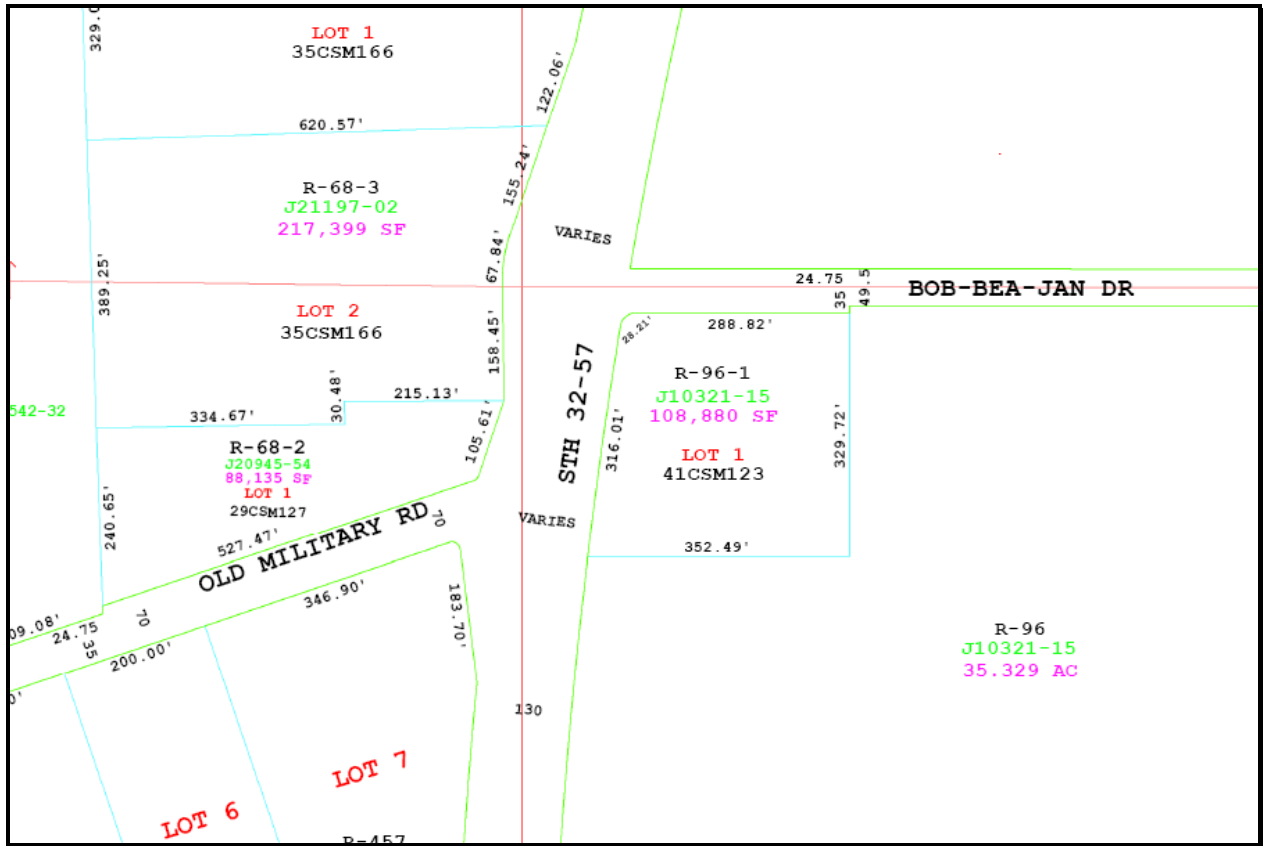


Town of Rockland

Subdivision and Platting Regulations

Town of Rockland, Brown County, Wisconsin



Adopted April 17, 2006

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1.01 AUTHORITY

This ordinance is adopted under the authority granted by Section 236 of the Wisconsin Statutes¹ and amendments thereto; and pursuant to this authority the Town Board of Town of Rockland, Brown County, Wisconsin do ordain as follows:

1.02 TITLE

This ordinance shall be known as, referred to, or cited as the *Town of Rockland Subdivision and Platting Regulations*.

1.03 JURISDICTION

Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin.

1.04 PURPOSE

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the Town.
- (2) To guide the future growth and development of the Town, in accordance with adopted Master Development Plans and/or Comprehensive Plan.
- (3) To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of all parts of the Town.
- (5) To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (7) To provide the most beneficial relationship between the uses of land and buildings circulation of traffic throughout the Town having particular regard to avoidance of congestion in the streets and highways and pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for proper location and width of street and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (9) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (10) To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the adequacy of draining facilities; to safeguard potable water supplies; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (11) To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- (12) To prevent destruction of unique environmental areas, such as the Niagara escarpment.

¹ The Wisconsin State Statutes may be viewed online at: <http://www.legis.state.wi.us/rsb/Statutes.html> or at the Town of Rockland Clerk's office.

- (13) To obtain the wise use, conservation, protection, and proper development of the Town's soil, water resources, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

1.05 GENERAL PROVISIONS

(1) Severability and Non-Liability

- (a) If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (b) The Town of Rockland does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the part of the Town Board, its agencies or employees, for sanitation problems, structural damages, or any other losses that may occur as a result of reliance upon, and conformance with, this ordinance.

(2) Repeal

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

(3) Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, 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.

(4) 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 and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(5) Effective Date

This Ordinance shall be effective after adoption by the Town of Rockland Board and publication and posting as required by law.

(6) Jurisdiction

Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin.

(7) Land Divisions Not Covered By This Ordinance

The provisions of Chapter 236 Wis. Stats and. this Ordinance shall apply to all land divisions, except:

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages, or easements involving five (5) parcels or less.
- (c) 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 these regulations or other applicable laws and ordinances.
- (d) A division of land resulting in parcels more than 40 acres in area.
- (e) Cemetery Plats pursuant to sec. 157.07, Stats., and Assessor's Plat pursuant to sec. 70.27 Stats.
- (f) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

(8) Re-subdivision of Recorded Land Divisions

Any re-subdivision of a recorded land division that ultimately results in the creation of five (5) or more lots, parcels, or building sites from the same original parcel shall be considered to be a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.

(9) Compliance with Ordinances, Statutes, Regulations, and Plans

Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a minor land division shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:

- (a) The provisions of Chapter 236, Wis. Stats.
- (b) All applicable State of Wisconsin, Brown County and Town of Rockland ordinances and regulations.
- (c) The Town of Rockland Comprehensive Plan.
- (d) The Town of Rockland Official Map.
- (e) Town of Rockland Master Development Plan

(10) Amendments

For the purpose of promoting the public health, safety, and general welfare, the Town Board may, from time to time, amend the regulations imposed by this ordinance. The Town Board shall hold public hearings on all proposed amendments. Notice of such hearings shall be given by publication of a Class 2 notice preceding the hearing or as otherwise provided by state statute.

(11) Violations

It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance as specified in Section 1.15 of this ordinance.

(12) Review Fees

(a) Preliminary Plat

The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of first application to the Town to assist in defraying the costs of necessary inspections and review of the preliminary plat.

(b) Certified Survey Map

The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of first application to the Town to assist in defraying the costs of necessary inspections and review of the certified survey map.

(c) Planned Unit Development

The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of first application to the Town to assist in defraying the costs of necessary inspections and review of the planned unit development.

(d) Variance

The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of application to the Town for each variance request from the Town of Rockland Subdivision Ordinance to assist in defraying the costs involved in such an application.

1.06 DEFINITIONS.

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

- (1) **Act or Action:** In the context of the Town Board or Town Planning Commission's review of a preliminary or final subdivision, act or action shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
- (2) **Alley:** A public right-of-way that normally affords a secondary means of vehicular access to abutting property.
- (3) **Area Development Plan:** A map approved by the Town Board that shows future streets on properties in the vicinity of a proposed land division.
- (4) **Arterial Street:** A street that 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.
- (5) **Association:** All of a condominium unit owners acting as a group, either through a non-stock, non-profit corporation, or an unincorporated association in accordance with its by-laws and declaration.
- (6) **Block:** A parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
- (7) **Buildable Area:** The area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this ordinance and the Town Planning Commission. The buildable area must be contiguous and not separated by environmental features, streets, or other similar features.
- (8) **Building Setback Line:** The distance from the boundaries of a lot within which structure(s) shall not be erected.
- (9) **Certified Survey Map:** A map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.
- (10) **Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
- (11) **Cluster Subdivision:** A residential development where the subdivision and zoning regulations apply to the project as a whole instead of to its individual lots. Densities are calculated for the whole project.
- (12) **Collector Street:** A street that 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.
- (13) **Commission.** The Planning Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes.
- (14) **Comprehensive Plan:** The most recently adopted official guide for the physical, social, and economic growth of the Town properly enacted or adopted according to Section 66.1001 of the Wisconsin Statutes.
- (15) **Conditional Approval:** Approval of a plat by the Town Planning Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Board or Town Planning Commission.
- (16) **Condominium Development:** Property subject to a condominium declaration established under Chapter 703 Condominiums, Wisconsin State Statutes.

- (17) **County Plat:** A map of a division of land prepared in the same manner required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this ordinance and where:
- (a) The act of division creates 5 or more lots, of which no more than 4 lots are 1.5 acres or less in area or
 - (b) Five or more lots, of which no more than 4 lots 1.5 acres or less in area are created by successive division within a period of 5 years.
- (18) **Crosswalk:** A public right-of-way traversing a block for the purpose of providing pedestrian access.
- (19) **Contiguous:** Next to, abutting, or touching and having a portion that is coterminous.
- (20) **Cul-de-Sac:** A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (21) **Days:** Shall refer to calendar days.
- (22) **Dead-End Street:** A street having only one outlet for vehicular traffic and no vehicular turnaround.
- (23) **Detention Pond:** A permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
- (24) **Developers Agreement:** An agreement by a subdivider with the Town of Rockland that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.
- (25) **Development:** The act of constructing buildings or installing site improvements, such as grading, clearing, ditching installing utilities or any other activity necessary prior to construction.
- (26) **Double Frontage Lots:** A lot other than a corner lot, which has frontage on two substantially parallel streets.
- (27) **Drainage Easement:** Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
- (28) **Easement:** The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.
- (29) **Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities, where a city or village maintains approval authority over land divisions.
- (30) **Final Plat:** The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.
- (31) **Flood:** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (32) **Flood fringe:** That area of land used to carry flood water between the floodway and the regional flood limits.
- (33) **Floodplain:** The land adjacent to a body of water which has been or may be hereafter covered by flood water including, but not limited to, the regional flood.
- (34) **Floodway:** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
- (35) **Flood Profile:** A graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

- (36) **Frontage:** A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- (37) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street or other thoroughfare for control of access and for service to the abutting development.
- (38) **Gradient:** The slope of land, road, street, or other public way specified in percent (%).
- (39) **Grading Plan:** A drawing of a proposed area with plans and specifications for grading.
- (40) **High Water Elevation:** The recorded average of all the high water elevations during the period of record for a flowage or other body of water.
- (41) **Improvement, Public:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (42) **Irrevocable Letter of Credit:** A guarantee issued by a bank or other lending agency stating that a certain level of funds are available to the Town to pay for improvement costs specified in an approved developers agreement.
- (43) **Land Division:** The act of creating two or more separately described parcels, at least one of which is forty (40) acres or less in size, from a single parcel of land by the owner thereof or his agent.
- (44) **Land Division Document:** For the purposes of this ordinance a land division document shall include a preliminary, final, or recorded subdivision plat, and certified survey map.
- (45) **Local Street:** A street designed for low speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.
- (46) **Local Unit:** A local unit in this ordinance includes the Town as well as the County, villages, and cities.
- (47) **Lot:** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
- (48) **Lot Area:** The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of -way but including the area of any easement.
- (49) **Lot, Corner (Corner Lot):** A lot abutting intersecting streets at their intersection.
- (50) **Lot Equivalent:** An area of land shown on a condominium plat document encompassing an individual condominium unit, or a building or part of a building, having two or more units, and also encompassing adjoining yard areas that will be associated with that unit, or set of units, in an occupancy and/or appearance sense in a manner equivalent to a lot for a comparable non-condominium development.
- (51) **Lot, Reversed Corner (Reversed Corner Lot):** A corner lot which is orientated 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.
- (52) **Lot, Through (Through Lot):** 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.
- (53) **Lot Lines:** The peripheral boundaries of a lot as defined herein.
- (54) **Lot Width:** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
- (55) **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.
- (56) **Master Development Plan:** A planning document that provides a general framework for the layout of sanitary sewer and water mains to service the entire Town of Rockland once fully developed.

- (57) **Mean Sea Level Datum:** Mean Sea Level Datum, a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey.
- (58) **Minor Subdivision:** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels.
- (59) **Municipality:** All units with local self-government.
- (60) **Neighborhood Unit:** A residential living environment with a well-connected local street pattern, centrally located community buildings, schools, and playgrounds to provide maximum pedestrian accessibility, and local shops grouped together to meet daily household needs at accessible points providing a harmony of design and development.
- (61) **Official Map:** The map of the city, village, Town, or county by law showing thereon streets, highways, parkways, parks, schools, and other public facilities as provided by Sections 62.23 (6), Wisconsin Statutes.
- (62) **Outlot:** A parcel of land other than a lot, which does not meet the requirements of a lot at the time of platting.
- (63) **Owner:** Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, public or quasi-public Corporation, or combination of these.
- (64) **Parcel:** A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
- (65) **Pedestrian Pathway:** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians and bicyclists only; it may also provide public right-of-way for utilities.
- (66) **Performance Bond:** A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
- (67) **Planned Unit Development:** A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
- (68) **Planning Commission:** An officially constituted Town of Rockland body whose duties include administration of the Town subdivision regulations.
- (69) **Plat:** A map of a subdivision.
- (70) **Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration.
- (71) **Pre Application:** A required meeting with the Town of Rockland Planning Commission for the Planning Commission to review a concept plan and provide input in to next steps or issues.
- (72) **Public Utility:** A corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
- (73) **Replat:** The changing of the boundaries of a recorded subdivision plat or part thereof.
- (74) **Replat, Subdivision:** A plat representing land that has previously been included in a recorded plat.
- (75) **Restrictive Covenant:** Written stipulations on the face of the plat regarding development that the landowner must abide by.
- (76) **Retention Pond:** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.
- (77) **Reviewing Agency:** Means an agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.

- (78) **Right-of-way:** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
- (79) **Roadway:** A surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.
- (80) **Rural Cross Section Street:** A street consisting of gravel shoulders, open ditches, and culverts.
- (81) **Shorelands:** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages and three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (82) **Sidewalk:** That portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.
- (83) **State Plat:** A map of a division of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this Ordinance where:
- (a) The act of division creates five (5) or more lots each one and one half (1.5) acres or less in area; or;
 - (b) Five (5) or more lots each one and one half (1.5) acres or less in area are created by successive divisions within a period of five (5) years.
- (84) **Stormwater:** The flow of surface water that results from precipitation.
- (85) **Stormwater Management Facilities:** Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
- (86) **Street:** Means and includes all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.
- (87) **Street, Half:** A street bordering one (1) or more property lines of a tract of land in which the subdivided has allocated a part of the ultimate right-of-way width. New half streets are not permitted in the Town of Rockland.
- (88) **Structure:** Anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
- (89) **Subdivider:** Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to create a subdivision of land hereunder for himself or for another or for others.
- (90) **Subdivision:** Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
- (a) The act of division creates five (5) or more parcels or building sites of forty (40) acres or less in area; or
 - (b) Five (5) or more parcels or building sites of forty (40) acres each or less in area are created by successive divisions within a period of five (5) years.
- (91) **Surveyor:** A land surveyor duly registered in the State of Wisconsin.
- (92) **Tax Parcel Number:** An identification number assigned to real estate in Brown County for taxation purposes.

- (93) Thoroughfare:** A street with a high degree of continuity, including collectors, major arterials, limited access highways, and freeways.
- (94) Town:** The Town of Rockland, Brown County, Wisconsin
- (95) Town Board:** The governing body of the Town of Rockland.
- (96) Unbuildable Area:** The area within a lot which is identified by the Planning Commission as an area not able to be used for building purposes and not able to be calculated as a buildable area.
- (97) Undeveloped Land:** Land in parcels or tracts sufficiently large for future subdivision, which is presently in agriculture, woodland, or other non-intensive use.
- (98) Unit, Condominium:** A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
- (99) Utility Easement:** An easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television, etc.
- (100) Urban Cross Section Street:** A street that provides access to lots served by public sewer and water and contains a curb and/or gutter.
- (101) Variance:** A departure from the terms of the subdivision ordinance as applied to a specific structure or parcel of land, which the Town Planning Commission may provide a recommendation to the Town Board, pursuant to the requirements within this Ordinance.
- (102) Wetlands:** A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. A wetland delineation is established by, or approved by the Wisconsin Department of Natural Resources and/or the U.S. Army Core on Engineers.

1.07 LAND SUITABILITY

No land shall be divided or subdivided for a use which is held unsuitable by the Town Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat, certified survey map, or of the community. Except as provided herein, the Town Board shall determine such unsuitability at the time the preliminary subdivision plat or certified survey map is considered for approval.

- (1)** When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that the subdivider determine the floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.
- (2)** When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding is a hazard, the Town Board shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps:
 - (a)** The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Brown County Shoreland Floodplain Ordinance.
 - (b)** Floodplain and floodway lines shall be shown on all final plats and maps.
- (3)** New land divisions not served by public sewer shall comply with the requirements of Brown County Code of Ordinances Chapter 11 and Wisconsin Administrative Code Chapter COMM 83 “Private Onsite Wastewater Treatment Systems” and are hereby adopted by reference and incorporated herein as fully set out.

- (4) All new land divisions not served by public sewer shall have a state acceptable soil test done for each proposed lot. No more than four (4) lots shall be allowed in any County Plat to be developed with holding tanks as the on-site waste disposal system.
- (5) The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
- (6) The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Town Board, provided that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
- (7) Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Rockland Comprehensive Plan, Master Development Plan, Zoning Ordinance, and Official Map.

1.08 DEDICATIONS AND RESERVATIONS

(1) Streets and Public Ways

Whenever a parcel of land to be divided as a subdivision contains all, or in part, a proposed street, highway, drainageway, stormwater management facility, public access to navigable lakes or streams, or other public way or access which has been designated in a comprehensive plan as defined in this Ordinance, an official map adopted under Section 62.23, Wis. Stats., or as required in Section 236.16(3) Wis. Stats., such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper determination of its necessity by the Town Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.

(2) Parks and Public Uses

- (a) The subdivider shall designate on every preliminary plat and certified survey map of a residential subdivision or land division an area of land suitable for park or open space purposes, and shall dedicate such land to the public. The amount of land to be provided shall be based upon an equivalent of 1 acre per 20 dwelling units for undeveloped lots. The minimum site size shall be one (1) acre.
- (b) In lieu of public land dedication, the subdivider may provide the required amount of park or open space area through a homeowners association, condominium association, or similar donor. This may be done providing such measures assure the proper and continuing maintenance and use of the area, meet the purposes of this Section, and are approved by the Town.
- (c) The Town may waive the requirement for dedication of land for parks or open space if it determines that the proposed or available park or open space would be too small, unsuitable, or unnecessary for reasons particular to the division or the neighborhood in which it is located.
- (d) In lieu of that public land dedication, the subdivider of a plat or certified survey map shall pay, at the time of approval, a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be dedicated, other than the streets and drainageways, as indicated on said plans or maps and the rate of dedication established herein. Said fees required in lieu of dedication shall be paid to the Town Treasurer at the time of first application for approval of a final plat of said subdivision.

- (e) The Town shall have the option of accepting the land dedication, or waiving the land dedication option in favor of accepting the monies in lieu thereof. All monies collected under this Section shall be deposited into a “*Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces, and Greenways*” and shall be used in such a manner approved, ordered, and directed by the Town upon recommendation of the Planning Commission and which shall be consistent with this chapter, comprehensive plan, park plan, or official map of the Town. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for the acquisition and development of said purposes.
- (f) The Town shall properly develop and maintain the dedicated area and the owner who dedicated said land shall in no way be responsible for its development, maintenance, or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use, or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels in which case he/she shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Town.

(3) Reservation of Lands for Park, Open Space, School, or Public Sites

Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance or an official map adopted under Section 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction. If the three-year period expires with no action by the public agency, the open space provisions of Section 1.08(2) of this ordinance shall still be required.

(4) Environmentally Sensitive Areas (ESAs)

Whenever a tract of land to be subdivided includes any part of identified Environmentally Sensitive Areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan, such areas shall be made a part of the plat. Environmentally Sensitive Areas included within a subdivision plat shall be: included within lots or outlots, or reserved for acquisition as provided in Sections 1.08(2) and 1.08(3), or shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided, if approved by the Town.

(5) Lands Between Meander Line and Water's Edge

The lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(6) Restrictions For Public Benefit

- (a) Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Town, or public utility, or which name the *Town of Rockland* as grantee, promisee, or beneficiary, vest in the Town of Rockland the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Town of Rockland.
- (b) The Town Board reserves the right to require the provision of future public access across or through dedicated public lands for the purposes of sound engineering, planning, or development purposes.

(7) Stormwater Management Facilities

- (a) The Town retains the option to own and maintain the stormwater facilities, however the costs to maintain the stormwater facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
- (b) Where the stormwater facilities are designed only for an approved subdivision or certified survey map, maintenance costs may be apportioned equally to all lots in the subdivision or CSM and such costs may be collected as a special charge placed on the Town tax bill or specially assessed as provided by the Wisconsin Statutes.
- (c) Notification shall be placed on the face of subdivision plats and certified survey maps, which contain designated stormwater management facilities, that the property owner may be subject to maintenance charges or assessments for work done by the Town to maintain said facilities.

1.09 IMPROVEMENTS

The subdivider or his or her agent shall furnish and install the following improvements, as required by the Town of Rockland. The required improvements are to be furnished and installed at the sole expense of the subdivider, unless specified differently within this ordinance or in an approved developer's agreement between the Town of Rockland and subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town.

(1) Financing

Before the Town Board approves a preliminary plat, or as a condition of approval in the case of a CSM that contains a public dedication, the subdivider shall submit a Development Agreement and irrevocable letter of credit, performance bond, or cash escrow agreement to assure the following:

- (a) The subdivider shall pay for the cost of all improvements required in the subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Town. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
 - (i) Assessments for improvements installed within the subdivision to benefit lands beyond the boundaries of the subdivision shall be deferred until such time that said lands are proposed to utilize the improvements.
- (b) Guaranteed start of construction within 6-months following final plat recordation with the Brown County Register of Deeds Office.
- (c) Guaranteed completion of the required improvements within a 2-year period following approval of the preliminary plat.
- (d) Payment by the subdivider for all costs incurred by the Town for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner, and/or Attorney, as well as other costs of a similar nature.
- (e) The Town may elect to install any of the required improvements under the terms of a cash escrow agreement.
- (f) The irrevocable letter of credit, performance bond, or cash escrow agreement shall be equal to 1-1/4 times the bid package cost for the required improvements.
- (g) If the required improvements are not completed within the 2-year period following approval of the preliminary plat, all amounts held under the escrow agreement, irrevocable letter of credit, or

performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements, and engineering, administrative, legal or other associated costs born by the Town. Any balance remaining after such expenses have been paid shall be returned to the owner or subdivider. The Town Board at its discretion may extend the bond period for an additional period not to exceed 2 years.

(2) Survey Monuments

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats. (Pursuant to Section 236.15(1)(11), Wis. Stats., the Town which is required to approve the subdivision under Section 236.10, Wis. Stats., may waive the placing of monuments for a reasonable time on condition that the subdivider executes a performance bond to ensure that he or she will place the monuments within the time required.)

(3) Grading and Surfacing

(a) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town of Rockland. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated, with surfacing materials approved by the Town before building permits may be issued.

(b) When permanent street sections have been approved, the subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

(4) Pedestrian Guidelines.

(a) Sidewalk Requirements

Sidewalks shall be constructed on all urban cross-section streets that provide primary access to lots that are served by public sewer and water service, and shall meet the design standards in Section 1.11 of this ordinance.

(5) Bicycle Circulation

Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users), shared on-street driving/bicycle lanes, and striped bicycle lanes on streets. Designated lane signs shall be placed beside the road where bicycle lanes are present, and “bike lane” shall be painted within the lanes to ensure that people understand the lanes are to be used only by bicyclists. The *Town of Rockland Comprehensive Plan* and the most recent version of the *Brown County Bicycle and Pedestrian Plan* shall be consulted for guidance.

(6) Motor Vehicle Circulation

Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Features such as curb extensions, roundabouts, short medians and other traffic calming techniques may be used to encourage slow traffic speeds.

(a) **Street Hierarchy.** Each street within a development shall be classified according to the following:

(i) **Freeways:** Freeways are fully controlled access highways that have no at-grade intersections or driveway connections.

(ii) **Arterials.** Principal and minor arterials carry longer-distance traffic flows between activity centers. These facilities are the backbone of a highway system and are designed to provide a very high amount of mobility and very little access.

- (iii) Collectors. Collectors link local streets with the arterial street system. These facilities collect traffic in local areas, serve as local through routes, and directly serve abutting land uses.
 - (iv) Locals. Local roads and streets are used for short trips. Their primary function is to provide access to abutting land uses, and traffic volumes and speeds are relatively low.
 - (v) Alleys. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
- (b) **Street Layout.** Well-connected street patterns that take into account the natural landscape should be developed to maximize connectivity and accessibility wherever feasible.
- (i) Alignment and visibility: Clear visibility, measured along the centerline, shall be provided for at least 400 feet on major streets, 350 feet on collector streets, and 250 feet on minor streets.
 - (ii) Minimum radii or curvature on the centerline: shall be 300 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets.
 - (iii) Tangents: A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
 - (iv) Local streets may terminate other than at other streets when geographic or environmental conditions necessitate the creation of a cul-de-sac. Cul-de-sacs should maintain a connection to the pedestrian and bicycle path network at the terminus in order to maintain an effective pedestrian and bicycle circulation network.

(7) Street Lamps

The subdivider shall provide, pay for, and install street, pedestrianway, and bikeway lighting systems, where appropriate, within the area being developed, upon consultation with the appropriate electric utility and as approved by the Town Engineer, prior to acceptance of the subdivision or submit a fee deposit in lieu thereof. The ongoing costs of lighting shall be paid for by the subdivision.

(8) Street Signs

The subdivider shall pay for the purchase and installation of all street name signs, temporary dead end barricades and signs, no parking signs, and traffic control signs as required by Town standards, prior to acceptance of the subdivision or submit a fee deposit in lieu thereof.

(9) Landscaping and Screening Standards

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, a landscaped earthen berm, or a hedge. Landscaping shall not be located within street rights-of-way.

- (a) **Street trees.** In areas with urban cross-section streets, a minimum of one deciduous canopy tree (minimum 1½" dbh) from a list of Town-approved trees per 45 feet of street frontage, or fraction thereof shall be required immediately following home construction, but prior to issuance of occupancy permit unless otherwise dictated by weather conditions. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the

sidewalk. The subdivider shall pay for the purchase and installation of the street tree(s) or provide for their purchase and installation by the Town in a dedicated escrow account. Property owner is responsible for ongoing maintenance of street trees.

(10) Public and Private Sanitary Sewage Disposal Facilities

- (a) The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate public sanitary sewerage service available to each lot within the subdivision. Such construction may include, where necessary, sanitary pumping stations, sanitary pressure mains, and sanitary interceptor mains, the cost of which shall be prorated on the basis of percent of service area within the subdivision. If public sewer facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems as specified by Town, County, and State regulations.
- (b) The subdivider shall assume the cost of installing all twelve (12) inch or smaller, as determined by the Town Engineer, sanitary sewers to serve the proposed development. If larger sized sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio, which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Town or assessed against the total tributary drainage area.
- (c) The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town. The Town may require the installation and capping of sewer laterals for future connection.
- (d) Sewage laterals shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.

(11) Public and Private Water Supply Facilities

- (a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provisions for adequate private water systems as specified by the Town and other applicable State and County regulations.
- (b) The subdivider shall assume the cost of installing all twelve (12) inch or smaller, as determined by the Town Engineer, sized water mains to serve the proposed development. If larger sized water mains are required to serve additional areas of the Town, the additional cost of such mains over and above the cost of those serving the proposed development shall be borne by the Town or assessed against the total area served.
- (c) The size, type, and installation of all public water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town. The water system shall be looped wherever possible. The Town may require the installation and capping of water mains for future connection.
- (d) Water laterals shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.

(12) Storm Water Management and Erosion Control Facilities

- (a) For all land divisions containing 5 or more parcels, the subdivider shall submit a stormwater management and erosion control plan conforming to the requirements of the Town of Rockland's adopted Stormwater Management Ordinance and appropriate Wisconsin State Statutes and Administrative Codes. The Town Board or Planning Commission may require a stormwater management plan for proposed land divisions containing 4 or fewer parcels. The stormwater management and erosion control plans shall be completed by an engineer licensed in the State of Wisconsin and be reviewed by the Town appointed engineer at cost to the subdivider.
- (b) Storm water management plans may require but not be limited to storm sewers, road ditches, waterways, storm sewers, curbs and gutters, catch basins and inlets, and water retention/settling

basins. Erosion control plans may require but not be limited to landscaping techniques utilizing vegetative covers, silt fencing, grading specifications; berms, and other sound erosion control measures.

- (c) The subdivider shall assume the cost of installing all appropriately sized stormwater management facilities to serve the proposed development. If larger stormwater management facilities are required to serve additional areas of the Town, the additional cost of such facilities over and above the cost of those serving the proposed development shall be borne by the Town or assessed against the total area served.
- (d) Where storm sewer laterals are required, they shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.
- (e) The subdivider shall adequately protect all ditches in accordance with the Wisconsin Construction Site Best Management Practice Handbook and to the satisfaction of the Town appointed engineer within 30 days. No other plantings or obstructions, except erosion control devices and ground cover if approved by the Town appointed engineer or Town Board, shall be placed within areas of stormwater drainage.
- (f) The subdivider shall not be completely released of the letter of credit, escrow, or performance bond until seventy-five percent of the subdivision is filled and the Town-appointed engineer inspects and certifies the stormwater facilities. The Town retains the option to own and maintain the stormwater facilities; however the costs to maintain the stormwater facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
- (g) Ownership, maintenance, and liability responsibilities for all stormwater management facilities shall be identified within the storm water management plan.
- (h) Plans required under this Section shall be submitted to the Town of Rockland, Brown County Planning Commission, and Department of Natural Resources for review, comment, and approval as appropriate.

(13) Other Utilities

A twelve (12) foot utility easement shall be required on the front and side lots of all newly platted lots. If the provision of utilities is to be made from the rear, then a twelve (12) foot utility easement along the rear lot line will be required in place of the front yard easement. All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, fiber optic, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless the Town determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground. The aforementioned aboveground equipment shall be landscaped so as to blend into the surrounding landscape.

1.10 CONSTRUCTION PROCEDURE

(1) Construction Plans and Specifications

Construction plans for the required improvements conforming in all respects with the standards of the Town Appointed Engineer or Town Board and the ordinances of the Town shall be prepared at the subdivider expense by professional engineer who is registered in the state of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Appointed Engineer or Town Board for approval and for estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required.

Immediately following approval of the preliminary plat by the Town Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Town for the following public improvements:

- (a) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
- (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (c) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, and materials of required facilities.
- (d) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- (e) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
- (f) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
- (g) Corner elevations for every proposed lot and outlot, prior to issuance of building permit.
- (h) Additional special plans or information as required by Town Planning Commission, Town Board, or Town staff.

(2) Action by the Town Appointed Engineer

The Town Appointed Engineer shall review or cause to be reviewed the plans and specification for conformance with the requirements of this Code of Ordinances and other pertinent Town design standards approved by the Town Board. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Appointed Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed.

(3) Construction and Inspection

- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Appointed Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.
- (b) Construction shall begin within six (6) months following recording of the final plat with the Brown County Register of Deeds Office.
- (c) Construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of approval of the preliminary plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
- (d) During the course of construction, the Town Appointed Engineer shall make such inspections, as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
- (e) Contractors shall provide a warranty for improvements for a minimum of two (2) years from substantial completion.

(4) As-Built Plans

After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, stubs, sewers and water mains and such other facilities as the Town Appointed

Engineer shall require. This map shall be on paper, shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital version of the map projected in Brown County Coordinates shall also be made available to the Town on a compact disc (CD) or digital video disc (DVD) in a format of the Town's choosing. The presentation of the map and digital file shall be a condition of final acceptance of the improvements and release of performance bond or remaining escrow, assuring their completion.

1.11 DESIGN STANDARDS

(1) Conformity with the Comprehensive Plan, Master Development Plan, Plan for Parks and Open Space, Transportation Plan, Utility Plans and the Official Map.

All proposed development shall conform to the Comprehensive Plan, Master Development Plan, Plan for Parks and Open Space, Transportation Plan, Utility Plans and the Official Map of the Town as they relate to utilities and transportation facilities. The classification and location of all streets shall conform to the Official Map and shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.

(2) Relationship to Existing and Future Development

- (a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets to adjoining areas.
- (b) Where adjoining areas are not subdivided or developed and the Comprehensive Plan indicates development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.
- (c) All new developments shall provide for future street connections to adjoining parcels, as appropriate.

(3) Access

Every lot or parcel created shall front on a public street, excluding alleys.

(4) Streets

- (a) All rural and urban cross-section roads shall meet the adopted minimum design standards for Town roads required by the Town of Rockland. Additionally, all urban cross-section streets shall be developed in a manner consistent with Table 1.
- (b) Asphalt placement (lower layer) shall be placed the first year of construction and final lift to be placed the following year.
- (c) All new street surfaces shall consist of blacktop or concrete prior to final acceptance of dedication by the Town.
- (d) Streets shall be designed by an engineer licensed in the State of Wisconsin to the standards required by the Town of Rockland and shall follow the construction procedures for streets identified in Section 1.10 of this Ordinance.

| Street Type | Right-of-Way Width** | Pavement Width (Curb Face to Curb Face) | Driving Lane Width | Parking Area | | |
|-----------------------|----------------------|--|--|-------------------|-------------------|------------|
| | | | | On-Street Parking | Defined By Curbs? | Sidewalks |
| Arterials | 70 feet | 36 feet | 12 – 14 foot travel lane | Limited | Yes | Both Sides |
| Collectors | 60 feet | 34 feet | 11 - 12 foot travel lane | Both Sides | Yes | Both Sides |
| Local Streets | | | | | | |
| Parking on both sides | 60 feet | 28 feet | 10 - 12 foot travel lane | Both Sides | Yes | Both Sides |
| Alleys | 16 feet | 12 feet | --- | --- | --- | --- |
| Cul-De-Sacs | 60 feet | 28 feet | 10 - 12 foot travel lane and 1,000 foot maximum length | Both Sides | Yes | --- |
| Bulb | 130 feet | 50 foot radius | | | | |

(5) Temporary Roadway Termination

Where a street is terminated temporarily at the edge of a development and the street is longer than two hundred forty (240) feet or two (2) lot widths, a temporary turn-around shall be provided by one of the following methods:

- (a) If the subdivider owns the adjacent land, a temporary turn around can be provided through a restriction (temporary easement) on said land. Such a turn around shall be constructed to Town standards.
- (b) The subdivider may provide the required turn around on one of the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Town. Such a turn around shall be constructed to Town standards.

(6) Reserve Strips

There shall be no reserve strips controlling access to streets except where control of such strips is placed in the Town under conditions approved by the Town.

(7) Half Streets

Where an existing dedicated or platted half street is adjacent to a parcel being subdivided, the other half of the street shall be dedicated by the subdivider. In new plats or certified survey maps, the creation of half streets is prohibited. Half streets may not be utilized in calculating required frontage.

(8) Street Jogs

Street jogs with centerline offsets of less than 200 feet shall not be allowed. Along collectors and arterials, offsets of less than 600 feet shall not be allowed.

(9) Intersections

- (a) Intersections shall be laid out so that the angle of the intersection is nearly as possible a right angle.

- (b) No street shall intersect another at less than a 75-degree angle.
- (c) Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections shall be fifteen hundred (1500) feet.

(10) Restriction of Access (Protection of Arterial Streets and Highways).

Whenever a proposed subdivision contains or is adjacent to an existing or officially mapped arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line.

(11) Sidewalks

- (a) Sidewalks shall be constructed on all urban cross-section streets that provide primary access to lots that are served by public sewer and water service, excluding cul-de-sacs, in accordance with the widths listed in Table 2.
- (b) Eighteen (18) foot easements shall be placed between subdivisions and between cul-de-sacs within the same subdivision for the purposes of constructing bicycle and pedestrian facilities to enable residents to conveniently walk and bike throughout their neighborhood, wherever practicable.

Table 2: Minimum Sidewalk Widths

| Street Function | Minimum Sidewalk Width |
|--------------------------------|------------------------|
| Arterial or Collector | 6' |
| Local | 5' |
| Easements between subdivisions | 10' |
| Easements between cul-de-sacs | 10' |

- (c) Sidewalks shall be installed on each lot prior to issuance of an occupancy permit, but immediately following building construction, weather permitting.
- (d) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
- (e) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. As appropriate, the Town may require well-lit and clearly marked crosswalks with contrasting paving materials at the edges or with striping.
- (e) Easements. Easements not less than eighteen (18) feet in width, with a sidewalk not less than ten (10) feet shall be provided near the center and entirely across any block 900 feet or more in length or elsewhere deemed essential by the Town to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches, transportation facilities, and other public destinations.
- (f) Terraces between the sidewalk and curb shall be of sufficient width to provide for safe and comfortable pedestrian activities.
- (h) Exceptions. The Town will consider the construction of a sidewalk on only one side of the street where the right-of-way has very severe topographic or environmental constraints or where there is existing development or mature landscaping. Sidewalks will be considered but not required where the subdivision includes an alternative trail network.

(12) Land Division Abutting Railroad, Trail Corridor, or Limited Access Highway

Where a subdivision or certified survey map borders on or contains a railroad right-of-way, off-street trail corridor, or limited access highway right-of-way, the Town Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

(13) Street Names

- (a) A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street within Brown County.
- (b) The use of the suffix "street", "avenue", "boulevard", "drive", "place" or "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.
- (c) The Town Board reserves the right to approve or disapprove of any proposed new street names.

(14) Addresses

All new lots shall be numbered in accordance with the uniform house or fire number system adopted by the Town Board. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Town Board.

(15) Cul-de-sac Streets

- (a) The use of cul-de-sac streets shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets.
- (b) Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
- (c) All cul-de-sac streets shall terminate in a circular turn around meeting dimension standards in Table 1.
- (d) Cul-de-sacs shall not exceed 1,000 feet in length and shall be measured along the centerline from the center of turnaround to the edge of the right-of-way of the intersecting street that provides external access to the development.

(16) Grades

Pedestrianways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Town Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of topography.

(17) Ditches

- (a) Driveways shall contain a maximum 3:1 (3 foot horizontal : 1 foot vertical) slope as the driveway transitions to the culvert and ditch.
- (b) All culverts running underneath driveways shall have endwalls to maintain the maximum 3:1 slope
- (c) Ditches and culverts shall be sized to efficiently convey stormwater and contain a minimum one percent grade.
- (d) Ditches and culverts shall contain a minimum one percent grade and culverts shall have a minimum diameter of eighteen (18) inches, contingent upon Town approval.
- (e) All ditches shall be kept free of any grading activities and clear of any obstructions, including decorative stone, monuments, landscaping, etc, that may present a safety hazard to pedestrians, bicyclists, or motorists; or that may present an obstruction to the efficient flow of stormwater.

(18) Driveways

- (a) Driveways shall be a minimum of seventy-five (75) feet from centerline of the intersection of any road rights-of-way.
- (b) In the area between the property line and street, driveways with access to rural cross-section streets shall consist of either gravel or asphalt.

- (c) Driveways with access to urban cross-section streets shall provide for the continuation of the sidewalk network within the concrete driveway apron. Driveways continuing past the driveway apron and sidewalk segment shall consist of concrete.

(19) Pedestrianways and Bikeways

- (a) In the design of the plat, the subdivider shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Town. Where it is deemed necessary by the Town, walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance.
- (b) Access shall be made available to the Fox River Recreational Trail at distances not to exceed one per half mile. Existing street crossings shall be considered as existing access points and may be considered when determining additional access.

(20) Blocks

- (a) The lengths, widths, and shapes of blocks shall be compatible with the comprehensive plan, zoning requirements, need for convenient pedestrian, bike and vehicle access, control and safety of street traffic, bicyclists and pedestrians, and the limitations and opportunities of topography. Blocks in residential areas shall not be less than two hundred (200) feet wide between street lines nor greater than one thousand five hundred (1,500) feet in length unless dictated by exceptional topography or other limiting factors of good design.
- (b) Block layout shall promote the development of a well-connected street network, however they may vary in size and shape to allow for topographical or environmental constraints.
- (c) Blocks shall be of sufficient width to provide for two (2) tiers of lots of appropriate depth, except where required to separate residential development from through traffic.
- (d) Easements not less than eighteen (18) feet in width, with a sidewalk not less than 10 feet in width, shall be established near the center and entirely across any block nine hundred (900) feet or more in length, or elsewhere deemed essential, in the opinion of the Town Board, to provide convenient pedestrian and bicycle circulation.

(21) Lots

- (a) Lot dimensions and setback lines shall conform to the requirements and amendments to the Town of Rockland Zoning Ordinance.
- (b) Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.
- (c) Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Code.
- (d) Every lot shall front or abut on a public street, not including alleys, freeways, or half-streets.
- (e) Lot lines shall not cross municipal boundary lines.
- (f) Double frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (g) Residential lots fronting or backing on arterial streets shall be platted with extra depth.

(22) Building Setback Lines.

- (a) Where the Rockland Zoning Ordinance does not control building setback lines, the Town shall establish building setback lines appropriate to the location and type of development.
- (b) Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas, boathouses, and similar uses shall not be less than one hundred (100) feet from the ordinary high water line as measured on a horizontal plane.

- (c) Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and similar uses shall not be less than twenty-five (25) feet from the ordinary high water line as measured on an horizontal plane.
- (d) The Brown County Sewer Service Area and Subdivision Ordinance Environmentally Sensitive Area setbacks shall be complied with.

(23) Treatment of Railroad or Fox River Recreational Trail Rights-of-Way

Whenever the proposed subdivision contains or is adjacent to a railroad or Fox River Recreational Trail right of way, the subdivider shall proceed as follows:

- (a) In residential districts a buffer strip at least thirty (30) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right of way. This strip shall be a part of the platted lots, but the following restriction shall be written on the plat:

"This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."

- (b) The Town may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.

(24) Utility Easements

(a) Underground Requirements

- (1) All new electric distribution lines, all new telephone lines from which individual lots are served, community antenna television cables and services, fiber optic cables, and gas utility services shall be underground unless the Town shall find upon study that:
 - (i) The placing of such facilities underground would not be compatible with the development, or
 - (ii) Location, topography, soil, wetland, solid rock, boulders, stand of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impractical.
- (2) Associated equipment and facilities such as, but not limited to, pad mounted transformers, pad mounted sectionalizing switches and pedestal terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
- (3) The subdivider or his or her agent shall furnish proof to the Town that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan or certified survey map.
- (4) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.
- (5) Sewer, water, and storm sewer laterals shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.

(b) Easement Locations

- (1) Perpetual, unobstructed easements centered on the front and side lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary.

Such easements shall be at least twelve (12) feet wide and shall be designated as "*Utility Easements*" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.

- (2) Where topographical or other conditions are such to make impractical the inclusion of utilities within the front or side lot line, where necessary, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along each adjoining rear lot lines and shall be designated as "*Utility Easements*" on the plat or certified survey map.

1.12 SURVEY AND DATA SUBMISSION REQUIREMENTS

(1) Pre-Application

It is required that prior to the filing of an application for the approval of a preliminary plat or certified survey map the subdivider consult with the Town Planning Commission, and all affected utilities for assistance and advice regarding site suitability and general requirements. It is also recommended that the subdivider consult with the Brown County Planning Commission to obtain planning assistance to avoid potential environmental problems.

(a) Conceptual Plan

A conceptual plan of the proposed subdivision or land division drawn on a topographic survey map shall be submitted to the Town Planning Commission Secretary by the 15th of the month prior to the meeting where it is to be reviewed as part of the pre-application prior to the submittal of a preliminary plat for staff review and comment. There shall be no fee for the Town's review of a conceptual plan. The conceptual plan shall identify:

- (1) Property boundaries,
- (2) Proposed roads, lots, and any proposed dedications;
- (3) Slopes at or exceeding 12%;
- (4) General soil conditions;
- (5) Site characteristics, including: wetlands, floodplains, erosion hazard areas, drainageways, rock outcroppings, and vegetation;
- (6) All contiguous property owned or controlled by the subdivider.
- (7) Existing buildings and easements.
- (8) Current and proposed zoning

(2) Preliminary Plat.

(a) A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specifications set forth in Chapter 236, Wis. Stats., shall utilize the Brown County Coordinate Monumentation System and shall show correctly on its face the following information:

- (1) Title of the proposed subdivision.
- (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
- (3) Date, graphic scale, and north arrow.
- (4) Name and address of the owner, subdivider, authorized agent, and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Town may waive

this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

- (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Brown County Coordinate Monumentation System, and the total acreage encompassed.
- (7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (8) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (9) Location of existing property lines, structures, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas, slopes 12 percent or greater, Environmentally Sensitive Areas as defined by the Brown County Sewage Plan and other similar significant features within the parcel being subdivided.
- (10) Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
- (11) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
- (12) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
- (13) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, public access, drainageways, schools, or other public uses.
- (14) Approximate dimensions of all lots, and proposed lot and block numbers.
- (15) Computed contiguous buildable area of each lot.
- (16) Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.
- (17) Floodplains, wetlands, and any proposed lake and stream access.
- (18) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.
- (19) Proposed preliminary locations for stormwater management facilities, if any.
- (20) Location of existing subsurface tiles and proposals to reroute or destroy. The Town and County should cooperate with the subdivider in obtaining recorded locations of subsurface tile, but the subdivider's engineer, planner or surveyor shall draw the location of the subsurface tile on the preliminary plat or land use plan. All proposed rerouting and removal shall be shown prior to plan approval by the Town.
- (21) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Section COMM 83 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (22) Locations of areas of particular sensitivity to groundwater contamination or depletion, if any.
 - (i) Where there are areas of sensitivity to groundwater contamination or depletion, the Town of Rockland may require a Groundwater Impact Analysis be performed.
- (23) Where the Town finds that the proposed development should provide for future street connections to nearby properties, the Town may require an Area Development Plan be created by the subdivider and approved by the Town of Rockland.
- (23) Signature and seal of surveyor

- (24) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.

(3) Preliminary Plat Submittal Procedure

- (a) Subdivider Submittals: Prior to submitting a final plat for approval, the subdivider shall submit to the Town and to those agencies having the authority to object to plats under Chapter 236 Wis. Stats., a preliminary plat and a letter of application for Town approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit twelve (12) copies of the plat and all other fees, plans and specifications required in this Ordinance, to the Town Planning Commission Secretary by the 15th of the month prior to the Planning Commission meeting at which it is to be considered. Any proposed restrictive covenants for the land involved shall also be submitted. The Planning Commission may forward a copy of the preliminary plat to the Town Engineer and Planning Consultant, if any, for review and written report of their reaction to the proposed plat.
- (b) Within 90 days of the date of filing the preliminary plat, the Town Board, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance and the Town of Rockland Comprehensive Plan. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the subdivider. If approved, a condition of approval shall be that the subdivider enters into a developers agreement as identified in Section 1.12(5) of this ordinance.
- (i) Failure of the Town Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.
- (c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.11(1)(b), Wis. Stats., the final plat is entitled to approval.

(4) Addressing

In order to ensure timely emergency response, addresses shall be determined as a condition of approval of a final subdivision plat. Minor subdivisions that create new streets shall also have addresses assigned whenever possible. The subdivider shall contact the agency responsible for assigning addresses in the Town to determine the addresses for each proposed lot.

(5) Developers Agreement

As a condition of approval of a preliminary and/or final plat, the subdivider shall enter into a Developers Agreement with the Town providing for, and including, but not limited to, the subdivider's responsibility and liability for road construction, utility construction, landscaping, erosion control, surface and stormwater facilities at grade, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, and easements. This agreement shall provide for time limits and security for performance and penalties for non-compliance. As a condition of approval of the preliminary plat, the subdivider shall agree that as a condition of final plat approval, the developer shall enter into a Developer's Agreement with the Town of Rockland. *The agreement will not create or invoke special treatment for the subdivider, nor imply or create promises of approval.*

(6) Final Plat

A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, Wis. Stats., and that section is hereby adopted by reference. Where the Town finds that it

requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.

(7) Final Plat Submittal Procedure

- (a) The subdivider shall prepare a final plat in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Town and appropriate state and county agencies, within 6 months of preliminary plat approval, unless the Town Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and the developers agreement as required by Section 1.12(5) of this Ordinance. No construction related to the subdivision shall be commenced until the developers agreement is signed and the Town has approved the final plat.
 - (i) If the final plat is not submitted within 6 months of the Town of Rockland approval of the preliminary plat, the Town may refuse to approve the final plat or may require resubmission as a preliminary plat.
 - (ii) The final plat may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
- (b) Twelve (12) copies of the final plat, along with any required fees, plans, and specifications as required by the Town shall be presented to the Planning Commission Secretary by the 15th of the month prior to the Planning Commission meeting at which it is to be considered and shall be accepted or rejected by the Planning Commission and the Town Board within 60 days of its submission, unless the time is extended by an agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the agencies having objecting authority and the subdivider.
 - (i) Failure of the Town Board to act within 60 days of submittal of the final plat to the Town Planning Commission Secretary, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.
- (c) Approved final plats shall be recorded with the Brown County Register of Deeds in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold. No building permits may be issued by the Town until all improvements specified in the developers agreement have been completed.

(8) Certified Survey Map

- (a) A certified survey map prepared by a land surveyor registered in Wisconsin is required for all land divisions that do not meet the definition of a subdivision less than forty (40) acres in size.
- (b) The certified survey map shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20(3)(a), (b), (d), (e); 236.20(4)(a), (b), (c); 236.21(1), and 236.34, Wis. Stats., and that section is hereby adopted by reference.
- (c) The certified survey map shall comply with the design standards set forth in Section 1.11 and the land suitability Section 1.07 of this ordinance. All lot, parcel, or building site calculations are to exclude any dedications, right-of-way easements, or reservations.

(9) Certified Survey Map Submittal Procedures

- (a) The final certified survey map, with twelve (12) copies, along with any required fees, plans, and specifications as required by the Town, shall be submitted by the subdivider or his/her agent to the Town Planning Commission Secretary by the 15th of the month prior to the Planning Commission meeting at which it is to be considered. It shall include on its face in addition to the information required by Section 236.34, Wis. Stats., the following:

- (1) Name of the owner.
 - (2) Date of survey.
 - (3) Graphic scale and north arrow
 - (4) All existing buildings, and other developed features on the parcel.
 - (5) Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions.
 - (6) Any applicable use or access restrictions and covenants.
 - (7) All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, Environmentally Sensitive Areas or erosion hazard boundaries.
 - (8) Distances and bearings referenced to a line and a corner of the Brown County Coordinate System.
 - (9) Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Sections 236.21(2) and 236.34(1)(e), Wis. Stats.
 - (10) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.
- (b) The subdivider shall indicate to the Town the current and proposed zoning of the proposed new lots.
- (c) The Town Board shall, within 30 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the Town of Rockland Comprehensive Plan, and any other applicable local, County or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Town shall so certify on the face of the original map and return the map to the subdivider or his agent.

1.13 PLANNED UNIT DEVELOPMENTS

(1) Purpose and Intent.

The purposes of this Section are to encourage and promote flexibility, ingenuity, and efficiency in the land development process, to allow maximum utilization of land, and to provide for variety and compatibility among housing types, non-residential uses and the natural environment. Projects proposed under this Section are to be planned and designed as a unit, be compatible with the local environment and neighboring properties and uses, and shall not conflict with other laws or the overall public interest. Developments included under this Section include, but are not limited to conservation by design developments, condominium developments, and traditional neighborhood design or mixed-use developments. A planned unit development shall be considered a subdivision of land, and the submittal, conceptual plan requirements, and approval shall follow the process identified in Section 1.12 of this Ordinance.

Objectives include:

- (a) To encourage subdividers to use creative and imaginative approaches in the design and overall land development process;
- (b) To promote a land development process that enhances energy efficiency and is sensitive to the demands and economics of the local real estate market;
- (c) To encourage the integration of compatible residential and non-residential uses rather than their segregation;

- (d) To encourage the provision of recreational facilities, open space, and buffer yards in conjunction with residential and non-residential development;
- (e) To provide an enjoyable living environment by preserving existing topography, stands of trees, surface waters, floodplains, wetlands, and similar natural assets and landforms;
- (f) To encourage a variety of living environments and a pleasing blend of housing types;
- (g) To encourage a uniqueness in architectural design;
- (h) To promote greater efficiency in providing public and utility services, and;
- (i) Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this Section, it shall take precedence and be controlling when there is conflict between it and any other sections of this Ordinance.

(2) Submittal Requirements

Planned Unit Developments shall be considered subdivisions of land and submittal and conceptual plan requirements shall follow the same approval procedures as required for conventional subdivisions (Section 1.12), and the following information shall be provided:

- (a) A written statement of intent containing the major planning assumptions and objectives of the proposed development and its concept and the benefits that will accrue from it to the community at large, as well as to its residents;
- (b) All contemplated land uses within the tract on the sketch or preliminary plan;
- (c) Gross densities of each use;
- (d) Proposed location of all principal and anticipated accessory structures and associated parking areas;
- (e) Proposed circulation systems (pedestrian, bicycle, auto) by type, and how systems correlate with existing networks outside of site,
- (i) Identification of ownership, maintenance, and liability responsibilities for open space areas; and,
- (j) Any other plans and supporting information deemed necessary by the Town.

(3) Design

- (a) The subdivider, in the design of a conservation by design, condominium, or other planned unit development, shall give consideration to the reservation of suitable sites of adequate area for future school, park/playground, and other public uses. If such areas are designated on the Town of Rockland Comprehensive Plan or official map prepared under Section 62.23, Wis. Stats., they shall be made part of the development.
- (b) Environmentally sensitive areas, or land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodways, or steep slopes shall not be developed unless the development provides for adequate safeguards which are approved by the Town.
- (c) The site shall be planned to provide for adequate landscaping, pedestrian movement between dwelling units, common open space, and parking areas. Prior to approval of the final plat or development plan, a written agreement must be executed between the subdivider and the Town which sets forth exactly what improvements are going to be installed. The subdivider shall present plans and specifications for improvements to the Town. In addition, the financial guarantees as set forth in Section 1.09(1) of this Ordinance shall apply hereunder. Proposed cluster, condominium, or other planned unit developments shall be developed as a unit.

1.14 VARIANCES

- (1) Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Town Board variances 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 chapter. The Planning Commission shall not recommend variances to the regulations of this chapter to the Town Board unless it makes findings based upon the evidence presented to it in each specific case based upon the following conditions:
 - (a) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
 - (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.
 - (d) 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, if the strict letter of the regulations were carried out.
 - (e) The variance will not in any manner vary the provisions of the other Town ordinances, or the Official Map.
- (2) The Town Board shall not approve variances to the regulations of this chapter unless it makes findings based upon the evidence presented to it in each specific case based upon conditions identified in Section 1.14(1).
- (3) Any modification or variance granted shall be entered in the minutes of the Town Board, setting forth the reasons which, in the opinion of Board, justify the variance.
- (4) In approving variances, the Town Board may require such conditions, as will in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (5) A petition for any such variance shall be submitted in writing to the Town Zoning Administrator, by the subdivider, at the time when the preliminary plat or certified survey map is filed for consideration of the Town Planning Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.

1.15 ENFORCEMENT, PENALTIES, AND REMEDIES

- (1) The Town of Rockland Zoning Administrator shall have primary responsibility for enforcing the chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded, or a certified survey map is recorded and all conditions of approval are met.
- (2) Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sec. 236.30, 236.31, 236.32, and 236.335, Wis. Stats., shall be available to the Town.
- (3) When a subdivision is created in violation of this Ordinance, the Town may order an assessor's plat to be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent.