fully complied with the provisions of this Ordinance.
- (3) Supplementary Data to be Filed with Preliminary Plat. The following shall also be filed with the Preliminary Plat:
 - (a) Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and

- (b) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (c) Area Plan. Where the Subdivider owns property adjacent to that which is being proposed for the subdivision, the Subdivider shall comply with the requirements of Section 1.18(1)(e) for the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (4) Final Plat Requirements. Approval of any preliminary plat shall include a requirement that all requirements for a final plat, as stated in this Ordinance, are satisfied by the Subdivider.
- (5) Referral to Other Agencies and Utilities.
- (a) Utilities. The Subdivider shall also forward a copy to the local electric, gas, cable television and telephone utilities. When the Subdivider expects the Town to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that the transmittal responsibility lies with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
 - (b) County and State Agencies. The Town Clerk may, within two (2) days after the filing of the Preliminary Plat, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Administration or successor department, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and an adequate number of copies to the Planning and Zoning Committee. The County Planning Agency, the Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies. The Town Clerk shall also transmit a copy of the Preliminary Plat to other affected Town committees or departments for their review and recommendations concerning matters within their jurisdiction.
 - (c) Alternative Filing Procedure. In lieu of the procedures set forth in paragraph (b) above, the Subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the Preliminary Plat directly to the director of the planning function of the Wisconsin Department of Administration who will prepare and forward copies of the Plat at the Subdivider's expense to the objecting agencies. When the Subdivider elects to use this alternative procedure, it shall be the responsibility of the Subdivider to submit the additional copies required herein by Section 1.11(1) of this Ordinance.

- (d) Action by Outside Agencies. Within twenty (20) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Subsection (b)(1) above shall notify the Subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the 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 plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the plat. The recommendations of Town agencies shall also be transmitted to the Planning and Zoning Committee within twenty (20) days from the date the plat is filed.

1.12: Preliminary Plat Review and Approval

- (1) Committee Action. The Planning and Zoning Committee shall, within forty (40) days of the date the Preliminary Plat was filed with the Town Clerk recommend approval, conditional approval or rejection of the preliminary plat and shall transmit the preliminary plat and application along with its recommendation to the Town Board.
- (2) Board Action.
 - (a) The Board shall, within ninety (90) days of the date the preliminary plat was filed with the Town Clerk approve, approve conditionally, or reject such preliminary plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the Subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the preliminary plat, unless authorized agencies object to the plat. The Town Clerk shall communicate to the Subdivider the action of the Town Board. If the preliminary plat is approved, the Town Clerk shall endorse it for the Town Board.
 - (b) Upon approval of the preliminary plat the Town Board shall refer copies of the preliminary plat as approved to the Town Clerk. An Abstract of Title or Registered Property Report may be referred to the Town Attorney for his examination and report.
- (3) Preliminary Plat Amendment. Should the Subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure outlined herein, unless the amendment is, in the opinion of the Planning and Zoning Committee or the Town Board of such scope as to constitute a new plat, in which such case it shall be refiled.

1.13: Final Plat Review and Approval

- (1) Filing Requirements.
 - (a) The Subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file twenty (20) copies of the Plat and the application with the Town Clerk at least twenty-one (21) days prior to the meeting of the Planning and Zoning Committee at which action is desired. The owner or Subdivider shall file twenty (20) copies of the Final Plat not later than eighteen (18) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the Subdivider and for good cause granted by the Town. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the Subdivider expects the Town to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the Town and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to, be transmitted to such authorities.
 - (b) If the Town is acting as the transmitting authority, the Town Clerk shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected Town board, commissions and committees, and the original Final Plat and adequate copies to the Planning and Zoning Committee. The County Planning Agency, the Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.
 - (c) 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 to the plat as provided by Sec. 236.12(2).
 - (d) The Town Clerk shall refer copies of the Final Plat to the Planning and Zoning Committee.
- (2) Planning and Zoning Committee Review.
 - (a) The Planning and Zoning Committee shall examine the Final Plat only in the event the Subdivider has amended the Preliminary Plat as approved and shall recommend approval, conditional approval or rejection of the Plat to the Town Board.

- (b) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (c) If the Final Plat is not submitted within eighteen (18) months of the last-required approval of the Preliminary Plat, the Planning and Zoning Committee may refuse to approve the Final Plat.
 - (d) The Planning and Zoning Committee shall, within forty-five (45) days of the date of filing of the Final Plat with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.
- (3) Board Review and Approval.
- (a) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the Subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein by the Town Clerk or the Developer; the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (b) Failure of the Town Board to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (4) Recordation. After the Final Plat has been approved by the Town Board, required improvements are either installed or a contract and sureties insuring their installation is filed, all outstanding special assessments and taxes have been paid, and all other fees required by this Ordinance have been paid to the Town, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the Subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval. Recording fees shall be paid by the Subdivider.
- (5) Final Copies. The Subdivider shall file ten (10) copies of the Final Plat as approved with the Town Clerk for distribution to the approving agencies, affected utilities and other affected agencies for their files. One PDF file shall also be filed with the Town Clerk.

- (6) Partial Platting. The Final Plat may, if permitted by the Planning and Zoning Committee, constitute only that portion of the approved Preliminary Plat which the Subdivider proposes to record at the time.

1.14: Land Divisions And Consolidations By Certified Survey Map

- (1) Use of Certified Survey Map.
 - (a) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of Sec. 1.20 and having been approved by the Town Board may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - 1. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the Town and recorded with the Rock County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
 - 2. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the Rock County Register of Deeds, including those recorded by a metes and bounds description, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.
 - (b) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
 - (c) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the Subdivider, including those proposed for division or consolidation where one-quarter or more of a quarter section is affected. The Subdivider shall comply with all requirements of this Ordinance when a Certified Survey Map is used. A certification of the approval of the certified survey map by the Town Board shall be inscribed legibly on the face of the map. A certificate of the Town Clerk stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
- (2) Submission. Before submitting a final certified survey map for approval, the applicant for line division shall prepare a preliminary certified survey map and a letter of application with the Town Clerk. The applicant for land division shall file twenty (20) copies of the preliminary certified survey map.

- (3) Referral to Planning and Zoning Committee. The Town Clerk shall, within two (2) normal work days after filing, transmit the copies of the preliminary certified survey map and letter of application to the Planning and Zoning Committee.
- (4) Review and Approval. The Planning and Zoning Committee shall, within forty (40) days from the date of filing of the preliminary certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the preliminary certified survey map along with its recommendations to the Town Board. The Town Board shall, within ninety (90) days of the date the preliminary certified survey map was filed with the Town Clerk, approve, approve conditionally or reject such preliminary certified survey map and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the applicant for land division. The Town Clerk shall communicate to the applicant for land division the action of the Town Board. If the preliminary certified survey map is approved, the Town Clerk shall endorse it for the Town Board.
- (5) Effect of Preliminary Certified Survey Map Approval. Approval or conditional approval of a preliminary certified survey map shall entitle the final certified survey map to approval provided the final certified survey map conforms substantially to the preliminary certified survey map, including any conditions of that approval, conforms to applicable local ordinances, and is submitted within twelve (12) months of the last required approval of the preliminary certified survey map. If the preliminary certified survey map is approved, the final certified survey map must be approved by the Town Board within twelve (12) months of the preliminary plat or the preliminary certified survey map approval is void. Previous certified survey map approval shall not constitute grounds for approval upon resubmission.
- (6) Preliminary Certified Survey Map Amendment. Should the applicant for a land division desire to amend the preliminary certified survey map as approved, he may resubmit the amended map which shall follow the same procedure outline herein, unless the amendment is, in the opinion of the Planning and Zoning Committee or Town Board of such scope as to constitute a new map, in which such case it shall be refiled.
- (7) Filing requirements for Final Certified Survey Map.
 - (a) The applicant for the land division shall prepare a final certified survey map and a letter of application in accordance with this Ordinance and shall file twenty (20) copies with the Town Clerk at least twenty-one (21) days prior to the meeting of the Town Board at which action is desired. The applicant for land division shall file twenty (20) copies of the final certified survey map not later than twelve (12) months after the date of the approval of the preliminary certified survey map; otherwise the preliminary certified survey map and final certified survey map will be considered void unless an extension is requested in writing by the applicant for land division and for good cause granted by the Town. The owner or applicant for the land division may also be required to submit at this time a current certified

abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the map since the preliminary certified survey map.

- (b) The final certified survey map shall conform to the preliminary certified survey map as approved into the requirements of all applicable ordinances and state laws.
 - (c) The Town Clerk shall refer copies of the final certified survey map to the Town Board.
- (8) Board Review and Approval.
- (a) The Town Board shall, within sixty (60) days of the date of the filing of the original final certified survey map with the Town Clerk, approve or reject such map unless the time is extended by agreement with the applicant for a land division. If the map is rejected, the reason shall be stated in the minutes of the meeting in a written statement of the reasons forwarded to the applicant for a land division. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the Subdivider.
 - (b) Failure of the Town Board to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, the map shall be deemed approved.
- (9) Recordation.
- (a) The Subdivider shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within six (6) months of the date of the last resolution of approval and not later than twenty-four (24) months following the date of the first resolution of approval. All recording fees shall be paid by the Subdivider.
 - (b) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (10) Re-Approvals. Submittals of previously approved Certified Survey Maps for replatting or reapproval by the Town Board shall be in accordance with Section 1.15.

1.15: Replat

- (1) Whenever a Preliminary Plat of a replat is filed, the Planning and Zoning Committee shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the Subdivider's expense, to the owners of all properties

within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the proposed replat.

- (2) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the final resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Town Board. No Final Plats shall be reapproved by the Town Board following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Town.
- (3) Where lots are more than double the minimum size required for the applicable zoning district, the Planning and Zoning Committee may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Ordinance.

1.16: Determination of Adequacy of Public Facilities and Services

- (1) A Preliminary Plat, Final Plat or certified survey may not be approved if the Planning and Zoning Committee and the Town Board, in their discretion, determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required.
- (2) The applicant shall furnish any data requested by the Town Clerk who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Town Clerk shall act as coordinator of the reports from staff to the Planning and Zoning Committee and Town Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, traffic counts, and schools.
- (3) Where the Planning and Zoning Committee or the Town Board determine 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.
- (4) No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Town Board to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.

1.17: Disclaimer on Approvals

- (1) The purpose of requiring approvals under this Ordinance is to insure the health, safety, morale, comfort, prosperity and general welfare of the Town of Janesville. This Ordinance shall not be interpreted as placing any responsibility or liability on any Town official, Town employee or the Town as a municipal corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Ordinance shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (2) Approvals issued by the Town shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

1.18: Technical Requirements for Preliminary Plats

- (1) General. A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a scale of not more than two hundred (200) feet to the inch and shall show correctly on its face the following information:
 - (a) Title under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the County unless considered an addition to the subdivision.
 - (b) Legal Description/Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (c) Date. Scale and North Point.
 - (d) Names. Telephone Numbers, and Addresses of the owner, and any agent having control of the land, engineer, Subdivider, land surveyor preparing the plat.
 - (e) Entire Area contiguous to the proposed plat owned or controlled by the Subdivider shall be required by the Planning and Zoning Committee or Town Board to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a Subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Planning and Zoning Committee or Town Board may waive these requirements where adjacent development patterns have already been established.
- (2) Plat Data. All Preliminary Plats shall show the following:

- (a) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (b) Locations of all Existing Properly Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (c) 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.
- (d) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (e) Type Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations if required by the Planning and Zoning Committee or Town Board.
- (f) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (g) Existing Zoning on and adjacent to the proposed subdivision.
- (h) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) 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.
- (i) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (j) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (k) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

- (l) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (m) Approximate Dimensions of All Lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (n) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use.
- (o) Approximate Centerline Radius.
- (p) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (q) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (r) Soil Tests and Reports as may be required by the Town Planning and Zoning Committee or Town Board for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features. Soil reports shall indicate depth to ground water.
- (s) Design Features.
 - 1. Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - 2. Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - 3. Proposed contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to National Map Accuracy Standards based on Mean Sea Level Datum at vertical intervals of not more than two (2) feet.
 - 4. Gradients of proposed streets, including centerline profiles if required by Planning and Zoning Committee of Town Board.
 - 5. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - 6. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - 7. Sites, if any, to be reserved for parks or other public uses.

8. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 9. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (t) Where the Planning and Zoning Committee or Town Board 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 Subdivider.
- (3) Additional Information. The Planning and Zoning Committee, Town Board or Town officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

1.19: Technical Requirements for Final Plats

- (1) General. Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Ordinance.
- (2) Additional Information. The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (a) Exact Street Width along the line of any obliquely intersecting street.
 - (b) Exact Location and Description of utility and drainage easements.
 - (c) Railroad Rights-of-Way within and abutting the plat.
 - (d) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.
 - (e) Special Restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
 - (f) Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (g) Drainage Flows. The Subdivider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor (ten (10) year event) and major (one

hundred (100) year event) drainage components. The arrows shall be accompanied on the plat with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner.

- (h) Groundwater Presence. If required by the Planning and Zoning Committee or Town Board, where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the Subdivider shall place the following note on the plat:

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) _____ (insert numbers) to be at _____ (insert number) elevation or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information. The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table.

- (i) Dimensions of Lot Lines shall be shown in feet and hundredths.
- (j) A Numbered Identification System for all lots and blocks.
- (3) Deed Restrictions. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.
- (4) 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.
- (5) Survey Accuracy. The Town Board and Planning and Zoning Committee or their designees, shall examine all Final Plats within the Town of Janesville and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
- (6) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (7) Certificates. All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

1.20: Technical Requirements for Certified Survey Land Divisions

- (1) Additional Information. The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (a) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (b) Setbacks or Building Lines if required by the Town Board.
 - (c) All Lands Reserved for future acquisition.
 - (d) Date of the Map.
 - (e) Graphic Scale.
 - (f) Name and Address of the owner, Subdivider and surveyor.
 - (g) Square Footage of each parcel.
 - (h) Present Zoning for the parcels.
 - (i) Critical Building- Locations. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
- (2) Certificates. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Ordinance. The Town Board after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
 - (3) 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 Section 236.21 (2)(a) of the Wisconsin Statutes.
 - (4) Requirements. To the extent reasonably practicable, the certified survey shall comply with the provisions of this Ordinance relating to general requirements, design standards and required improvements.

1.21: Improvements Required

- (1) General Requirement.
 - (a) In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the Town of Janesville hereby requires that, as a condition of Final Plat or certified survey approval, the Subdivider agrees to make and install all public improvements required by this Ordinance and that the Subdivider shall provide the Town with security to ensure that the Subdivider will make the required improvements. As a further condition of approval, the Town Board hereby requires that the Subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.

- (b) As a condition for the acceptance of dedication of public rights-of-way, the Town requires that the public ways have been previously provided with all necessary facilities constructed to Town specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Town Board or that a specific portion of the costs be paid in advance as provided in Sec. 66.0709(2), Wis. Stats.
- (2) Options.
 - (a) The required public improvements shall be installed by the Subdivider at his cost; or
 - (b) The Town may enter into a recapture agreement with the Subdivider agreeing to require payment of recapture costs of public improvements from those properties benefitting from the improvements. The Town shall prohibit development on those properties until payment has been made. The Subdivider may contract directly with adjacent property owners and/or Subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
 - (c) Any workable combination of the above determined by the Town Board as acceptable.
 - (d) If the Town finds that Town construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under Subsections (2)(a) or (b) above.
- (3) General Standards. The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices.
- (4) Project Manager. The Subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the Subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the Subdivider directly.

1.22: Required Agreement Providing for Proper Installation of Improvement; Surety

- (1) Contract. At the time of approving a final plat or certified survey map, the Subdivider shall, at the option of the Town Board, be required to enter into a contract with the Town for land division improvements agreeing to install improvements. The contract form shall be provided by the Town and may provide for a phasing of public improvements construction, providing such phasing is approved by the Town Board. The Town reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- (2) Financial Guarantees.
 - (a) The Subdivider shall file with said contract, subject to the approval of the Town Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred twenty-five percent (125%) of the estimate of the cost of all proposed public improvements as surety to guarantee that such improvements will be completed by the Subdivider or his contractors not later than eighteen (18) months from the date of recording the plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security, the Town must be the beneficiary.
 - (b) However, the Subdivider may elect, with the approval of the Town, to install the improvements in construction phases provided that:
 1. The phases are specified in the contract for land division improvements;
 2. The developer submits surety in an amount equal to one hundred twenty-five percent (125%) of the estimated costs of improvements next required by the installation and construction schedules. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Town.
 3. The developer records deed restrictions approved by the Town Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Town's approval is obtained;

4. The Subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 5. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (c) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Town and adjacent property owners for Street and other improvements to serve lands adjacent to and within the land division.
 - (d) As work progresses on installation of improvements constructed as part of the contract, the Town Board, upon written request from the Subdivider from time to time, may permit a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, greenway or other improvements) are completed by the Subdivider and determined acceptable by the Town Board, the Town Clerk is authorized, upon submission of lien waivers by the Subdivider's contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty-five percent (125%) of the costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Town Board are valid for noncompletion, the Town Clerk is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Town Board, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. The Town Board, at its option, may extend the bond. For additional periods not to exceed one (1) year each.
 - (e) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Ordinance.
 - (f) The Subdivider shall agree in the development contract to pay all street assessments and all water main assessments, if applicable, including where the land division abuts existing streets which are not improved within the Town standard street improvements.
- (3) Improvement Guarantee. The Subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company

with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the Town Board's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Town Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the Subdivider shall remove it and replace it with nondefective work in compliance with the requirements of this ordinance. If the Subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Town may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

- (4) Survey Monumentation. Before final approval of any plat or certified survey within the corporate limits of the Town, the Subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Town Board may waive the placing of monuments for a reasonable time during public improvement construction on condition that the Subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the Town, the Town Clerk is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Town Board. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the Subdivider at his cost.

1.23: Lake and Stream Shore Plats

All subdivisions abutting a navigable lake or stream shall comply with the requirements of Sections 236.16(3)(4), Wis. Stats., which are incorporated herein by reference.

1.24: Street Improvements

The Subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Ordinance, particularly Sections 1.31 and 1.32.

- (1) General Considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain

features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- (2) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the Town in this Ordinance and any applicable provisions of the Zoning Ordinance of the Town or any other applicable ordinances of the Town.
- (3) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (4) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Town, the Subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Town Board may waive the placing of monuments for a reasonable time during public improvement construction on condition that the Subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the Town, the Town Clerk is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Town Board. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the Subdivider at his cost.
- (5) **Street Construction.** After the installation of all required utility and other improvements, the Subdivider shall prepare for surfacing all roadways, streets proposed to be dedicated, to the widths described by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street in a manner and quality consistent with this Ordinance.
- (6) **Street Cross Sections.** When permanent street cross sections have been approved by the Town, the Subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation.

1.25: Sewer Facilities

All land divisions intended for residential, commercial or industrial use shall be capable of either on site sewage disposal system or be connected to a public sewer system that will adequately provide treatment of an effluent generated on the premises.

1.26: Street Signs

The Subdivider shall arrange with the Town and pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and “road closed” signs as may be required by the Town Board until the street improvements have been accepted by the Town Board resolution.

1.27: Erosion Control

The Subdivider shall cause all gradings, 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 Subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

1.28: Partition Fences

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the Subdivider may be required to erect 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 farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

1.29: Easements

- (1) Utility Easements. The Town Board on the recommendation of appropriate departments, utilities and 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 Ordinance 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 in the easement area.
- (2) Drainage Easements. Drainage easements shall comply with the requirements of Section 1.34.
- (3) Easement Locations.
 - (a) Utility easements shall be at least eight (8) feet wide, or wider where recommended by the Town Board or Planning and Zoning Committee, and may run across lots or alongside of rear lot lines. Evidence shall be furnished the Planning and Zoning Committee and 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.

- (b) All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement." All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
- (4) Deed Restrictions for Easements. Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the Subdivider may not be altered thereafter by him, or any subsequent landowner by more than six (6) inches.

1.30: Acceptance of Improvements and Dedications

- (1) Acceptance of Improvements. The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Town or the public shall not be considered accepted by the Town for public ownership until such time as the required public improvements within the intended dedication have been completed and accepted by the Town Board by adoption of a resolution accepting such dedication. The Subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Town Board by resolution. In the event the Town must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Town, the costs of such measures shall hereby be determined to be Town-incurred costs to be reimbursed to the Town by the Subdivider in accordance with the provisions of this Ordinance.
- (2) Inspection and Certification of Improvements.
 - (a) After any of the following increments of the required improvements have been installed and completed, the Subdivider shall notify the Town Board, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Town Clerk and approved by the Town Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:

1. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 2. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (b) The Town Clerk shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance. When the taxes and special assessments have been paid and when the necessary lien waivers and affidavits have been filed, the recommendation of the Town Clerk shall be forwarded to the Town Board for approval and acceptance of the improvements and dedications.

1.31: General Street Design Standards

- (1) Compliance with Statutes. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town and Rock County regulations. In all cases where the requirements of this Ordinance are different from the requirements of Chapter 236 or other Town or County regulations, the more restrictive provision shall apply.
- (2) Street Layout. The layout of streets shall conform to the plan for the most advantageous development of adjoining areas. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the reposed use of the land to be served by the streets.
- (3) Street Classifications. Streets shall be required and classified in the classifications indicated below:
 - (a) Arterial Streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles. Arterial streets shall have a minimum right-of-way width of one hundred (100) feet.
 - (b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed. Collector streets shall have a minimum right-of-way width of eighty (80) feet.
 - (c) Local Minor Streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Local streets shall have a minimum right-of-way width of seventy (70) feet.

- (4) Alleys; Cul-de-Sacs Streets.
- (a) Alleys. Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
- (b) Cul-de-Sac Streets. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length. Cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter one hundred forty (140) feet and a roadway diameter of one hundred (100) feet.
- (5) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board upon the recommendation of the Planning and Zoning Committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.
- (6) Minor Streets. Minor streets shall be so laid out so as to discourage their use by through traffic.
- (a) Frontage Roads. Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the Subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Planning and Zoning Committee or Town Board to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (7) Private Streets. Private streets are allowed only if approved by the Town Board. All private streets shall be required to conform to the requirements of public streets.
- (8) Horizontal Curves. When connecting street lines, deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred fifty (150) feet on local streets, three hundred (300) feet on collector streets, and seven hundred (700) feet on arterial streets, unless otherwise approved by the Town Board.

- (9) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided for such distance as may be required by the Town Board based upon the applicable speed limit for the streets involved.
- (10) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (11) **Street Grades.** The grade of major thoroughfares and arterial streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Planning and Zoning Committee or Town Board. Grades of collector and local streets shall not exceed nine percent (9%). The minimum grade of all streets shall be five tenths percent (.5%), unless approved by the Planning and Zoning Committee or Town Board.
- (12) **Vertical Curves.** All changes in street grades for arterials and changes in Street grades for collector and local streets where the algebraic difference in the rate of grade exceeds one percent (1%) shall be connected by vertical curves. The minimum length, in feet, of the vertical curve shall be the product of the "K" value for the associated street design speed times the algebraic difference in the rate of grade.
- (13) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the Subdivider shall endeavor to acquire and dedicate the remaining half street.
- (14) **Intersections.**
- (a) Angle of Intersect. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than forty (40) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
- (b) Number of Streets Converging. The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
- (c) Number of Intersections -- Arterial Streets. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the Planning and Zoning Committee or Town Board.
- (d) Local Street Spacing. Local streets and frontage roads intersecting with other local streets shall be spaced no closer than three hundred (300) feet

between centerlines and spaced no closer than eight hundred (800) feet between centerlines on collector streets, unless otherwise approved by the Planning and Zoning Committee or Town Board.

- (e) Property Lines at Street Intersections. Property lines at street intersections shall be rounded when required by the Town Board.
- (f) Local Streets. Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
- (g) Additional Sight Easements. At any intersection determined by the Planning and Zoning Committee or Town Board, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the Subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the Street right-of-way lines and a point on each right-of-way line being not less than twenty-five (25) feet from the intersection point.

(15) Street Names.

- (a) Duplication of existing street names by similar word, spelling, or sound shall not be permitted.
- (b) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
- (c) A street name shall be changed when required to conform to the proposed or existing house numbering base.
- (d) A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- (e) The following designations shall be used only in the situations indicated:
 - 1. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
 - 2. "Court." To be limited to a cul-de-sac.

3. "Parkway." To be limited to a street abutting a park or greenway or creek.
- (f) The maximum number of street names at one (1) intersection shall be three (3).
- (g) Street names shall be assigned to avoid intersections which have the same exact street names.
- (h) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
- (i) The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this Subsection.
- (j) Service roads and highways served by them shall have the same street name and designation.
- (k) Approval of street names on a preliminary plat will not reserve the names nor shall the Town be required to accept such names at the time of final platting.
- (l) A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed twelve (12).

1.32: Specifications for Preparation, Construction and Dedication of Streets and Roads

- (1) General Requirements.
 - (a) Construction Standards. All roadway construction and materials used shall be performed in accordance with the industrial road and rural road specifications of Rock County and the Town, and this Ordinance. The design requirements of this Ordinance and Section 1.31 shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Planning and Zoning Committee and/or Town Board.
 - (b) Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants.
 - (c) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed utilizing the methods listed in Chapter 13, entitled "Drainage,"

of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. All culverts shall be designed to pass a ten (10) year, twenty-four (24) hour duration storm event.

- (d) Continuity and Transitions. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.

1.33: Lot Design Standards

- (1) Size.
 - (a) The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Town Zoning Code.
 - (b) Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals. Excessive depth in relation to width shall be avoided.
- (2) Commercial or Industrial 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 Town Zoning Code.
- (3) Minimum Lot Frontage. All lots on curved streets and cul-de-sacs shall have a minimum of fifty (50) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Town Board. In any case, minimum lot width at building setback line shall be in conformance with the requirements of the Zoning Code. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (4) Corner Lots. Corner lots for residential use shall have extra width to permit full building setback from both streets, or as required by applicable zoning regulations.
- (5) Access to Public Streets. Every lot shall front or abut on a public street or approved private street.
- (6) Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow Town boundary lines.
- (7) Natural Features. In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions

which, if preserved, will add attractiveness and stability to the proposed development.

- (8) Land Remnants. All remnants of lots below minimum size left over after dividing 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.
- (9) Large Lots. In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the Town Zoning Code for the zoning district in which the land is located, such parcels may be so arranged to permit redividing into parcels in accordance with this Ordinance and with the Zoning Code.
- (10) Trunk Highway Proximity. All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref Wis. Adm. Code Trans 233).
- (11) Easement Allowance. Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (12) Drainage Way and Watercourses. Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the Town Board to obtain building sites that are not subject to flooding from a post development one hundred (100) year twenty-four (24) hour duration storm event.

1.34: Drainage and Stormwater Management System

- (1) Purpose. The following provisions in this Ordinance are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.
- (2) Drainage System Required. The Subdivider shall submit to the Town at the time of filing a Preliminary Plat or Preliminary Certified Survey Map a drainage system plan which satisfies the Town that:
 - (a) Storm water runoff will be adequately handled so that it will not harm the future residents; their property, any public, quasi-public or private property.
 - (b) Erosion and sedimentation from the land division during and after construction will not increase as compared to the conditions prior to development.
 - (c) The storm water runoff from the upstream area of the water shed will be accommodated in the land division assigned.

- (d) The storm water runoff from the land division and the upstream area of the water shed will be accommodated in the downstream area.

1.35: Nonresidential Subdivisions

- (1) General.
 - (a) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.
 - (b) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A non-residential subdivision shall be subject to all the requirements of this Ordinance, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Development Plan and the Town Zoning Code.
- (2) Standards. In addition to the principles and standards in this Ordinance, which are appropriate to the planning of all subdivisions, 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:
 - (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (c) Special requirements may be imposed by the Town Board, with respect to the installation of public utilities.
 - (d) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, 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.
 - (e) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

1.36: Administrative and Other Fees.

- (1) General. The Subdivider shall pay the Town of Janesville all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map according to a developer agreement.

- (2) Review Fee. The Subdivider shall pay a fee to the Town equal to the cost, if any, of legal, engineering, administrative or physical work which may be undertaken by the Town in connection with a plat or certified survey map.
- (3) Concept Plan. There shall be no fee for the Town's review of a concept or sketch plan of a proposed land division.
- (4) Preliminary Plat and Final Plat Review Fee.
 - (a) A Subdivider who submits a Preliminary Plat for the Town Planning and Zoning Committee and the Town Board shall file said Preliminary Plat with the Town Clerk and shall deposit with the Town Clerk a fee to cover the costs of reviewing said application. The total fee for a Preliminary Plat and Final Plat shall be in an amount as established by resolution of the Town Board as set forth on a schedule on file with the Office of the Town Clerk, as may be amended from time to time. Such fee is waived where, concurrent with the filing of the Preliminary Plat, there is filed a Petition to rezone all or a portion of the property to which the Preliminary Plat pertains.
 - (b) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the Town Clerk at the time of reapplication for approval or amendment of any Preliminary Plat and Final Plat which has previously been reviewed.
- (5) Certified Survey.
 - (a) The Subdivider shall pay an application fee in an amount as established by resolution of the Town Board as set forth on a schedule on file with the Office of the Town Clerk, as may be amended from time to time. Such fee is waived where, concurrent with the filing of the certified survey, there is filed a Petition to rezone all or a portion of the property to which the certified survey pertains.
 - (b) The Subdivider shall pay an application fee in an amount as established by resolution of the Town Board as set forth on a schedule on file with the Office of the Town Clerk, as may be amended from time to time for each certified survey which results in more than two (2) lots, outlots, or parcels within the certified survey. Such fee is waived where, concurrent with the filing of the certified survey, there is filed a Petition to rezone all or a portion of the property to which the certified survey pertains.
 - (c) Should the Subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Fifty Dollars (\$50.00) for each amended or revised Certified Survey.
- (6) Assessments. All outstanding special charges and taxes due to the Town shall be due prior to the signing of the Final Plat or Certified Survey by the Town.

1.37: Variations and Exceptions

- (1) Where the Subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Ordinance. Application for any such variance shall be made in writing by the Subdivider to the Town Clerk at the time when the Preliminary Plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Town officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Town Clerk may request that the Town Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Ordinance. The Town Clerk shall refer the matter to the Planning and Zoning Committee with a written report and recommendation from Town staff. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (2) The Town Board shall not grant variations or exceptions to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) Failure to grant the variation may 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;
 - (b) 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;
 - (c) Because of the particular physical 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 strict letter of the regulations were carried out.
 - (d) There would be no costs (present or future) to the Town resulting from the granting of the variance or exception.
- (3) Any recommendations for variances or exceptions by the Planning and Zoning Committee must be approved by a three-fourths (3/4) majority vote of the Planning and Zoning Committee and shall be so endorsed by the Secretary and transmitted to the Town Board. The Town Board if it approves, shall do so by resolution adopted by two-thirds (2/3) vote and shall instruct the Town Clerk to notify the Planning and Zoning Committee and the Subdivider.

- (4) Variances from the strict application of this Ordinance may also be granted in accordance with this Ordinance in the case of Planned Unit Developments provided the Town Board upon review and recommendations from the Planning and Zoning Committee shall find that the proposed development is fully consistent with the purpose and intent of this Ordinance, Town Zoning Ordinances, and any Town comprehensive plan.

1.38: Enforcement, Penalties and Remedies

- (1) Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.
- (2) Penalties.
 - (a) Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (b) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (c) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (d) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (e) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the Subdivider when a subdivision is created by successive divisions.
- (3) Revocation of Permits and/or Approvals.
 - (a) The Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Ordinance and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 1. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the Subdivider or his contractor

- has refused to conform after written warning or instructions has been issued to him.
2. Whenever this continuance of any construction becomes dangerous to life or property.
 3. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 4. Whenever, in the opinion of the Building Inspector, the Subdivider has provided inadequate management of the project.
 5. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (b) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and/or on the person having charge of construction.
 - (c) A revocation placard shall also be posted upon the premises in question by the Building Inspector.
 - (d) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Ordinance, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Ordinance. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may required for the preservation of life and safety.
 - (e) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Town Clerk for consideration before the Town Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (f) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Ordinance is obtained.

- (g) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Ordinance may result in health or safety problems for the occupants.
- (4) Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10., 14. and 15., of the Wisconsin Statutes, within thirty (30) days of notification of the 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 that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

1.39: Disclaimers on Approvals

- (1) The purpose of requiring approvals under this Ordinance is to insure the health, safety, morale, comfort, prosperity and general welfare of the Town. This Ordinance shall not be interpreted as placing any responsibility or liability on any Town official, Town employee, or the Town as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Ordinance shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (2) Approvals issued by the Town shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.

1.40: Restrictions for Public Benefit

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on, platted lands by covenant, grant of easement, land division or consolidation approval, which was required by the Town and which names a public body or public utility as Guarantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Town Board.