



**Town of Hubbard  
Dodge County, Wisconsin  
Land Division Ordinance  
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ADOPTED: \_October 1, \_\_\_\_ 2010

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## Section 1: Introduction

### 1.1 Title

This Ordinance shall be known as, referred to, or cited as, the "Town of Hubbard Land Division Ordinance" (hereafter the "Ordinance").

### 1.2 Authority

These regulations are adopted under the authority granted by Section 286.45 of the Wisconsin Statutes and amendments thereto.

Therefore, the Town Board of the Town of Hubbard, Dodge County, Wisconsin (hereinafter the "Town") does ordain as follows:

### 1.3 Purpose and Intent

The purpose of this Ordinance is to promote the public health, safety, morals, comfort, aesthetics, prosperity, and general welfare of the Town. Further, this Ordinance is intended to regulate and control the division of land within the Limits of the Town and lands within any extraterritorial plat approval jurisdiction in order to:

- (1) Guide the future growth and development of the Town in accordance with the Town's Comprehensive Plan, or parts thereof including the land use plan and map.
- (2) 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.
- (3) Encourage the protection, preservation, conservation, and wise use of the Town's natural resources including soils, steep slopes, wetlands, floodlands, shorelands, water resources, woodland and forests in order to preserve the character, integrity, stability, and natural beauty of the Town and the value of the land therein.
- (4) Provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the Town.
- (5) Provide the most beneficial relationship between the uses of land and buildings and the provision of safe and efficient access and traffic circulation throughout the Town, having particular regard to the avoidance of congestion in the streets and highways and the proper location and width of public street and highway rights-of-way and access thereto.



- (6) Ensure that public facilities and services with sufficient capacity exist or are made available concurrent with the division and subsequent development of land and that the existing residents and property owners in the Town will be not be required to bear more than their fair share of the cost of providing such facilities and services by requiring development impact fees, the dedication of land, and/or the establish of other appropriate mitigation measures as may be necessary to ensure that those dividing and/or subsequently developing land bear their fair share of the costs associated with providing and/or improving such facilities and services needed to support said development.
- (7) Avoid premature, excessive, incomplete, and scattered division and subsequent development of land by permitting the division of land only-when such division is necessary to provide for uses of land for which market demand exists, are consistent with the Town's Comprehensive Plan, or parts thereof, and are in the public interest.
- (8) Establish reasonable standards of design and procedures for land divisions and resubdivisions in order to further the orderly layout and division of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- (9) Provide for the administration and enforcement of this Ordinance and penalties for violations.

#### 1.4 **Repeal**

The Town of Hubbard Zoning Ordinance adopted on August 15, 1962, and all subsequent amendments thereto relating to the zoning of land is hereby repealed and all other Ordinances of the Town of Hubbard inconsistent or conflicting with this Ordinance are hereby repealed.

#### 1.5 **Adoption and Effective Date**

##### Public Hearings

The Town of Hubbard Plan Commission and Town Board held a Joint public hearing on the "TOWN OF HUBBARD LAND DIVISION ORDINANCE pursuant to the requirements of Section 236.45(4) of the Wisconsin Statutes on July 26, 2010.

##### Plan Commission Recommendation

The Plan Commission made a recommendation to the Town Board to adopt the "TOWN OF HUBBARD LAND DIVISION. ORDINANCE" at a meeting held on July 26, 2010.

##### Town Board Approval

The Town Board of the Town of Hubbard concurred with the recommendation of

the Plan Commission and adopted 'TOWN OF HUBBARD LAND DIVISION ORDINANCE' at a meeting held on September 5, 2010.

Effective Date

This Ordinance shall take effect upon passage and adoption by the Town Board and the filing of proof of posting or publication In the Office of the Town Clerk.

Date of Publication and Posting: September 30, 2010

Effective Date: October 1, 2010

Town Board, Town of Hubbard, Dodge County, Wisconsin

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Kenneth Schulz, Town Chairman

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James E. Persha, Supervisor #1

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Daniel Guenterberg, Supervisor #2

ATTEST:

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Naomi Kriewald, Town Clerk

## Section 2: Jurisdiction, Compliance and Applicability

### 2.1 Jurisdiction

The jurisdiction of this Ordinance shall apply to all lands and waters within the corporate limits of the Town of Hubbard, Dodge County, Wisconsin, outside the limits of incorporated villages and cities, and including those under the jurisdiction of the Dodge County, Wisconsin, Zoning Ordinance shoreland and floodplain provisions and Subdivision Control Ordinance. In those areas under dual jurisdiction of both this Ordinance and the Dodge County Zoning and Subdivision Control Ordinances, both ordinances shall be in effect and all requirements of this Ordinance and the Dodge County Zoning and Subdivision Control Ordinances shall be met.

The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order.
- (2) Leases for a term not to exceed ten (10) years, mortgages, or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property (if additional lots are not thereby created and the lots remaining are not reduced below the minimum or exceed the maximum sizes required by these regulations, the zoning ordinance, or other applicable laws or ordinances), except for review by the Plan Commission for regulatory compliance outlined in Section 4.2.
- (4) Cemetery plats made under Wisconsin Statutes 157.07.
- (5) Assessor's plats made under Wisconsin Statutes, but such assessors' plats shall ~~comply~~ with Wisconsin Statute 70.27.

### 2.2 Compliance

No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, condominium or replat as defined herein; no such subdivision, minor land division, condominium, or replat shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents:

- (1) Wisconsin Statutes Chapters 236 and 703 and any subsequent amendments thereto.
- (2) Rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation if the

land to be subdivided is not served by a public sewer and provisions for such service have not been made.

- (3) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- (4) Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection setting water quality standards for preventing and abating pollution and for regulating development within floodland, wetland, and shoreland areas.
- (5) The Town of Hubbard Comprehensive Plan, or portions thereof, including the Land Use Plan, and any other plans prepared by state, regional, county, or municipal agencies having jurisdictional responsibility within the town that have been duly adopted and/or otherwise recognized by the Town of Hubbard.
- (6) Town of Hubbard Zoning Ordinance and other applicable ordinances, codes, and regulations.
- (7) Dodge County Zoning Ordinance, Sanitary Ordinance, Subdivision Control Ordinance, and all other applicable County ordinances, codes, and regulations.
- (8) Rules of the U.S. Army Corps of Engineers and US Environmental Protection Agency.
- (9) All other applicable federal and state laws and regulations, including, but not limited to the requirements of the "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as documented in the Federal Register.

### 2.3 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, deed restrictions, protective covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### 2.4 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town to promote the purposes for which they are adopted and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

## 2.5 Severability

If any division, 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.

## 2.6 Warning and Disclaimer of Liability

The purpose and intent of this Ordinance is to protect the Town from undue hazards. It is recognized, however that the Ordinance and the staff administering the Ordinance may encounter conditions that were not foreseen in the drafting of the Ordinance. Accordingly:

- (1) The Town does not imply that development will not result in increased traffic which will require transportation improvements. This Ordinance shall not assume liability on the part of, or a cause of action against, the Town of Hubbard or any office or employee thereof for any increase in traffic volumes, increased congestion, or personal or property damages caused by traffic accidents.
- (2) The Town does not imply that development will not have an impact on groundwater quality or the capacity of groundwater to serve private wells, or, the capacity or quality of soils to serve on-site sewage disposal systems. This Ordinance shall not assume liability on the part of, or a cause of action against, the Town of Hubbard or any office or employee thereof for any impact on groundwater quality or capacity, or, on the capacity or quality of soils to serve on-site sewage disposal systems.

## Section 3: General Provisions and Regulations

### 3.1 Rules of Construction

The language set forth in the text of this Ordinance shall all be interpreted in accordance with the following rules of construct

- (1) The singular number includes the plural and the plural includes the singular.
- (2) The present tense includes the past and future tenses, and the future tense includes the past.
- (3) The word "shall" is mandatory, the word "may" is permissive, and the word "should" is advisory.
- (4) The masculine gender includes the feminine and neuter genders.
- (5) The words "subdivider," "person," "applicant," "petitioner," and "property owner" shall include firm, association, partnership, trust, company, or corporation, as well as an individual.
- (6) The phrase "this Ordinance" shall mean the Town of Hubbard Land Division Ordinance. The word "Town" shall mean the Town of Hubbard, Dodge County, Wisconsin.

### 3.2 Minimum Requirements Established

The provisions, regulations, and limitations contained in this Ordinance are deemed to be minimum requirements as they apply to the division of land in the Town of Hubbard, Dodge County, Wisconsin, unless otherwise stated herein.

### 3.3 Permits Required and Property Owner Responsibility

It is the responsibility of the property owner to apply for and secure all permits, certificates, and approvals required pursuant to the provisions of this Ordinance.

No land shall hereafter be divided and no building or structure or part thereof be located, erected, or moved onto such land without the owner, operator, or responsible entity first obtaining the necessary permits, certificates, or approvals required pursuant to this Ordinance.

### 3.4 Dedication and Reservation of Public Lands

In order that adequate public lands and open spaces are properly located and preserved as the Town develops, the following provisions are established:

#### (1) Dedication of Lands

Whenever any Subdivision Plat or Certified Survey Map (CSM) is certified, signed

acknowledged, and recorded as prescribed in Section 236.29 of the Wisconsin Statutes, or Condominium Plat under the provisions prescribed in Chapter 703 of the Wisconsin Statutes, every donation of land to the public intended for the streets, alleys, ways, commons, or other public uses as designated on said Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat shall be deemed sufficient conveyance to vest the fee simple title with the Town for the public benefit.

All land that is dedicated to the public on a plat must be clearly marked "Dedicated to the Public," this includes roads and streets.

(2) Suitability of Land for Public Use

Whenever a Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat includes a proposed dedication of land to public use and it is found that such land is not required or not suitable for public use, the Plan Commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat.

(3) Size of Land for Public Use

The area of each parcel of land proposed as a dedication of land for public use shall be of such minimum dimensions, as determined by the Plan Commission, so as to be functionally usable.

(4) Location

Whenever a Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat includes a proposed dedication of land to public use said location of the proposed dedication shall be so located and sited with sensitivity to surrounding development and existing and planned land uses.

(5) Drainageways, Stormwater Detention and Retention Basins and Other Public Ways or Public Access to Navigable Lakes or Streams

(a) Whenever a tract of land to be subdivided as a Subdivision Plat, divided by a Certified Survey Map (CSM), or developed as a Condominium includes lands designated to be owned by the public including drainageways, stormwater detention and retention basins, and other public ways or public access to navigable lakes or streams which have been designated or graphically delineated on any state, county and local comprehensive plans, or as required by the State of Wisconsin Department of Natural Resources under Chapter 236.16(3), said public way shall be made a part of the Subdivision Plat, Certified Survey Map (CSM) or Condominium Plat and dedicated by the subdivider in the location and dimensions indicated on said plan or map and as set forth in this Ordinance.

(b) Subdivisions or Certified Survey Maps abutting on a navigable lake or stream shall, according to the provisions of Section 236.16(3) of the Wisconsin Statutes, provide access at least sixty (60) feet wide to the low water mark so that there will be public access which is connected to an existing public road at least at

one-half (½) mile intervals as measured along the lake or stream

- (c) Any Plat or CSM which includes lots/outlots that go to the water's edge must include the following statement: "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section of the state constitution.



shore, except where greater intervals and wider access is approved, and excluding shore areas where public parks or open space and streets or roads on either side of a stream are already provided. Such access shall be dedicated to the state, county or town.

(6) Parks or Playgrounds

Whenever a tract of land to be divided by either Certified Survey Map (CSM) or Subdivision Plat or developed as a Condominium within the jurisdiction of this Ordinance encompasses all or any part of a park or playground that has been designated on a duly adopted town, county, state or regional comprehensive plan or comprehensive plan component pursuant to Chapter 62.23(6) of the Wisconsin Statutes said park or playground shall be made a part of that Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan(s).

(7) Substitution of Private vs. Public Recreation and Open Space Lands

The substitution of private recreation and open space lands for required public recreational and open space land reservations or dedications under this Ordinance shall not be permitted.

### 3.5 Private Recreation and Open Space Lands

(1) Declaration of Covenants and Deed Restrictions Required for Lands Designated as Private Recreation and Open Space Lands

For lands designated by a Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat to be set aside for private recreation and/or open space use and owned and maintained by a homeowner or condominium association, the subdivider shall file a declaration of covenants and deed restrictions, pursuant to the requirements of this Ordinance, that will govern said homeowner or condominium association with the Preliminary Plat or Certified Survey Map (CSM).

(2) Minimum Required Provisions of Declaration of Covenants and Deed Restrictions for Private Recreation and Open Space Lands

The provisions of said declaration of covenants and deed restrictions shall incorporate the requirement that a Wisconsin membership corporation be formed for the purpose of maintaining, improving, policing and preserving property(s) in which its members shall have common rights of usage and enjoyment by virtue of their ownership of lots in the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat, and shall further include the requirements:

- (a) That the corporation be established before any lots, building sites or units are sold.
- (b) That membership in the corporation be mandatory and automatic upon the purchase of a lot, building site, or unit.

- (c) The recreation and/or open space restrictions must be perpetual and not just for a period of years.
- (d) That title to the private recreational areas or facilities be transferred to the corporation.
- (e) That the corporation be responsible for liability insurance, property taxes and all maintenance and improvements of recreational and/or open space areas.
- (f) That the corporation have the powers granted under Sections 779.70(1) or 703.16(3) of the Wisconsin State Statutes, as applicable and in particular, to levy assessments upon all properties in the Subdivision Plat, Certified Survey Map (CSM), or Condominium for the purposes specified therein.

### 3.6 Land Suitability

No land shall be subdivided for use and/or development with habitable structures which is determined to be unsuitable for such use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of either current Town residents or the future residents of the proposed Subdivision, Certified Survey Map (CSM), Condominium, or of the Town. In addition:

- (1) Lot Area and Elevation of the 100-Year Recurrence Interval Floodplain  
No lot or parcel served by public sanitary sewer facilities or by an on-site sewage disposal system shall have less than fifty (50) percent of its required lot area below an elevation at least two (2) feet above the elevation of the 100-year recurrence interval floodplain.
- (2) Lands Made, Altered or Filled with Non-Earth Materials  
Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by on-site soil absorption sanitary sewage disposal systems.
- (3) Lands Made, Altered or Filled with Earth Materials  
Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sanitary sewage disposal systems.
- (4) Steep Slopes  
Each lot shall have a continuous area of at least three thousand (3,000) square feet which has ground slopes not exceeding fifteen (15) percent.
- (5) On-Site Sewage Disposal System Requirements  
Each lot or parcel for residential development shall be capable of meeting the requirements of the Wisconsin Administrative Code, Wisconsin Department of Commerce, and the Dodge County Sanitary Ordinance, as may be amended,

regarding the construction of an on-site sewage disposal systems. The Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat s all be approved, in conformance with the Wisconsin Administrative Code and Dodge County Sanitary Ordinance, and any other applicable agency regarding the construction of an on-site sewage disposal systems, by the Dodge County Planning and Development before any lots or dwelling wits can be sold or exchanged. In addition:

- (a) Soils tests shall be taken on each lot or parcel prior to the sale of said lot and must be approved pursuant to the requirements of the Wisconsin Administrative Code, Wisconsin Department of Safety and Professional Services and Dodge County Sanitary Ordinance regarding the construction of an on-site sewage disposal system;
  - (b) Soil boring and soil evaluation tests shall be made by or under the direction and control of an architect, engineer, land surveyor, or sanitarian registered in Wisconsin, or master plumber or master plumber restricted licensed in Wisconsin to install private sewage disposal systems in accordance with all county and state regulations and requirements.
  - (c) A sufficient number of soil borings and soil evaluations shall be made for each lot or parcel proposed as part of a Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat to portray the character of the soil, ground water levels, and depths to bedrock, and ability of such soils to support an on-site sewage disposal system in accordance with all county and state regulations and requirements.
- (6) Plan Commission Determination of Unsuitability of Land  
The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable to residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

## Section 4: Land Division Procedure

### 4.1 Pre-Application Meeting

Prior to the filing of an application for the approval of a Preliminary Plat or Preliminary Certified Survey Map (CSM), the subdivider shall be required to meet and consult with the Dodge County Planning and Development Department (as may be required), Town Zoning Administrator, Building Inspector, Planner, Engineer (if any) and finally the Town Plan Commission, in order to obtain their advice and assistance. These meetings and consultations are mandatory and are intended to inform the subdivider of the purpose, procedures; and requirements of the County's Zoning and Subdivision Control Ordinances as they may apply to the proposed division, and this Ordinance, the land use plan component of the Town's Comprehensive Plan, the Town's zoning and development regulations, and any other government agency requirements and regulations that might apply, e.g., DNR, Army Corps of Engineers, and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Town may reach mutual conclusions regarding the general layout and objectives of the proposed development, possible impacts of development on the natural resource features on the subject parcel and on the surrounding area, means of mitigation (if required), and possible improvements required to support the proposed development. Further, the subdivider will be informed of all application materials, fees, and review and processing procedures required by the Town and other applicable agencies.

Electronic plat submittals are now specifically allowed by statute providing the process for such recording is in place.

(1) Development Concept Plan

The subdivider shall prepare a Development Concept Plan in accordance with Section 5.0 of this Ordinance and file at least fifteen (15) copies of the Development Concept Plan, application, and other required items with the Town Clerk together with all necessary fees at least forty-five (45) days prior to the pre-application meeting with the Plan Commission.

(2) Transmittal of Development Concept Plan and Application to Plan Commission

Within two (2) normal business days after the filing of a Development Concept Plan, the Town Clerk shall transmit:

- (a) Seven (7) copies to the Plan Commission;
- (b) One (1) copy to appropriate staff of the Town, including the Zoning Administrator, Building Inspector, local utilities, incorporated municipalities having extraterritorial plat jurisdiction, and the Dodge County Planning and Development Department for their review and comment concerning matters within their jurisdiction.

(3) Staff Review and Comment

Review comments received by Town staff and the staff of affected local utilities, incorporated municipalities, and the Dodge County Planning and Development Department shall be transmitted to the Plan Commission within twenty (20)

days from the date the Development Concept Plan and application are filed.

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ADOPTED: \_October 1,\_\_\_\_2010

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Section 4: Land Division Procedure

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#### (4) Plan Commission Review

- (a) Within forty-five (45) days after the date the Development Concept Plan and application have been filed, the Plan Commission shall review the Development Concept Plan and application at the required pre-application meeting for general conformance of the proposed development with this Ordinance and all other ordinances, rules, regulations, Town Comprehensive Plan, or adopted plan components thereof, which affect it. The Plan Commission shall make recommendations regarding any necessary rezoning and any other development provision, regulations, or requirement affecting the proposed development subject of the Development Concept Plan.
- (b) The Plan Commission shall either approve with recommended changes, corrections, etc., or reject the Development Concept Plan. Approval of a Development Concept Plan shall constitute approval of only the Development Concept Plan and general layout and design of the proposed development and shall not be deemed to be or otherwise guarantee approval of any subsequent Subdivision Plat, Certified Survey Map (CSM), or any other permit, certification, or approval that may be required by this Ordinance or other Town, county, state, or federal ordinance, regulations, or rules.

#### 4.2 Sale or Exchange of Parcels Review

Any sale or exchange of parcels of land between owners of adjoining property shall be reviewed by the Plan Commission at a regularly scheduled meeting prior to recording with the County Register of Deeds to ensure that minimum and maximum lots sizes, building setbacks, and other requirements by these regulations, the zoning ordinance, or other applicable laws or ordinances are met. One (1) copy of the sale or exchange description and a sketch of the existing and proposed lot configuration (including dimensions and required setbacks) shall be filed with the Town Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which review is desired.

#### 4.3 Preliminary Plat Review

##### (1) When Preliminary Plat Required

When it is proposed to subdivide land into five (5) or more parcels or building sites, any of which is thirty-five (35) acres each or less in size, the subdivider shall subdivide by use of a Subdivision Plat. The Subdivision Plat shall include all parcels of land thirty-five (35) acres or less in size and may include other parcels containing more than ten (10) acres at the owners discretion, or, as may be required by provisions of the Town of Hubbard Zoning Ordinance pertaining to "farm parent tracts" as defined therein.

##### (2) Filing of a Preliminary Plat

Following the required pre-application meeting with the Plan Commission and prior

to submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat. The Preliminary Plat shall be prepared in accordance with Section 5.0 of this Ordinance. The subdivider shall file at least twenty-five (25) copies of the Preliminary Plat, application and other required items together with all necessary fees with the Town Clerk at least forty-five (45) days prior to the meeting of the Plan Commission at which consideration is desired.

(3) Transmittal of Preliminary Plat and Application

Within two (2) normal business days after the filing of a Preliminary Plat, the Town Clerk shall transmit:

- (a) Seven (7) copies to the Plan Commission.
- (b) Three (3) copies to the Town Board.
- (c) One (1) copy to each appropriate staff member of the Town, including the Zoning Administrator and Building Inspector.
- (d) Expanded Certified Survey Maps reconfiguring lots/outlots in a recorded subdivision plat, assessor's plat or CSM (meaning no additional lots/outlots are being created) are not reviewed by DOA. Expanded CSMs that are used to create additional parcels, in or out of a plat or map, are submitted to DOA for review.
- (e) Four (4) copies to the Wisconsin Department of Administration for review and further transmission of one (1) copy each to:
  - (f) The Wisconsin Department of Transportation, if the subdivision plat abuts or adjoins a State Trunk Highway or a connecting street;
  - (g) The Wisconsin Department of Safety and Professional Services for review of on-site sewage disposal systems if the subdivision plat is not served by a public sewer and provision for such service has not been made.
  - (h) The Wisconsin Department of Natural Resources, if shorelands or woodlands are contained within the proposed subdivision plat;
  - (i) One (1) copy to the clerk or other appropriate official of each adjoining town and the Village of Hustisford, Village of Iron Ridge, or City of Horicon if the proposed subdivision lies within their 1½ mile extraterritorial plat approval jurisdiction.
  - (j) One (1) copy to each school board with jurisdiction.
  - (k) Four (4) copies to the Dodge County Planning and Development Department.
  - (l) Additional copies that may be requested by approving authorities and objecting agencies.

(4) Designation of Approving Authorities

In addition to the Town Board, the following are designated "approving authorities" far the purposes of reviewing and approving subdivision plats:

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ADOPTED: \_\_October 1,\_\_\_\_2010

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Section 4: Land Division Procedure

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- (a) Dodge County Planning and Development Department (as defined by Section 238.02(s) of the Wisconsin Statutes).
  - (b) Each adjoining city or village in whose extraterritorial plat approval jurisdiction the proposed subdivision plat lies (pursuant to Section 236.10(1)(b) of the Wisconsin Statutes).
- (5) Designation of Objecting Agencies  
The following are designated "objecting agencies" for purposes of reviewing and providing recommendations to the Plan Commission and Town Board subdivision plats:
- (a) The Wisconsin Department of [Administration](#).
  - (b) Wisconsin Department of Safety and Professional Services
  - (c) *Wisconsin Department of Transportation (if the Subdivision Plat, Certified Survey Map (CSM), or Condominiums abuts or adjoins a state trunk highway or connecting highway).*
- (6) Fees Required by State and County Agencies to be Transmitted by Town Clerk  
Fees to be paid by the subdivider for the required state and/or county agency reviews shall be forwarded by the Town Clerk to the Wisconsin Department of Commerce and/or Dodge County Planning and Development Department unless mutually agreed that the subdivider shall transmit said fees directly.
- (7) Staff and Objecting Agency Review Comments and Recommendations  
Review comments and recommendations received by Town staff and the staff of affected local utilities, school board(s), the Objecting Agencies and Approving Authorities shall be transmitted to the Plan Commission within twenty (20) days from the date the Preliminary Plat is filed. The Objecting Agencies shall also notify the subdivider and the Approving and Objecting Agencies of any objections within twenty (20) days from the date the Preliminary Plat is filed. Further:
- (a) If an Objecting Agency has no objections to the Preliminary Plat, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk.
  - (b) If an Objecting Agency fails to act within twenty (20) days, it shall be deemed to have no objections to the Plat.
- (8) Plan Commission Review and Recommendation to Town Board  
The Preliminary Plat shall then be reviewed by the Plan Commission for

conformance with this Ordinance and all other ordinances, rules, regulations, Town [Comprehensive Plan](#) or plan components thereof which affect it. The Plan Commission shall within forty-five (45) days of the date of the filing of a Preliminary Plat, recommend to the Town Board approval, conditional approval, or rejection of the Preliminary Plat and shall transmit the Preliminary Plat and application, along with its recommendation, to the Town Board.

#### 4.4 Preliminary Plat Approval

##### (1) Town Board Action

With or without a recommendation from the Plan Commission, the Town Board shall approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of the date of filing a Preliminary Plat with the Town Clerk, unless the time period within which Town Board action is required is extended by mutual written agreement with the subdivider.

##### (a) Notification of Town Board action.

One (1) copy of the plat shall be returned to the subdivider with a written - summary identifying, at a minimum, the date of Town Board consideration and what action was taken concerning the Preliminary Plat. If approved conditionally or rejected, the conditions of approval or reasons for rejection shall be stated therein.

##### (b) Filing of Preliminary Plat.

One (1) copy each of the plat and action summary shall be placed in the Town Clerk's permanent file.

##### (2) Failure of Town Board to Act

Failure of the Town Board to act within ninety (90) days of the date of filing, or within the time extended by agreement with the subdivider shall constitute an approval of the Preliminary Plat.

##### (3) Effect of Preliminary Plat Approval on Final Plat

Approval or conditional approval of Preliminary Plat shall not constitute automatic approval of the Final Plat but rather shall be deemed approval of the layout, design, etc. of the proposed subdivision as a guide to the preparation of a Final Plat subject of further consideration by the Plan Commission and Town Board at the time said Final Plat is submitted; exempt, however, that if the Final Plat is submitted within twelve (12) months of the date the Preliminary Plat was approved and the Final Plat conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout.

##### (4) Expiration of Preliminary Plat Approval

(a) Approval or conditional approval of a Preliminary Plat shall expire twelve (12) months after the date approval is granted, unless as permitted in Section

3.6(6)(b), a Final Plat of at least one phase of the approved development subject of the Preliminary Plat is submitted within such twelve (12) month period.

- (b) As a result of submission of a Final Plat for one or more phases of the proposed development, any subsequent twelve (12) month period within which Preliminary Plat approval remains valid shall be renewed and/or measured in time from the date of approval for the Final Plat submitted for said development phase(s).
- (c) If approval of a Preliminary Plat expires, the subdivider shall have the option of resubmitting the original Preliminary Plat for approval, or, submitting a newly designed Preliminary Plat in accordance with the provisions of this Ordinance and any other ordinances, regulations, requirements in effect at the time of submittal.
- (d) Based on a recommendation from the Plan Commission, the Town Board may, by written mutual agreement with the subdivider, agree to extend the time period within which a Preliminary Plat approval remains valid, provided, however, that any extended time period(s) shall not extend more than a cumulative total of two (2) years after the date of original approval.

#### 4.5 Public Improvements

The Town Board may require that all public improvements be installed and dedicated prior to signing the Final Plat. If the Town Board does not require that all public improvements be installed and dedicated prior to signing the Final Plat, the subdivider shall execute a [Development Agreement](#) and provide the necessary financial surety in accordance with the requirements of Section 11.

#### 4.6 Final Plat Review

##### (1) Filing of a Final Plat

After receiving Preliminary Plat approval from the Town and other Approving Authorities, the subdivider shall prepare a Final Plat. The Final Plat shall be prepared in accordance with Section 7.0 of this Ordinance. The subdivider shall file at least twenty-five (25) copies of the Final Plat, application and other required items together with all necessary fees with the Town Clerk at least forty-five (45) days prior to the meeting of the Plan Commission at which consideration is desired.

##### (2) Transmittal of Final Plat and Application

Within two (2) normal business days after the filing of a Final Plat, the Town Clerk shall transmit:

- (a) Seven (7) copies to the Plan Commission.
- (b) Three (3) copies to the Town Board.

- (c) One (1) copy to each appropriate staff member of the Town, including the Zoning Administrator, Building Inspector, and Town Engineer (if applicable).
  - (d) Four (4) copies to the Wisconsin Department of Administration for review, and, further transmission of one (1) copy each to:
    - 1. The Wisconsin Department of Transportation, if the subdivision plat abuts or adjoins a state trunk highway or a connecting street;
    - 2. The Wisconsin Department of Safety and Professional Services for review of on site sewage disposal systems if the subdivision plat is not served by a public sewer and provision for such service has not been made.
    - 3. The Wisconsin Department of Natural Resources, if shorelands or woodlands are contained within the proposed subdivision plat.
  - (e) One (1) copy to the clerk or other appropriate official of each adjoining town and the Village of Hustisford, Village of Iron Ridge, or City of Horicon if the proposed subdivision lies within their 1.5 mile extraterritorial plat approval jurisdiction.
  - (f) One (1) copy to each school board with jurisdiction.
  - (g) Four (4) copies to the Dodge County Planning and Development Department.
  - (h) Additional copies that may be requested by approving authorities and objecting agencies.
- (3) Staff and Objecting Agency Review Comments and Recommendations  
Review comments and recommendations received by Town staff and the staff of affected local utilities, school board(s), the Objecting Agencies and Approving Authorities shall be transmitted to the Plan Commission within twenty (20) days from the date the Final Plat is filed. The Objecting Agencies shall also notify the subdivider and the Approving and Objecting Agencies of any objections within twenty (20) days from the date the Final Plat is filed. Further:
- (a) If an Objecting Agency has no objections to the Final Plat, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk.
  - (b) If an Objecting Agency fails to act within twenty (20) days, it shall be deemed to have no objections to the Plat.
- (4) Plan Commission Review and Recommendation to the Town Board  
The Plan Commission shall, within forty-five (45) days of the date of filing of the

Final Plat, review the Final Plat for conformance with the approved Preliminary Plat and any conditions of approval of the Preliminary Plat, this Ordinance, and all other Town ordinances, rules, regulations, Comprehensive Plan or adopted plan components therein which may affect it. The Plan Commission shall recommend approval, conditional approval, or rejection of the Final Plat to the Town Board.

(5) Partial Platting

(a) Plat Phasing Required

The Final Plat may, if permitted by the Plan Commission, be platted as a Final Plat in phases with each phase representing only that portion of the approved Preliminary Plat the subdivider proposes to record at that time, provided that each phase encompass at least ten (10) acres or twenty-five (25) percent of the area included in the Preliminary Plat, whichever is larger. It is required that each such phase be platted as Final Plat and be designated as a phase of the approved Preliminary Plat. The Town Board may require that a timetable for completion of each phase and the entire subdivision development be included in the Development Agreement submitted at or prior to submission of the Final Plat for the first development phase.

(b) Time Extension

Final Plats for only a portion of a parcel subject of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for twelve (12) months from the date of such Final Plat approval.

**4.7 Final Plat Approval**

(1) Submission

Unless otherwise allowed under the provisions of this Ordinance pertaining to the extension of Preliminary Plat approvals, if the Final Plat is not submitted within twelve (12) months after the date of Preliminary Plat approval, the Town may refuse to approve the Final Plat.

(2) Approval or Rejection of Final Plat.

The Town Board shall within sixty (60) days of the date of filing a Final Plat with the Town Clerk approve or reject such Final Plat unless the time is extended by mutual written agreement with the subdivider.

- (a) One (1) copy of the plat shall be returned to the subdivider with a written summary identifying, at a minimum, the date of Town Board consideration and what action was taken concerning the Final Plat. If approved conditionally or rejected, the conditions of approval or reasons for rejection shall be stated therein.

- (b) The Town Board may not inscribe its approval on the Final Plat unless the Department of Administration has certified on the face of the Final Plat or in a similarly acceptable manner that the copies were forwarded to the objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days, or, if filed, have been met.
- (3) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall deemed approved.
- (4) Recordation
  - (a) After the Final Plat has been approved by the Town Board and improvements as shall be required by the Town either installed or a contract and sureties insuring their installation filed, the Town Clerk (or other Town Board authorized agent) shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Dodge County Register of Deeds.
  - (b) The Register of Deeds cannot record the Final Plat unless it is offered within thirty (30) days from date of last approval or six (6) months from first approval.
- (5) Copies of the Recorded Final Plat

The subdivider shall file three (3) copies of the recorded Final Plat with the Town Clerk and copies, as necessary, to other affected agencies and utilities for their files.

#### 4.8 Replat

Except as provided in Section 70.27(1) of the Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider proposing the replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider proposing the replat shall then proceed as specified in Section 4 of this Ordinance.

#### 4.9 Minor Land Division by Certified Survey Map (CSM)

- (1) When (CSM) Required

When it is proposed to divide the land into at least two (2) but not more than four (4) parcels or building sites, any of which is thirty-five (35) acres or less in size, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot or outlot (therefore not constituting a "subdivision" as defined herein, the subdivider shall subdivide by use of a Certified Survey Map

(CSM), except that when determined by the Plan Commission as a result of the pre-application meeting:

- (a) The Plan Commission may require the filing of both a Preliminary and Final Certified Survey Map (CSM) as an intermediate step in accordance with the processing procedures applying to Preliminary and Final Plats as set forth herein; or
- (b) The Plan Commission may require the filing of a Subdivision Plat in accordance with the provisions of this Ordinance.
- (c) The Subdivision Plat shall include all parcels of land thirty-five (35) acres or less in size and may include other parcels containing more than ten (10) acres at the owner's discretion, or as may be required by provisions of the Town of Hubbard Zoning Ordinance pertaining to "farm parent tracts" as defined therein.

(2) Filing of a (CSM)

Following the required pre-application meeting with the Plan Commission the subdivider shall prepare a Certified Survey Map (CSM) in accordance with Section 8 of this Ordinance. The subdivider shall file at least twenty (20) copies of the Certified Survey Map (CSM), application and other required items together with all necessary fees with the Town Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which consideration is desired.

(3) Transmittal of a (CSM) and Application

Within two (2) normal business days after the filing of a Certified Survey Map (CSM), the Town Clerk shall transmit:

- (a) Seven (7) copies to the Plan Commission.
- (b) Three (3) copies to the Town Board.
- (c) One (1) copy to each appropriate staff member of the Town, including the Zoning Administrator, Building Inspector, and Town (if applicable).
- (d) One (1) copy to the clerk or other appropriate official of each adjoining town and the Village of Hustisford, Village of Iron Ridge, or City of Horicon if the proposed subdivision lies within their 1.5 mile extraterritorial plat approval jurisdiction.
- (e) One (1) copy to each school board with jurisdiction.
- (f) Four (4) copies to the Dodge County Planning and Development Department.

(4) Staff and Objecting Agency Review Comments and Recommendations

- (a) Review comments and recommendations received by Town staff and the staff of affected local utilities, school board(s), and other approving authorities shall be transmitted to the Plan Commission within twenty (20) days from the date of the Certified Survey Map (CSM) is filed.

(5) Plan Commission Review and Recommendation to Town Board

The Certified Survey Map (CSM) shall then be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, Town Comprehensive Plan or plan components thereof which affect it. The Plan Commission shall within forty-five (45) days of the date of the filing of a Certified Survey Map (CSM), recommended to the Town Board approval, conditional approval, or rejection of the Certified Survey Map (CSM) and shall transmit the Certified Survey Map (CSM) and application, along with its recommendation to the Town Board.

(6) Town Board Approval

Where a Certified Survey Map (CSM) has been transmitted by the Plan Commission to the Town Board, the Town Board shall approve, approve conditionally and thereby require submission of a corrected Certified Survey Map (CSM), or reject such Certified Survey Map (CSM) within sixty (60) days from the date of filing of the map unless the time is extended by mutual written agreement with the subdivider.

- (a) One (1) copy of the plat shall be returned to the subdivider with a written summary identifying at a minimum, the date of Town Board consideration and what action was taken concerning the Certified Survey Map (CSM). If approved conditionally or rejected, the conditions of approval or reasons for rejection shall be stated therein.

(7) Deed Restrictions and Conservation Easements

For properties proposed to be divided by Certified Survey Map (CSM) and which contain natural resources required to be preserved under this Ordinance, the Plan Commission may require that deed restrictions and/or conservation easements be filed with the Certified Survey Map (CSM).

(8) Recordation

- (a) After the Certified Survey Map (CSM) has been approved by the Town Board and improvements as shall be required by the Town either installed or a contract and sureties insuring their installation filed, the Town Clerk shall cause the certificate inscribed upon the Certified Survey Map (CSM) attesting to such approval to be duly executed and the Certified Survey Map (CSM) forwarded for recording with the Dodge County Register of Deeds.
- (b) The Register of Deeds cannot record the Final Plat unless it is offered within thirty (30) days from the date of last approval.



(9) Copies of the Recorded (CSM)

The subdivider shall file three (3) copies of the recorded Certified Survey Map (CSM) with the Town Clerk and copies, as necessary, to other affected agencies and utilities for their files.

## Section 5: Development Concept Plan

### 5.1 General Information

A "Development Concept Plan" shall be prepared by a Professional land surveyor, engineer, or other suitable professional and prepared at a map scale of not more than one (1) inch equals two hundred (200) feet and shall include the following information:

- (1) Legal description of the parcel or tract subject of the proposed land division by government lot, quarter-section, township, range, county, and state.
- (2) Location sketch showing the location of the subject parcel or tract within the U.S. Public Land Survey section along with location of adjacent property boundary lines.
- (3) Date, graphic scale, and north arrow.
- (4) Names, mailing addresses, and telephone numbers of the property owner(s), subdivider, and any other parties involved in preparing the Development Concept Plan.
- (5) Areas contiguous to the proposed plate owned or controlled by the subdivider shall be included on the Development Concept Plan.
- (6) Statement of the proposed use and number of proposed lots and density of lots.
- (7) Any zoning changes that may be required or proposed. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of the Town Zoning Ordinance.

### 5.2 Specific Information

Unless otherwise approved by the Town, a Development Concept Plan shall include, at a minimum, the following specific information. Additional information may be indicated on the Development Concept Plan by the subdivider:

- (1) Exterior boundaries of the subject parcel or tract to be divided and the total acreage encompassed thereby.
- (2) Corporate limit lines within the exterior boundaries of the subject parcel or tract, coterminous to said exterior boundaries, or adjacent thereto.
- (3) Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways within the exterior boundaries of the subject parcel or tract or adjacent thereto.
- (4) Location and size of any existing sanitary or storm sewers, culverts and drain pipes and the location and size of any existing water and gas mains within the exterior

boundaries of the subject parcel or tract or immediately adjacent to the lands being divided. The nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the subject parcel or tract and their size.

- (5) Locations of all existing property boundary lines, structures, driveways, streams and watercourses, rock outcrops, woodlands, railroad tracks, and other similar significant natural or manmade features within the tract being divided and adjacent thereto.
- (6) Location and width of all proposed streets and public rights-of-way such as alleys and easements.
- (7) Approximate size (in square feet and acres) of all lots and outlots.
- (8) Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for rights-of-way, parks, playgrounds, drainageways, or other public use.
- (9) Proposed lake and stream access with a small drawing clearly indicating the location of the subject parcel or tract in relation to the proposed access.
- (10) Location, delineated extent and approximate size (in square feet and acres) of all wetlands, 100-year floodplains, and all shoreland and floodplain areas under the jurisdiction of the Dodge County Zoning Ordinance.

## Section 6: Preliminary Plat Requirements

### 6.1 General Information

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey prepared by a Wisconsin Professional land surveyor. The Preliminary Plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not than one hundred (100) feet to the inch and shall show correctly on its face the following general information:

- (1) Title or name under which the proposed subdivision plat is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat unless it is an addition to a previously recorded plat and is so stated on the plat.
- (2) Legal description of the proposed subdivision plat by government lot, quarter- section, township, range, county, and state.
- (3) General location sketch at a scale one (1) inch = 2,000 feet showing the location of the subdivision plat within the U.S. Public Land Survey section.
- (4) Date, graphic scale, and north arrow.
- (5) Names and mailing addresses of the owner, subdivider, and other professional staff or agents involved in preparing or submitting the Preliminary Plat.
- (6) The entire are contiguous to the proposed plat in which the subdivider owns or has a legal or equitable interest if such area is less than 100 acres shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.
- (7) Statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, number of dwelling units per lot, and proposed density.
- (8) Any zoning changes that are proposed or contemplated, the proposed zoning plan for the property including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of the Town Zoning Ordinance.

### 6.2 Specific Information

All Preliminary Plats shall show the following specific information:

- (1) Length and bearing of the exterior boundaries of the proposed Subdivision Plat referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Corporate limit lines within the exterior boundaries of the plat, coterminous to said exterior boundaries, or immediately adjacent thereto.
- (3) Existing and proposed contours within the exterior boundaries of the Preliminary Plat and extending to the centerline of adjacent public streets. In addition:
  - (a) Existing and proposed contours shall be at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more.
  - (a) Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level).
  - (b) At least two (2) permanent bench marks shall be located in the immediate vicinity of the Preliminary Plat. The location of the bench marks shall be indicated on the Preliminary Plat together with their elevations referenced to National Geodetic Datum of 1929 (mean sea level) and the monumentation of the bench marks clearly and completely described on the Preliminary Plat.
- (4) Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level).
- (5) Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- (6) Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all U.S. Land Survey section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (7) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevation, all to mean sea level (1929 datum).
- (8) Location and names of any adjacent subdivisions, parks and cemeteries, and property owners of record of all abutting unplatted lands.
- (9) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the lands

being platted. The nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.

- (10) Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural nor manmade features within the tract being subdivided as determined by the Plan Commission.
- (11) Location, width and names of all proposed streets and public right-of-ways such as alleys and easements.
- (12) Approximate dimensions and size (in square feet and acres) of each lot together with proposed lot and block numbers.
- (13) Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for rights-of-way, parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring formation of lots.
- (14) Approximate radii of all curves.
- (15) Existing zoning on property adjacent to the proposed subdivision plat.
- (16) Proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision plat in relation to the proposed access.
- (17) Proposed lake and stream improvement or relocation including explanation of the proposed improvement and/or relocation.
- (18) Soil type (including Class 1 soils), slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (19) Location of soil borings and two (2) copies of the soil evaluation test results as required pursuant to the requirements of the Wisconsin Administrative Code, Wisconsin Department of Safety and Professional Services and Dodge County Sanitary Ordinance taken at the location and depth in which soil absorption waste disposal systems are to be installed.
- (20) Location and delineated extent of wetlands and/or floodplains.
- (21) Location of any proposed deed restrictions, landscape easements and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Preliminary Plat.
- (22) Additional information required by the Town Zoning Administrator, Plan Commission or Town Board.

### 6.3 **Street Plans and Profiles**

The subdivider shall submit with or immediately after approval of the Preliminary Plat street plans and profiles showing existing ground surface, proposed and, when requested by the Plan Commission or Town Board, established street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision plat. All elevations shall be based upon mean sea level (1929 datum) and plans and profiles shall meet the approval of the Town Board.

### 6.4 **Testing**

The Plan Commission may require that soil borings and/or soundings be made in specified areas to ascertain subsurface soil, rock and water conditions including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the requirements of the Wisconsin Administrative Code, Wisconsin Department of Safety and Professional Services and Dodge County Sanitary Ordinance shall be complied with; and the appropriate data submitted along with the Preliminary Plat.

### 6.5 **Soil Erosion and Stormwater Management Plans**

The subdivider shall submit with the Preliminary Plat soil erosion control and stormwater management plans and specifications. Protection and rehabilitation measures shall be in conformance with accepted soil conservation standards based upon the Soil Conservation Service Technical Guide, Engineering Field Manual and other accepted Dodge County or Soil Conservation Service Standards.

### 6.6 **Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association**

The following documents shall be submitted with the Preliminary Plat as required:

(1) Declaration of Deed Restrictions and Protective Covenants

The Plan Commission shall require submission of a draft of declaration of deed restrictions and protective covenants whereby the subdivider intends to regulate land use in the proposed Subdivision Plat and otherwise protect the proposed development.

(2) Wisconsin Non-Profit Membership Corporation (Homeowners' Association)

The Plan Commission shall require submission of a draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the subdivider proposes that property within a Subdivision Plat would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Section 236.293 of the Wisconsin Statutes, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(3) Town Attorney Review

The Town Attorney shall review all draft declaration of deed restrictions and

protective covenants, conservation easements, and homeowners' associations and shall approve said instruments as to form.

#### **6.7.1 Development Agreement**

Subdivision plats requiring the installation of improvements required pursuant to this Ordinance shall enter into a "Development Agreement" with the Town as is necessary to ensure proper installation and completion of the required improvements in accordance with Section 10 and Section 11.

#### **6.7 Surveyor's Affidavit**

The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.



## Section 7: Final Plat Requirements

### 7.1 General Information

A Final Plat prepared by a Wisconsin Professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

Subdivision plats shall be on durable white media with a permanent, nonfading black image, or on other media that is acceptable to the register of deeds. Electronic recording is acceptable if the process for such recording is in place.

### 7.2 Specific Information

The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following information:

- (1) Length and bearing of the centerline of all streets.
- (2) Street width along the line of any obliquely intersecting street.
- (3) Railroad right-of-ways within and abutting the plat.
- (4) Setbacks or building lines required by the Plan Commission or Town Zoning Ordinance.
- (5) Location of utility and/or drainage easements.
- (6) Lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (7) Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, further land division, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of "Landscape Bufferyard Easements".
- (8) Limits of floodplains and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- (9) Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level).
- (10) Any Plat or CSM which includes lots/outlots that go to the water's edge must include the following statement: "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section of the state constitution.

(11) Additional information as may be required by the Town Zoning Administrator in order to review the Final Plat additional relative to a particular problem presented by a proposed development, the Town Zoning Administrator shall have the authority to request in writing such information from the subdivider.

(12) Additional information required by the Plan Commission, Town or Town Board.

### 7.3 Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association

The following documents shall be submitted with the Final Plat as required:

- (1) Declaration of Deed Restrictions and Protective Covenants  
Submission to the Plan Commission of the final draft of declaration of deed restrictions and protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- (2) Wisconsin Non-Profit Membership Corporation (Homeowners' Association)  
The submission to the Plan Commission of the final draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation homeowners' association, when the subdivider proposes that property within a Subdivision Plat would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Section 236.293 of the Wisconsin Statutes, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- (3) Town Attorney Review  
The Town Attorney shall review all final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said final instruments as to form.

### 7.4 Survey Accuracy

The Town Board may require field verification in order to adequately determine the accuracy and closure of survey, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition:

- (1) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision plat shall not exceed, in horizontal distance or position, the ratio of one (1) part in ten thousand (10,000) nor in azimuth four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurement shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- (2) Street, block, and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in five thousand (5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of

three hundred (300) divided by the length of the shorter side, however, such error shall not in any case exceed five (5) minutes or arc.

#### **7.5 Surveying and Monumenting**

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

#### **7.6 State Plane Coordinate System**

Where the plat located within a U.S. Public Land Survey quarter section, the corners of which have been relocated or monumented, the Final Plat shall be tied directly to one of the sections or quarter corners so relocated and monumented.

- (1) Grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner, to which the plat is tied, shall be indicated on the plat.
- (2) Grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (3) Distances and bearings shall be referenced directly to the Wisconsin Coordinate System and adjusted to the Dodge County or Town of Hubbard control survey, as applicable.

#### **7.7 Certificates**

- (1) All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The description shall be by lot/outlot number and plat name or lot/outlot number and the certified survey map number. In addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

#### **7.8 Recordation**

The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Safety and Professional Services, the Town of Hubbard Town Board, the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the Final Plat.



## Section 8: Certified Survey Map (CSM) Requirements

### 8.1 General Information

A Certified Survey Map (CSM) prepared by a Wisconsin Professional land surveyor shall be required for all minor land divisions. Certified Survey Map shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes and with the design standards and improvement requirements of this Ordinance.

### 8.2 Specific Information

The Certified Survey Map (CSM) shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following information:

- (1) Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or manmade features within the tract being divided as determined by the Plan Commission.
- (2) Setbacks or building lines required by the Town Plan Commission or Town Zoning Ordinance.
- (3) Location of utility and/or drainage easements.
- (4) Location of lands reserved for future acquisition.
- (5) Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of landscape easements.
- (6) Topographic mapping showing existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more; except that if in the judgment of the Plan Commission more detailed topographic data is required or no topographic mapping is necessary. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.
- (7) Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- (8) Date of the Certified Survey Map (CSM), graphic scale, and north arrow.
- (9) Names and mailing addresses of the owner, subdivider, and land surveyor.

- (10) Areas contiguous to the proposed Certified Survey Map (CSM) owned or controlled by the subdivider shall be included on the Certified Survey Map (CSM) even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.
- (11) Dimensions, size (in square feet or acres), and zoning of each parcel or lot created by the Certified Survey Map (CSM) including outlots.
- (12) Soil types (including Class 1 soils) and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (13) Location of soil borings and two (2) copies of the soil evaluation test results as required pursuant to the requirements of the Wisconsin Administrative Code, Wisconsin Department of Safety and Professional Services and Dodge County Sanitary Ordinance in areas not served by municipal or sanitary district sewage treatment facilities, taken at the location and depth in which soil absorption waste disposal systems are to be installed.
- (14) Deed restriction and/or conservation easement documents as required by this Ordinance shall be filed with the Certified Survey Map (CSM). Location of any proposed deed restrictions, landscape easements and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map (CSM).
- (15) Copies of the Development Agreement (if required) for all Certified Survey Maps requiring the installation of improvements required pursuant to this Ordinance shall enter into a Development Agreement with the Town as is necessary to ensure proper installation and completion of the required improvements.
- (16) Additional information required by the Town Administrator, Plan Commission or Town Board.

### 8.3 State Plane Coordinate System

Where the Certified Survey Map (CSM) is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented by the county or Town of Hubbard, the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System and adjusted to the county or Town of Hubbard's control survey, whichever is applicable.

#### 8.4 **Certificates**

- (1) Surveyor's Certification of Compliance with Ordinance
- (2) The surveyor shall certify on the face of the Certified Survey Map (CSM) that he has fully complied with all the provisions of this Ordinance. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (3) Owner's Certificate of Dedication of Streets and Other Public Areas
- (4) The dedication of streets and other public areas shall require the owner's certificate and the mortgage's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

#### 8.5 **Recordation**

The Certified Survey Map (CSM) shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Town Board and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map (CSM) pursuant to the requirements of this Ordinance.



## Section 9: Design Standards

### 9.1 Street Arrangement

- (1) In any new Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat the street layout shall conform to the arrangement, width, and location indicated on the Comprehensive Plan, or adopted map components, Official Map, County Development Plan, or applicable municipal comprehensive plans or plan components.
- (2) In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.
  - (a) Access to Public Streets Required

The Certified Survey Map (CSM) or Subdivision Plat shall be designed so as to provide each lot with satisfactory access to a public street pursuant to the requirements of this Ordinance.
  - (b) Arterial Streets

Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of government activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (c) Collector Streets

Collector streets, as hereinafter defined, shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to special traffic generators such as schools, churches, or shopping centers, business parks, and other concentrations of population or employment and to the arterial and/or major streets to which they connect. Where neighborhoods or commercial activity centers are along arterial streets or highways, collector streets shall be planned to align to provide secondary interconnections between abutting neighborhoods or abutting commercial activity centers.
  - (d) Local Streets

Local streets, as hereafter defined, shall be arranged to conform to this topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum

street area necessary to provide safe and convenient access to abutting property.

(e) Proposed Streets

Proposed streets shall extend to the boundary lines of the tract being subdivided or developed as a condominium unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or condominium or for the advantageous development of the adjacent tracts.

(f) Arterial Street and Highway Protection

Whenever a proposed Certified Survey Map (CSM) or Subdivision Plat contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non access reservation along the rear property line, or by the use of frontage streets.

(g) Stream or Lake Shores

Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (½) mile as required by Section 236.16(3) of the Wisconsin Statutes.

(h) Reserve Strips (Spite Strips)

Reserve strips, sometimes called "spite strips" which prevent access to a public street, shall not be provided on any Subdivision Plat, Certified Survey Map (CSM) or Condominium to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

(i) Alleys

Alleys may be provided in commercial and industrial areas for off-street loading and service access if required by the Plan Commission, but shall not be approved in residential districts.

(j) Street Names

1. Street names shall not duplicate or be similar to existing street names elsewhere in the town by similar word, spelling, or sound. Street names comprised solely of "first" names, e.g. Alex Court, Betty Circle, should be avoided.
2. Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. Potential address numbering and locating difficulties, such as those that may be experienced by

emergency and delivery vehicles, shall be considered the determining factor in considering whether a change of name is necessary.

3. Street names may be changed to conform to proposed or existing address numbering base.
4. A name which is or has been assigned to a street which is not presently a through-street, due to intervening land over which a street extension is or may be planned, shall be continued for the separate segment(s) along the planned through street, the name of any street extension shall remain unchanged even if the extension terminates in a permanently closed cul-de-sac.
5. The following street type designations shall be used only in the situations indicated:
  - a. Boulevard: A street with a divided pavement either existing or planned. If the divided pavement ends but the street continues, the same street name and designation shall continue.
  - b. Lane: A short street not ending in a cul-de-sac.
  - c. Court: A street terminating with a permanently closed cul-de-sac.
  - d. Circle: A street with both ends intersecting a different, but only one other, street, or a street ending in a permanently closed cul-de-sac with an interior island greater than 2 acres in area.
  - e. Parkway: A street abutting a park, greenway, creek, or other natural or open space area where developed lots or parcels have street frontage on one or the other sides of the street (but not both).
6. Approval of street names on a preliminary plat will reserve such names; however, such approval does not guarantee acceptance of such names at the time of final plat approval.
7. A minimum number of letters is desirable in a street name. The maximum number of letters allowed for a street name shall be 12 excluding directional prefixes, e.g., north, south or street type designations, e.g., road, boulevard.

## 9.2 Limited Access Highway Treatment

Whenever the proposed subdivision contains or is adjacent to a limited access highway right-of-way, the design shall provide the following treatment:

(1) Landscape Bufferyard Easement Required

When lots within the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat back upon the right-of-way of an existing or proposed limited access street, highway, or railroad right-of-way, a landscape bufferyard easement (i.e., planting strip) a minimum fifty (50) feet in depth (width), or as otherwise required by the Town of Hubbard Zoning Ordinance, shall be provided adjacent to said right-of-way in addition to the normal lot depth. This strip shall be a part of the platted lots but shall not be included in or counted toward satisfying yard or building setback requirements and shall have the following restriction lettered on the face of the plat:

(2) Landscape Bufferyard Easement

This strip is reserved for the planting of trees and/or other landscaping features; the building of structures hereon is prohibited".

(3) Streets Serving Commercial and Industrial Properties

Commercial and industrial properties shall have provide, on each side of the limited access highway, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, by not less than one hundred fifty (150) feet.

(4) Streets Parallel to a Limited Access Highway Right-of-Way

Streets parallel to a limited access highway right-of-way, when intersecting a major street and highway or collector street which crosses said highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(5) Local Streets Adjacent and Parallel to Arterial Streets and Highways

Local streets immediately adjacent and parallel to arterial streets and highways shall be avoided in residential areas.

### 9.3 **Street Construction Standards and Specifications**

Unless otherwise approved by the Town, all work performed shall conform to the latest edition of the State of Wisconsin Department of Transportation (WisDOT) Standard Specifications for Road and Bridge Construction (SSRBC). In addition, the following shall be met:

(1) Minimum Right-of-Way Requirements

The minimum required right-of-way width for all existing and proposed streets shall be as specified by the Town's Comprehensive Plan or adopted component thereof, Official Map, and/or jurisdictional highway system plan for Dodge County. If no width is specified therein, minimum widths as shown below:

Type	Minimum Required Right-of-Way Width
Arterial	120 feet
Collector	80 feet
Local	66 feet
Cul-de-Sac	84 feet radius
Pedestrian Way	20 feet

These right-of-way requirements are for typical arterial, collector, and local streets only. Additional right-of-way may be required to maintain required ditches and slopes.

(2) Local Streets

Minimum requirements for the construction of local streets, including both rural and urban cross-sections, are set forth in Appendix "A" (see Standard Construction Detail Nos. 1 through 3). Minimum requirements for the construction of collector and arterial streets and highways may be greater and should be based upon detailed engineering studies and plans approved by the Town and/or other authorities having jurisdiction on such highways.

(3) Cul-de-Sac Streets

Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand five-hundred (1,500) feet in length in rural areas where lots are greater than one (1) acre in area and one-thousand (1,000) feet in length in urban areas where lots are less than one (1) acre in area. Minimum requirements for the construction of cul-de-sac streets are set forth in Appendix "A" (see Standard Construction Detail Nos. 1 and 3).

(4) Temporary Streets

Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by the construction of a temporary "T" thirty-three (33) feet in width and thirty three (33) feet in length abutting the right-of-way lines of the access street on each side. Minimum requirement for the construction of temporary streets are set forth in Appendix "A" (see Standard Construction Detail No. 7).

(5) Roadway Elevations

Elevations of roadways passing through floodplain areas shall be designed in the following manner:

- (a) Arterial streets and highways shall be designed so they will not be overtopped by the 100-year recurrence interval flood.

- (b) Collector streets shall be designed so they will not be overtopped by the 60-year recurrence interval flood.
- (c) Local streets shall be designed so they will not be overtopped by the 25-year recurrence interval flood.

(6) New and Replacement Bridges and Culverts

- (a) All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and shall be submitted to the Department of Natural Resources to ensure compliance therewith.
- (b) All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 feet above the peak stage for the 100-year recurrence interval flood.
  - 1. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure.
  - 2. Such bridges and culverts shall be se designed and constructed as to facilitate the passage of ice flows and other debris.

(7) Street Grades

- (a) Existing topography be utilized wherever practicable so as to avoid excessive grading, unnecessary removal of ground cover and trees, and general leveling of the topography.
- (b) All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial streets, and one-half ( $\frac{1}{2}$ ) minimum for all other streets.
- (c) Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
  - 1. Arterial Streets: Six (6) percent
  - 2. Collector Streets: Six (6) percent
  - 3. Local Streets: Eight (8) percent

4. Pedestrian Ways: Eight (8) percent and meeting all applicable "American with Disabilities Act (ADA) Accessibility Guidelines."

- (d) Street grades may be varied as provided for in this Ordinance; however, the grade of any street shall in no case exceed twelve (12) percent or be less than one-half ( $\frac{1}{2}$ ) of one (1) percent.

(8) Radii of Curvature

- (a) When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
  1. Arterial Streets: Five-hundred (500) feet.
  2. Collector Streets: Three-hundred (300) feet
  3. Local Streets: One-hundred (100) feet (may be less than one hundred (100) feet in environmentally sensitive areas as determined by the Plan Commission).
- (b) A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

(9) Half Streets

Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a Subdivision Plat or Certified Survey Map (CSM), the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

(10) Surface Stabilizing

Topsoil, mucky soil, peat, and other unstable material shall be removed below subgrade of roads and replaced with suitable materials approved by the Town.

(11) Subgrade

Roads shall be surfaced with a minimum of twelve (12) inches of compacted crushed aggregate, either crushed gravel or stone, conforming to Gradation No. 2 of the WisDOT-SSREC. Compaction of the subgrade shall be not less than 96 percent of the maximum density of material being compacted.

- (a) All roadway subgrade shall be firm and dry before crushed aggregate can be applied. Areas that appear to be unstable due to inadequate compaction and/or poor soils may require undercutting and replacement with a stable material and/or stabilization fabric or matting.
- (b) Prior to installation of the crushed aggregate, the subgrade shall be proof-rolled with a fully loaded tri-axle dump truck or other similar vehicle weighing a minimum of 60,000 lbs. Proof-rolling shall be scheduled with the

Town not less than three (3) days prior to installation of the pavement binder course. All soft spots shall be undercut and backfilled with three (3) inches of crushed stone.

(12) Surfacing

The first bituminous asphalt pavement course, i.e. the binder course, shall be a minimum of one and one-half (1½) inches thick and conforming to Gradation No. 2 of the WisDOT-SSRBC. Compaction of the binder and surface courses shall be not less than 95 percent of the maximum density. Shoulder material shall be installed immediately after installation of the binder and surface courses conforming to Gradation No. 3. The second pavement course, i.e., the surface course, shall be a minimum of one and one-half (1½) inches thick and conforming to Gradation No. 4 of the WisDOT-SSRBC. The surface course shall be installed not less than one (1) and not more than two (2) years after the date of installation of the binder course.

(13) Cleanup

All dirt and debris deposited on public roads and highways shall be cleaned up by the subdivider and/or those responsible for depositing such debris within twenty- four (24) hours after completion of the construction activity associated with the deposit of such debris.

#### 9.4 **Street Intersections**

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- (1) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
- (2) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than twelve hundred (1,200) feet.
- (3) Property lines at street intersections may be rounded with a minimum radius of fifteen (16) feet, or of a greater radius when required by the Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (4) Local streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such local streets approach the major streets from opposite sides within two hundred fifty (250) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted so that the alignment across the major or collector street is continuous; thus a jog is avoided.



## 9.5 Lots

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

- (1) Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (3) Except as otherwise provided herein, all lots or parcels of land shall abut a public street, road or highway with a minimum continuous frontage of sixty-six (66) feet on all Town roads and all state or county highways, except lots located on a curved street or cul-de-sac which shall front or abut on a road for a distance of at least thirty (30) feet. Greater requirements for frontage on public streets and highways may be required by the Town of Hubbard Zoning Ordinance.
- (4) Areas and dimensions of all lots shall conform to the requirements of the Town of Hubbard Zoning Ordinance. Those building sites not served by a public sanitary sewage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with the provisions of the Wisconsin Administrative Code and Dodge County Sanitary Ordinance.
- (5) The shape of lots shall be approximately rectangular, with the exception of lots located on a curved street or cul-de-sac. Flag lots shall be prohibited, except where necessary to accommodate exceptional topography, to protect natural resources, or the created lot is at least five (5) acres in area.
- (6) Excessive depth of lots in relation to width shall be avoided. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (7) Width of lots shall conform to the requirements of the Town of Hubbard Zoning Ordinance or other applicable ordinance.
- (8) Corner lots which are one (1) acre or less in area shall have an extra width of twenty (20) feet to permit adequate building setbacks from side streets.
- (9) In any plat abutting a lake or stream lands lying between the meander line and the water's edge and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlets, or public dedications.

- (10) All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

## 9.6 Access to Public Streets

This section sets forth vehicular access requirements for Certified Survey Maps, Subdivision Plats, and Condominiums which abut arterial, collector, and local streets. This Ordinance recognizes that public streets are a public investment which require control mechanisms in order to assure both public safety and functional capacity. Proposed Certified Survey Maps, Subdivision Plats, and Condominiums for residential and nonresidential uses shall meet the following requirements:

### (1) Access Standards for All Residential and Non Residential Uses

All proposed Certified Survey Maps, Subdivision Plats, and Condominiums proposed for residential and/or nonresidential uses located in residential and/or nonresidential zoning districts shall meet the following standards:

#### (a) Controlled Access to Public Streets

Lot and parcel vehicular access points shall be permitted only at locations in accordance with this Ordinance and other Town adopted comprehensive plan or elements thereof, ordinances, or other plans approved by the Plan Commission. The Plan Commission may limit vehicular access to any adjoining arterial, collector, or local street.

#### (b) Distance Between Vehicular Access Points

The spacing of vehicular access points from arterial, collector, and local streets to lots and parcels shall be determined as a function of arterial streets and highways, collector streets, and local streets operating speeds. The minimum spacing between vehicular access points along such streets or highway shall be determined according to the following table.

- (c) These spacings are based upon average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation.

Speed Limit (mph)	Minimum Driveway Spacing (Center to Center Distance Measured at the Right-of-Way)
25	105 feet
30	125 feet
35	150 feet
40	185 feet
45	230 feet
>50	275 feet

(d) Limitation of Access to State and County Trunk Highways

No new direct vehicular access shall be allowed to state and county trunk highway public right-of ways unless approved by the Wisconsin Department of Transportation, Dodge County, and the Plan Commission.

(e) Temporary Access

1. Town (Local Streets): On Town streets, the Town Board may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.
2. County Highways: Temporary access to county highway right-of-ways shall be reviewed and may be approved by the Dodge County Highway Department. It is the subdivider's or Condominium Developer's responsibility (as applicable) to obtain all necessary approvals from the Dodge County Highway Department for all such temporary access points proposed prior to Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat approval by the Town.
3. State Highways: Temporary access to state highway right-of-ways shall be reviewed and may be approved by the Wisconsin Department of Transportation. It is the subdivider's or Condominium Developer's responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed prior to Certified Survey Map (CSM), Subdivision Plat, or Condominium approval by the Town.

(f) Area Circulation Plan.

The Plan Commission may require the preparation of an area circulation plan for the proposed Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat or covering several properties in an area surrounding a proposed Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat. The delineation of the area for the preparation of an area circulation plan shall be determined by the Plan Commission. Such a plan may require the sharing of access locations or temporary access. All landowners, except those with a previously approved Certified Survey Map (CSM), Subdivision Plat, or Condominium Plat shall be required to conform to such an area circulation plan once it is adopted by the Plan Commission as a component, or element, of the Town comprehensive plan. The Plan Commission may require that such an area circulation plan be prepared based upon the conduct of a traffic impact analysis conducted by a licensed professional engineer with expertise in traffic engineering.

(g) Vehicular Non Access Reservations Required

The Plan Commission may require that deed restrictions be placed on Certified Survey Maps, Subdivision Plats, or Condominiums in order to limit vehicular access to abutting arterial, collector, or local streets and highways. A landscaped bufferyard of adequate opacity, determined by the Plan Commission or other Town ordinances, shall be provided in vehicular non access reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting local or collector street at designated access driveways. Such vehicular non access reservations shall be graphically so noted on Certified Survey Maps (CSM), Subdivision Plats, or Condominium Plats prior to their approval by the Town.

(h) Arterial Street and Highway Access and Street Intersections

No new direct public or private access shall be permitted to an arterial street or highway within two-hundred (200) feet of the intersection of the right-of-way lines of another arterial street or highway; and, where lot or parcel size permits no new direct public or private access shall be permitted to an arterial street or highway within five hundred (500) feet of the intersection of the right-of-way lines of another arterial street.

(i) Local Streets and Vehicular Access Point Alignments

Local streets and vehicular access points along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.

(j) Sight Distance and Driveway Placement

Direct vehicular access placement on: abutting local, collector, and arterial streets and highways shall be such that an exiting vehicle has a minimum unobstructed sight distance, according to the following table based upon the operating design speed of the abutting collector, arterial street, or highway.

Speed Limit (mph)	Minimum Sight Distance (Measured at the Right-of-Way)
25	175 feet
30	200 feet
35	225 feet
40	275 feet
45	325 feet
>50	350 feet

(2) Additional Access Standards for Non Residential and Multiple Family Residential Uses

All proposed Certified Survey Maps, Subdivision Plats, and Condominiums proposed for nonresidential and multiple-family residential uses located in nonresidential and/or multiple-family residential zoning districts shall meet the following additional standards:.

(a) Maximum Number of Vehicular Access Points Per Lot

Generally, along arterial streets and highways (including which abut the frontage roads of said rights-of way); where the abutting street frontage is less than four hundred (400) feet, a maximum of one (1) vehicular access point shall be permitted to a particular lot from each of any one (1) or two (2) abutting arterial streets and highways. One (1) additional driveway entrance along a single continuous lot with frontage in excess of four hundred (400) feet may be permitted by the Plan Commission. When a shared vehicular access point is used by two (2) or more abutting lots, said shared vehicular access point shall be considered as one (1) single vehicular access point for each lot or parcel served.

(b) Shared Vehicular Access Points Between Lots

Vehicular access points planned to be located along property lines or within five (5) feet of a property line shall be shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two (2) lots or parcels of land or may be a mutually agreed upon land access easement.

## 9.7 Building Setback Lines

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than those required under the provisions of the applicable Zoning District in the Town of Hubbard Zoning Ordinance, may be required by the Plan Commission.

## 9.8 Easements

(1) Conservation, Landscaping, and Utility Easements Required

The Plan Commission shall require conservation, landscaping, and utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for conservation, landscaping, electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.

(2) Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat Traversed By Watercourse, Drainageway Channel or Stream

Where a Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission.

The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkway may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow.

(3) Minimum Width Required for All Utility Easements

All utility easements shall be a minimum of twelve (12) feet in width or wider where recommended by the Town.

## Section 10: Required Improvements

### 10.1 General Standards

The required improvements set forth in this Ordinance shall be installed in accordance with the Town's prescribed standards and specifications for such improvements. In the event that the Town has no prescribed standards and/or specifications for an improvement required and/or proposed, the improvement shall be made in accordance with good engineering practices and approved prior to the commencement of construction by the Town.

### 10.2 Survey Monuments

The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Board or duly authorized designee.

### 10.3 Grading

#### (1) Right-of-Way and Roadbed Grading

After the installation of temporary block corner monuments by the subdivider and establishment of street grades, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town and in conformance with the Town's prescribed standards and specifications. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

#### (2) Grading of Cut and Filled Lands

Cut and filled lands shall be graded to a maximum slope of one to four (1:4), or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.

#### (3) Preservation of Septic Field Areas During Grading

During grading operations, every effort shall be made by the subdivider to preserve and protect any septic field areas from damage.

#### (4) Preservation of Existing Trees During Grading

During grading operations, every effort shall be made by the subdivider to preserve and protect from damage those existing trees identified in a landscaping and planting plan to be preserved and retained as a part of the Subdivision, Certified Survey Map (CSM), or Condominium approval.

### 10.4 Roadway Surfacing

#### (1) Roadway Surfacing

After the installation of all required utility and stormwater drainage improvements,

the subdivider shall surface all roadways in streets proposed to be dedicated to the Town in accordance with the Town's prescribed standards and specifications.

#### 10.5 **Curb**

In all Subdivisions, Certified Survey Maps, and Condominiums, where urban road sections have been approved, the subdivider shall construct concrete curbs in accordance with the Town's prescribed standards and specifications and construction plans approved by the Town. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

#### 10.6 **Sidewalk**

Sidewalks may be required by the Plan Commission in Subdivisions, Certified Survey Maps, or Condominiums located in urban areas, to accommodate safe and adequate pedestrian circulation. Where sidewalks are provided, they shall be a minimum of five (5) feet in width and be located within a dedicated public right-of-way or pedestrian access easement. If the sidewalk is to be located within a pedestrian access easement, said easement shall be a minimum of twenty (20) feet in width.

#### 10.7 **Rural Street Sections**

When permanent rural street sections have been approved by the Plan Commission, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town.

#### 10.8 **Public Sanitary Sewers**

When public sanitary sewer facilities are available to the Subdivision Plat, Certified Survey Map (CSM) or Condominium Plat, the subdivider shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot within the Subdivision or Certified Survey Map (CSM) or dwelling unit within a Condominium. In addition:

- (1) The installation of sewer laterals shall extend to the street lot line.
- (2) The size, type, and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the affected sanitary sewer district and the Town.
- (3) The subdivider shall assume the cost of installing all sanitary sewers in accordance with the policies, requirements and provisions of the affected sanitary sewer district.
- (4) The subdivider shall install sanitary sewers in accordance with this Ordinance when it is determined that the proposed subdivision plat lies within a public sanitary



sewer service area and sanitary sewer facilities are programmed to be extended to the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat within five (5) years.

- (a) Until such time as the public sewers within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat can be connected to the public sanitary sewer system, they shall be temporarily capped.
- (b) No private or public use shall be connected to the sanitary sewers within the Subdivision plat, Certified Survey Map (CSM), or Condominium Plat until such sanitary sewers are connected to the public sewerage system.
- (c) The subdivider shall indicate on the face of the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat that the owner of private uses within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat shall connect such uses to the sanitary sewers in the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat at the time such sanitary sewers are connected to the public sewerage system, and that the Town shall be held harmless for any damages or costs incurred to disconnect and abandon any on-site sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.

#### 10.9 Stormwater Drainage Facilities

The subdivider shall construct stormwater drainage facilities adequate to serve the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat in conformance (as applicable) with all applicable Town and Dodge County regulations pertaining to erosion control and stormwater management or as required by the Town Board based upon recommendation of the Plan Commission. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

(1) Stormwater Management Plan Required

A stormwater management plan shall be prepared by a Wisconsin registered professional engineer which shall include, but not be limited to, the following:

- (a) Existing and proposed topography at two (2) foot contour intervals of the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat.
- (b) Proposed elevations of all streets.
- (c) Proposed drainage swales.

- (d) Proposed storm sewers, manholes, and inlets. Construction site erosion facilities.
- (e) A report and (maps) showing the drainage basin for the entire area where the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat.
- (f) Location of any planned stormwater detention and/or retention basins and applicable calculations for their sizing and design.
- (g) Calculations relating to the amount of runoff from the site of the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat prior to development and anticipated runoff following the development of the site.

(2) Unpaved Street Gutters

- (a) Unpaved street gutters shall be permitted and shall be shaped and seeded and/or sodded as grassed waterways.
- (b) The subdivider is encouraged to use natural wetland plant materials where possible.
- (c) Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall meander the waterway or install a paved invert or check dams, flumes, or other energy dissipating devices.

(3) Drainage Facilities

- (a) These shall, if required, include stormwater detention and/or retention basins, structures, and settling basins necessary so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes.
- (b) The design criteria, the size, type, grades, and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving cheek dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the Town's prescribed standards and specifications and plans approved by the Town.

(4) Storm Sewers

- (a) When required by the Town, the subdivider shall assume the cost of installing all required storm sewers within the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat except for the added cost

of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed Subdivision Plat, Certified Survey Map (CSM) or Condominium Plat

- (b) The cost of such larger storm sewers shall be prorated in proportion to the ratio which the total area of the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat is to the total drainage area to be served by such larger sewer, and the excess cost may either be borne by the Town or assessed against the total tributary drainage area.

#### 10.10 Water Supply Facilities

(1) Adequate Water Supply Facilities to be Made Available

When public water supply and distribution facilities are available to the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat or when it is proposed to establish a private water supply and distribution system to serve three (3) or more lots or dwelling units, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision Plat or Certified Survey Map (CSM) or to each Condominium dwelling unit.

(2) Additional Water Supply Facilities Requirements

The subdivider shall make provision for adequate private water systems as required by the affected water utility district and/or service provider and the Town. In addition:

- (a) The installation of water laterals shall extend to the street lot line.
- (b) The size, type, and installation of all public and/or private water main; proposed to be constructed shall be in accordance with the Town's prescribed standards and specifications and plans approved by the Town.
- (c) The subdivider shall assume the cost of installing all water mains, water laterals, water system appurtenances or wells within the proposed Subdivision Plat, Certified Survey Map (CSM) or Condominium Plat except for the added cost of installing public water mains greater than eight (8) inches in diameter. The cost of such larger water mains or other water system related facilities shall be prorated in proportion to the ratio which the total flow and amount required by the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat is to the total water service area flow and amount requirements for the larger water main, and the excess cost shall either be borne by the Town or assessed against the total water service area as determined by the Town Board.
- (d) The subdivider shall install water mains in accordance with this Ordinance and specifications of the Town when it is determined that the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat lies

within a Town adopted public sanitary sewer service area and water main facilities are programmed to be extended to the proposed Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat within five (5) years.

1. Until such time as the public water mains within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat can be connected to the larger community water supply system, they shall be temporarily capped.
  2. No private or public use shall be connected to the water mains within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat until such water mains are connected to the larger public water supply system.
- (3) The subdivider shall indicate on the face of the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat that the owner of private uses within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat shall connect such uses to the water mains within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat, and that the Town shall be held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place, and any costs associated with connection to the public water mains.
- (a) Where applicable, the subdivider shall install fire hydrants connected to water mains in accordance with the Town's prescribed standards and specifications and other local regulations pertaining to the provision of adequate fire flows and transmission facilities.

#### 10.11 Other Utilities

The subdivider shall cause appropriate utilities such as gas, electrical power, cable television (where available), and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the Subdivision Plat or Certified Survey Map (CSM) and to each dwelling unit in a Condominium Plat. In addition, plans indicating the type, i.e. overhead vs. underground, and location of all proposed gas, electrical power, cable television, and telephone, and distribution and transmission lines required to service the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat shall be approved by the Town Board.

### **10.12 Traffic Control and Street Name Signs**

The subdivider shall install all traffic control devices and street name signs along all streets proposed to be dedicated to the public. Traffic control devices and street name signs shall meet the following standards:

(1) **Traffic Control Signs**

The design and placement of traffic control signs shall follow state and county regulations as applicable.

(2) **Street Name Signs**

The subdivider shall install at least two (2) street name signs, of a design and color as approved by the Town, at each four way street intersection proposed to be dedicated and one (1) at each "T" intersection. Street name signs shall be installed so as to be free of visual obstructions.

### **10.13 Street Trees**

In all subdivisions, Certified Survey Maps, and Condominiums requiring new street dedications, the Town shall require the subdivider to plant a minimum of one (1) street tree of a Town approved species and of a minimum diameter of three (3) inches (measured along the trunk at a point 4 feet up from the ground) for each seventy-five (75) feet of street frontage on each side of all streets to be dedicated to the public. Said required street trees shall be planted within a landscape planting easement twenty (20) feet in width parallel to and abutting the public street right-of-way. All required street trees shall be installed by the subdivider in accordance with plans and specifications approved by the Plan Commission. Existing trees already in the prescribed locations and equal to or greater than the minimum prescribed herein shall be counted towards the required number of street trees on a one time basis. Street trees shall be of the species approved by the Plan Commission. In addition:

- (1) No street trees shall be planted less than fifteen (15) feet from a utility pole.
- (2) No street trees shall be planted less than five (5) feet from a driveway.
- (3) No street trees shall be planted less than three (3) feet from a sidewalk.
- (4) The subdivider shall guarantee to replace any required street tree not surviving one (1) year from the date of the Town's approval of the planting at the site. In no case

shall it conflict with the surety band herein and elsewhere described in this Ordinance.

#### **10.14 Soil Erosion and Sediment Control**

The subdivider shall plant those grasses, trees, and vines, a species and size, as approved by the Plan Commission, necessary to prevent soil erosion and sedimentation. In addition:

(1) **Installation of Protection and Rehabilitation Measures**

The Plan Commission shall require the subdivider to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.

(2) **Conformance with Dodge County Requirements**

Protection and rehabilitation measures shall be in conformance with the Dodge County Subdivision Control Ordinance. Detailed construction plans shall be submitted to and reviewed by the Dodge County Land Conservation Department as to conformance with accepted Soil Conservation Standards based upon the Soil Conservation Service Technical Guide Engineering Field Manual and other accepted Dodge County or Soil Conservation Service Standards.

(3) **Tree Cutting and Shrubbery Clearing Limitations**

Tree cutting and shrubbery clearing shall not exceed Town of Hubbard Zoning Ordinance requirements for the specified zoning district and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.

(4) **Maximum Width of Paths and Trails in Wooded and Wetland Areas**

Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

(5) **Earth Moving**

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning shall be so conducted as to prevent soil erosion and sedimentation and to minimize the disturbance of the natural fauna, flora, water course, water regimen, and topography.

(6) **Review of the Conduct of Cutting, Clearing, and Moving**

Review of the conduct of such cutting, clearing, and moving may be requested of

the Dodge County Land Conservation Department, the State District Fish and Game Managers, and the State District Forester by the Town Zoning Administrator or the Plan Commission as they deem appropriate.

(7) Topsoil Preservation

Topsoil moved during the course of construction shall be redistributed on all pervious regraded surfaces so as to provide adequate topsoil to cover to all previous disturbed areas of the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat and shall be stabilized to prevent soil erosion by seeding or planting as determined by the Town Board.

(8) Slope and Terrace Protection

Areas of cuts, fills, and terraces shall be landscaped sufficiently to prevent soil erosion. All roadway slopes steeper than one (1) foot vertically to four (4) feet horizontally shall be planted and stabilized with ground cover appropriate for the purpose and for soil conditions, water availability, and environment as determined by the Town Board.

**10.15 Improvements Extended to Limit of Parcel**

(1) Improvements to be Extended to Farthest Limit of Parcel or Lot

Any and all improvements or utility services required by this Ordinance or a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless mutually agreed to by the subdivider and Town Board.

(2) Financial Sureties for Extension of Improvements Required

In the event the improvements are required to the end of the parcel or lot, the subdivider may be required to post adequate financial sureties with the Town pursuant to this provisions of this Ordinance in order to complete such improvements to the end of the parcel or lot at a future date, either as part of a future development phase for the same development and/or development of other adjacent lands.

## Section 11: Installation of Improvements

### 11.1 Installation of Required Improvements

Prior to the final approval and recording of any Certified Survey Map (CSM), Subdivision Plat Final Plat, or Condominium Plat requiring improvements located within the jurisdictional limits of this Ordinance, and prior to the installation of any required improvements, the subdivider shall enter into a "Development Agreement" with the Town agreeing to furnish, construct, and install the required improvements at the sole cost of the subdivider and/or provide a financial surety acceptable to the Town. The purpose of the financial surety is to ensure that such improvements will be completed by the subdivider or subcontractor(s) and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the subdivider or subcontractors not later than one (1) year from the date of recording of the Certified Survey Map (CSM), Subdivision Final Plat, or Condominium Plat.

In addition, the following requirements shall apply:

- (1) Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-ways, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the Town and approval of the Town.
- (2) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section subject to the approval of the Town Attorney.

### 11.2 Financial Sureties

- (1) Form of Financial Sureties  
Financial sureties furnished to the Town by subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the Town Board deems secure, and may include certified checks, corporate bonds, irrevocable letters of credit in a form approved by the Town Board, or performance bonds.
  - (a) The amount of financial surety shall be one hundred twenty-five (125) percent of the estimated full amount of the improvement(s) being installed (including the costs of inspection). The period for which the financial surety shall be provided shall be not less than the period scheduled for completion of the improvement(s). Notwithstanding, the Town Board may allow reductions in the amount of the financial surety in proportion to the amounts of the completed improvements and/or obligations as they are completed and fulfilled.



- (b) For Public Improvements, the developer will provide the security of a bond. The amount of security shall not be more than 120 percent of the estimated total cost of the improvements. The security may not be required for more than 14 months after the improvements are substantially completed. Thereafter, any withheld security may not be more than the cost to finish the uncompleted improvements plus 10 percent of the total cost of the already completed improvements.

(2) Criteria for Determining Subdivider's Delinquency in Meeting Requirements

The Town Board shall give notice by registered mail to the subdivider and the subdivider's surety, of such delinquency, said notice to specify the corrective measures required if the subdivider:

- (a) Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
- (b) Performs the work unsuitably, as determined by the Town Board; or
- (c) Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
- (d) Discontinues the execution of the work; or
- (e) For any other cause whatsoever does not carry on the work in an approved manner.

(3) Guarantee of Improvements

The subdivider shall guarantee all improvements for a period of one (1) year from the date of the acceptance of improvements by the Town Board. To assure such improvement guarantee, the subdivider shall provide an amount of financial surety (performance bond or letter of credit) not to exceed fifteen (15) percent of the construction value of said improvements.

(4) Town Board Action

After said notice, the Town Board shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

### 11.3 Commencement

No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map (CSM), or Condominium Plat until all required plans and specifications have been approved and the Town Board has given written authorization to commence work.

### 11.4 Building Permits

No building, zoning, or sanitary permits shall be issued for the erection of a structure on any lot not of record until all the requirements of this Ordinance have been met, including the submission of required financial sureties and/or the construction of required streets and sidewalks and the removal of construction debris, waste and/or

rubbish from the lot.

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ADOPTED: \_\_October 1,\_\_\_\_2010

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Section 11: Installation of Improvements

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### 11.5 Plans and Specifications

The following plans and accompanying construction specifications shall be required by the Town before authorization of construction or installation of improvements:

(1) Street Plans and Profiles

Street plans and profiles showing (misting and proposed grades, elevations and cross-sections of required improvements.

(2) Existing and Proposed Contours

Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level).

(3) Sanitary Sewer Plans and Profiles

When required, sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities, when located within an existing or proposed sanitary sewer service area.

(4) Stormwater Management Plans and Storm Sewer Plans and Profiles

When required, storm sewer and/or drainage plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management plan shall be required as set forth in this Ordinance.

(5) Water Main Plans and Profiles

When required, water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities, when located within an existing or proposed sanitary sewer service area.

(6) Gas, Electrical Power, Telephone, and Cable Television Plans

Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.

(7) Specifications for Protection Against Erosion, Siltation, Sedimentation, and Washing Required

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the Town's prescribed standards and specifications and plans approved by the Town. In addition:

- (a) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

- (b) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
  - (c) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - (d) Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
  - (e) All erosion control procedures must be carried out in conformance with the Dodge County's and/or the Town's regulations for construction site erosion control.
- (8) Landscape and Planting Plans  
Landscape and planting plans showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
- (9) Record "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 three (3) complete sets of record "as-built" plans for each of the plans required as set forth in this section of this Ordinance and showing the actual location of all improvements made. These plans shall be prepared on the original construction plane and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record "as built" plans shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. These plans shall be submitted to the Town Clerk for permanent filing at the Town Hall.
- (10) Additional Plans  
Additional special plans or information as required by the Town Plan Commission or Town Board.

## 11.6 Maintenance of Improvements During Construction

The subdivider shall make every effort to protect and maintain all improvements made to a Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat that are not dedicated to the Town during the construction of the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat.

## 11.7 Review of Plans and Specifications by Town

The Town Board shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent Town ordinances and standards prescribed by the Town or similar authority retained by the Town Board. If the Town Board rejects the plans and specifications based on said

review, the Town Board shall notify the subdivider, who shall cause the modification of the plans or specifications or both accordingly.

## **11.8 Inspection and Completion**

### **(1) Inspection**

The subdivider, prior to commencing any work within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat shall make arrangements with the Town to provide for adequate inspection. The Town Board or other duly authorized and certified inspector(s) shall inspect or cause to inspect and approve all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the Town Board shall require inspections as deemed necessary to ensure compliance with the approved plans and specifications. The subdivider shall pay the Town for the costs incurred by the Town for such inspections.

### **(2) Completion of the Construction of Required Improvements**

The construction of all improvements required by this Ordinance shall be completed prior to approval of a Final Plat or Certified Survey Map (CSM) as otherwise agreed to by the Town Board as set forth in a Development Agreement.

## Section 12: Variances, Violations, Appeals and Fees

### 12.1 Variances

(1) Town Board May Waive or Modify Any Requirement

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

(2) Town Board Findings of Fact and Conditions

No variance to the provisions of this Ordinance shall be granted unless the Town Board finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(a) Exceptional Circumstances

1. There is exceptional, extraordinary, or unusual circumstances, or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.
2. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed.

(b) Preservation of Property Rights

Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(c) Absence of Detriment

That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

(3) Majority Vote of Town Board Required

A two-thirds (2/3) majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance.

(4) Town Board May Waive the Placing of Required Monuments

The Town Board may waive the placing of monuments, required under Section 236.15(1)(b), (1)(c), and (1)(d) of the Wisconsin Statutes, for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by the Town.

### 12.2 Violations

(1) Unlawful to Violate Ordinance

It shall be unlawful to build upon, divide, convey; recorder place monuments on

any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any Subdivision Plat, Certified Survey Map (CSM), Condominium Plat or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met.

(2) Actions and Proceedings to Enjoin Violations

The Town Board may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

### 12.3 Penalties and Remedies

(1) Forfeiture and Imprisonment

Any person, firm, or corporation who violates or fails to comply with the provision of this Ordinance shall, upon conviction: thereof, forfeit not less than one hundred (\$100) dollars nor more than ten thousand (\$10,000) dollars plus the costs of prosecution for each offense. The penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding six (6) months.

(2) Separate Offense

Each day a violation exists or continues shall constitute a separate offense.

(3) Injunctive

In addition to the above described fines, the Town Board or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms, or corporations from acting in violation of the provision of this Ordinance.

(4) Violations and Concomitant Penalties

Violations and concomitant penalties shall include:

(a) Improper Recordation

Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.

(b) Conveyance of Lots in Unrecorded Plats

Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.

(c) Monuments Disturbed or Not Placed

Monuments disturbed or not placed carries penalties as provided far in Section 236.32 of the Wisconsin Statutes.

(5) Assessor's Plat as Remedy

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be

ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

## 12.4 Appeals

### (1) Filing Period

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sections 236.13(5) of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat.

### (2) Failure to Approve Based on an Unsatisfied Objection

Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

### (3) Court May Direct Approval of Plat

The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable, or discriminatory.

## 12.5 Fees

(1) As a condition of the approval of a Preliminary Plat, Final Plat, Certified Survey Map (CSM), or Condominium Plat, the subdivider shall pay the Town all applicable fees and charges to the Town Clerk as required by the Town Board before being entitled to recording of a Final Plat, Certified Survey Map (CSM), or Condominium Plat.

(2) Said fees may include, but not be limited to, application fees, recording fees, charges for publication, advertising, and notices (when required), Town staff review and processing charges, engineering costs, engineering inspection fees, and attorney fees and charges. Said fees shall be established by the Town Board by separate resolution.

(3) No application filed pursuant to this Ordinance shall be considered complete unless and until all fees due pursuant to this Ordinance have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to fully pay any such fee when due shall be grounds for the Town to refuse to process, or to continue to process an application, and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.



## Section 13: Definitions

### 13.1 General Definitions

Whenever a word or term in this section appears in the text of this Ordinance, its' meaning shall be construed to mean as set forth in this section. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

### 13.2 Specific Words and Phrases

(1) Alley

A special public way affording only secondary access to abutting properties.

(2) Arterial Street

A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Unless otherwise designated as part of the Town's Comprehensive Plan or component thereof or a State or County Highway Plan, arterial streets as provided for herein shall include all state and county trunk highways.

(3) Bufferyard

An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Certified Survey Map (CSM, Subdivision Plat, or Condominium Plat.

(4) Certified Survey Map (CSM)

A legal surveying instrument used to record a "minor land division" as required defined herein and prepared and recorded as set forth in Section 236.34 of the Wisconsin Statutes (also see definition for "Minor Land Division").

(5) Class 1 Soils

Soils defined as Capability Class 1 by the United States Department of Agriculture, Soil Conservation Service for Dodge County, Wisconsin.

(6) Collector Street

A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets. Collector streets shall include all Town section line and other Town roads that have both termini located at an intersection with any state or county highway and other Town roads.

(7) Comprehensive Plan

Also called a Master Plan that may be adopted by the Town of Hubbard Plan Commission and certified to the Town Board pursuant to Section 62.23 of the

Wisconsin Statutes (under enacted Village powers pursuant to Wisconsin State Statutes Section 60.22(3)). The Town Land Use Plan is considered to be one element or component of the Master or Comprehensive Plan. The comprehensive plan can include subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, the Official Map, land division and building and capital improvement programs shall also be considered a part of the comprehensive plan.

(8) Condominium

Property subject to a condominium declaration as defined, regulated, and established under Chapter 703 of the Wisconsin Statutes.

(9) Conservation Easement

A type of "protective covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map (CSM), Preliminary Plat, Final Plat and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Ordinance.

(10) Cul-de-Sac

A local street with only one (1) outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

(11) DBH

Diameter at breast height. The diameter of the trunk of a tree measured in inches at a point four and one-half (4½) feet above ground line. This point of measurement is used for established and mature trees. Also known as "caliper".

(12) Detention Basin (see also "Retention Basin")

A manmade or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or manmade outlets (i.e., the storm sewer system or stream).

(13) Developer (see also "Subdivider")

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, minding the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

(14) Development

Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

(15) Development Agreement

An agreement by which the Town and the subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the subdivider's agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the Town.

(16) Division of Land (see also "Minor Land Division" and "Subdivision") Where the title or part thereof of land is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map (CSM).

(17) Drainageway

The land on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream graphically shown on: a topographic survey prepared by and certified by a Wisconsin Professional land surveyor at a contour interval of not less than two (2) feet; the U.S. Geological Survey (U.S.G.S.) 7.5 minute quadrangle topographic map of the area; or the large scale 1" = 200' Dodge County topographic maps except areas designated as wetlands, shoreland wetlands, floodlands, floodways, or 100-year recurrence interval floodplains.

(18) Driveway

A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.

(19) Easement

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

(20) Extraterritorial Plat Approval Jurisdiction

The unincorporated area within one and one-half (1.5) miles of a fourth class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

(21) Flag Lot

Description of the shape of a property, where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.

(22) Final Plat

The final map, drawing or chart on which the subdivider's or Condominium Developer's (as applicable) plan of subdivision is presented for approval and which, if approved, will be submitted to the Dodge County Register of Deeds.

(23) Flood Protection Elevation

An elevation two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above maximum flood of record.

(24) Floodlands

Those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a one (1) percent probability of occurring in any given year) is generally used for zoning regulation. Other flood events used in this Ordinance are the 50-year recurrence interval flood (or that flood having a two (2) percent probability of occurring in any given year) and the 100-year recurrence interval flood (or that flood having a ten (10) percent probability of occurring in any given year). Where detailed flood data is not available, the maximum flood of record is used.

(25) Frontage Street

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

(26) High Water Elevation (Surface Water

The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available) the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

(27) Homeowners' Association

A Wisconsin nonprofit membership corporation which serves as an association of homeowners within a Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat having shared common interests responsibilities with respect to the costs and upkeep of common private property of a Subdivision Plat , Certified Survey Map (CSM), or Condominium Plat. Such common property includes private recreation and open space areas within the Subdivision Plat, Certified Survey Map (CSM), or Condominium Plat. For the purposes of this Ordinance, homeowners associations include condominium associations.

(28) Improvement, Public

Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrian way, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the Town or Homeowners' Association may ultimately assume the responsibility for maintenance and operation.

(29) Irrevocable Letter of Credit

An agreement guaranteeing payment for subdivision improvements, entered into a bank, savings and loan, or other financial institution which is authorized to do

business in this State and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

(30) Landscaping

Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and non-living durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.

(31) Local Street (also "Minor Street")

A street used, or intended to be used, primarily for access to abutting properties. Minor streets shall include all local subdivision roads and other Town roads with only one terminus at an intersection with any State, County or Town road.

(32) Lot Area

The total area within the property lines of a lot or parcel excluding any street right-of-way, dedications, reservations, and easements, unless otherwise allowed under the provisions of the Town of Hubbard Zoning Ordinance.

(33) Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side (see Figure 1).

(34) Lot, Double Frontage

A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. On a double-frontage lot both street lines shall be deemed front lot lines (see Figure 1).

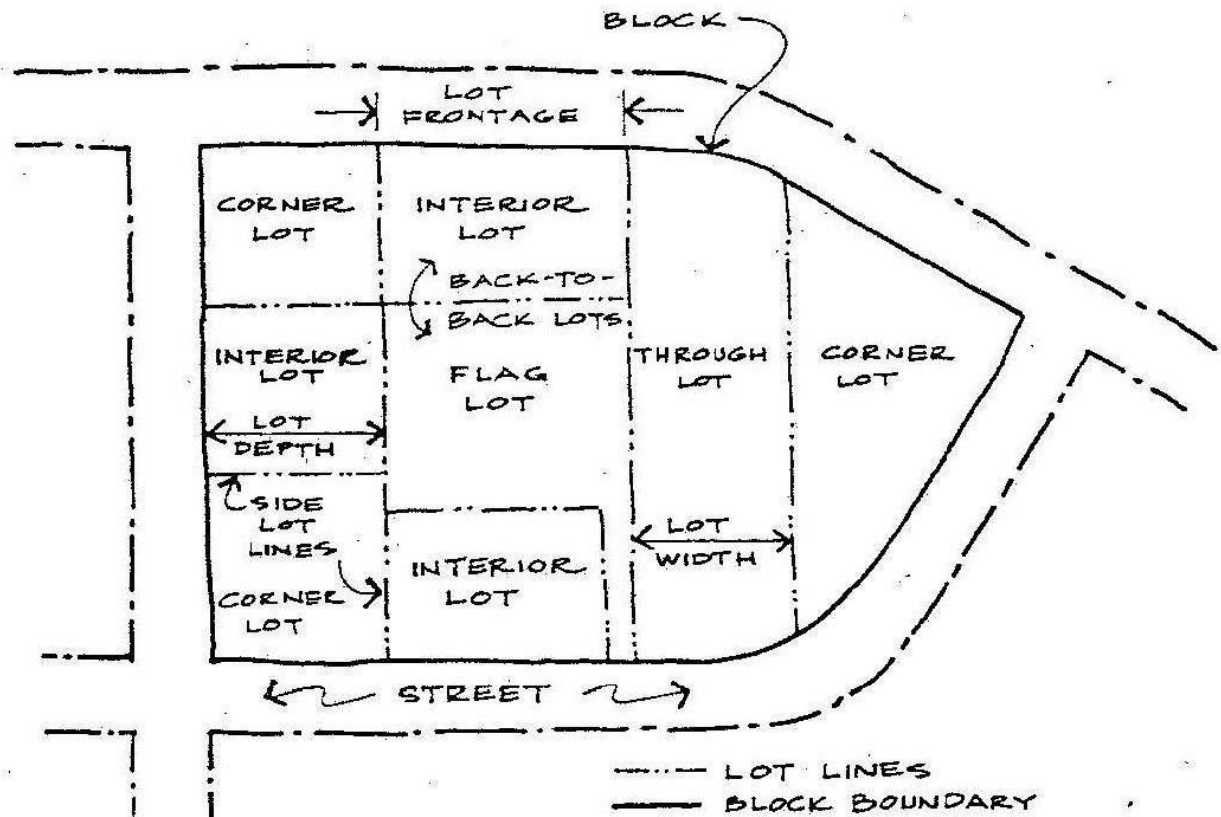
(35) Lot Frontage

The dimension of a lot abutting a public street measured along the street right-of-way line.

(36) Lot, Interior

A lot situated on a single street which is bounded by adjacent lots along each of its other lines (see Figure 1).

Figure 1

(37) Lot, Substandard

A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

(38) Lot Coverage

The area of a lot or parcel covered by buildings (see "Impervious Surface").

(39) Lot Depth

The average distance measured from the front line to the rear lot line.

(40) Lot of Record

A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Dodge County Register of Deeds and which exists as described therein.

(41) Lot Width

The width of a parcel of land measured at the building setback line or required front yard setback.

(42) Manual of Standards and Specifications for Development

The set of standards and specifications which the Town uses or has established as public policy for the installation of improvements required in this Ordinance.

(43) Minor Land Division

Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4) parcels of building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a Certified Survey Map (CSM).

(44) Official Map

A map meeting the requirements of Section 62.23(6) of the Wisconsin Statutes.

(45) Open Space

Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public right-of-way or off-street parking areas for nonrecreational uses.

(46) Open Space, Deed Restricted

Deed restricted open space on platted "Lots" is not occupied by any principal or accessory buildings or structures, roads, road right-of-way, or parking areas. Deed restricted open space on platted "Outlots" not occupied by nonrecreational principal or accessory buildings or structures, roads, road right-of-ways, or parking areas. The maintenance of deed restricted open space located on platted "Outlots" is by a homeowners association. The maintenance of deed restricted open space located on platted "Lots" is by the individual lot owner.

(47) Open Space, Public

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservation uses.

(48) Ordinary High Water Mark

The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(49) Outlot

An unbuildable parcel of land, other than a lot or block, so designated on the plat but not necessarily of standard lot size or width.

(50) Pedestrianway

A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

(51) Plan Commission

The Town of Hubbard Plan Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes and the Town of Hubbard Zoning Ordinance.

(52) Protective Covenants (also "Deed Restrictions")

Contracts entered into between private parties for between private parties and public bodies pursuant to Section 236.293 of the Wisconsin Statutes, which constitute a restriction on the use of all private or platted property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

(53) Public Way

Any public road, street, highway, walkway, drainageway or part thereof.

(54) Replat

The process of changing, or the map or plat which changes, the boundaries of a recorded Subdivision Plat, Certified Survey Map (CSM), or part thereof. The division of a large block, lot or outlot within a recorded Subdivision Plat or Certified Survey Map (CSM) without changing the exterior boundaries of said block, lot, or outlot is not a replat.

(55) Retention Basin

A manmade or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or manmade outlets.

(56) Rear Lot Line

An internal lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. Where the street line is an arc, the angle is measured from the tangent of the arc. A lot line greater than 45 degrees from the front street right-of-way line would be a side lot line.

(57) Rear Yard (see also "Yard")

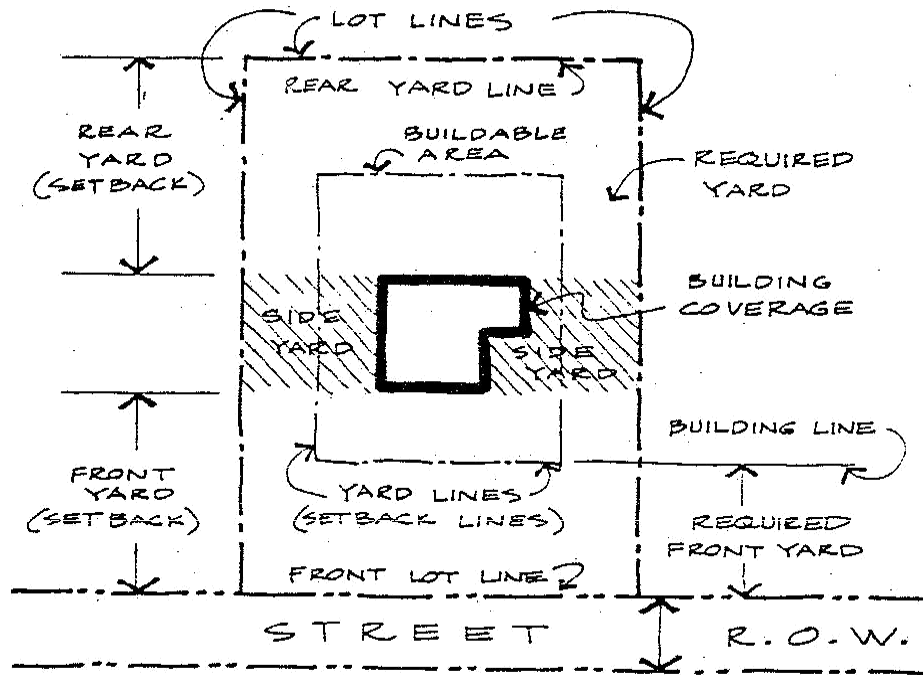
An area extending the full width of the lot between the rear lot line and the rear building face of the principal structure (see Figure 2).

(58) Rear Yard Setback

The minimum horizontal distance between the rear internal lot line and a line parallel thereto through the nearest roofed or enclosed portion of the principal structure, excluding uncovered steps and stoops, gutters and awnings. A rear lot setback is opposite a front yard setback (see Figure 2).



Figure 2

(59) Setback

Those minimum street, front, rear and/or side yards required by the Town of Hubbard Zoning Ordinance.

(60) Shore Buffer

The area located within seventy-five (75) feet or the ordinary high water mark of all navigable waters and parallel to that ordinary high water mark.

(61) Shorelands

All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in Section 144.26(2)(d) of the Wisconsin Statutes one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of a floodplain (i.e., the outward edge of the floodplain), whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

(62) Street (see also "Arterial Street," "Collector Street," and "Local Street")

A dedicated public thoroughfare affording the principal means of access to abutting property.

(63) Subdivider

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, Certified Survey Map (CSM), replat or Condominium Plat.

(64) Subdivision

The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of thirty-five (35) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of thirty-five (35) acres each or less in area by successive division within a period of five (5) years.

(65) Surety

A financial guarantee, such as a bond, letter of credit, or cash for performance of a contract or obligation, e.g., construction of road and drainage improvements, through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

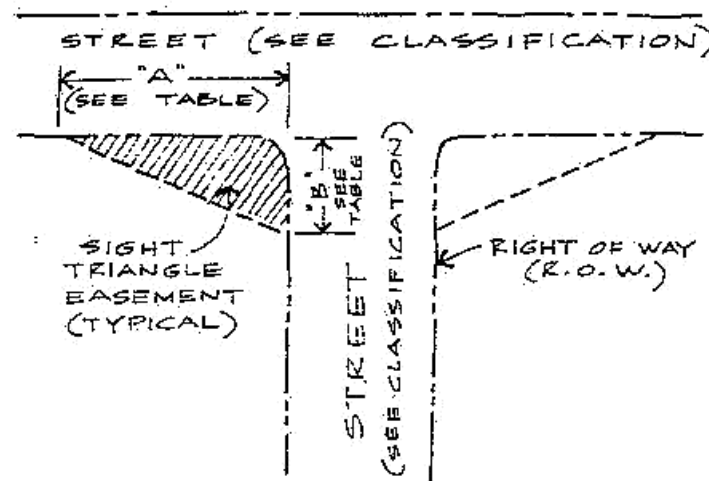
(66) Tree, Street

A tree adjacent to a public place, street, special landscape easement or right-of-way adjoining a street.

(67) Vision Triangle

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection (see Figure 3).

Figure 3



REQUIREMENT BY STREET CLASSIFICATION (MEASURED ALONG R.O.W.)

		"B" (DISTANCE IN FEET)		
		LOCAL STREET	COLLECTOR STREET	ARTERIAL STREET
"A" (DISTANCE IN FEET)	30	30	100	130-150
	100	30	100	130-150
	130-150	30	100	130-150

## SIGHT TRIANGLE

### (68) Wetland

An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or vegetation and which has soils indicative of wet conditions.

### (69) Wisconsin Administrative Code

Rules of a state agency which have the effect of law and which are issued by an agency to implement, interpret, or make specific legislation enforced or administered by the agency, or govern the organization or procedure of the agency. Wisconsin Administrative Code shall mean such rules as they may be amended from time to time.

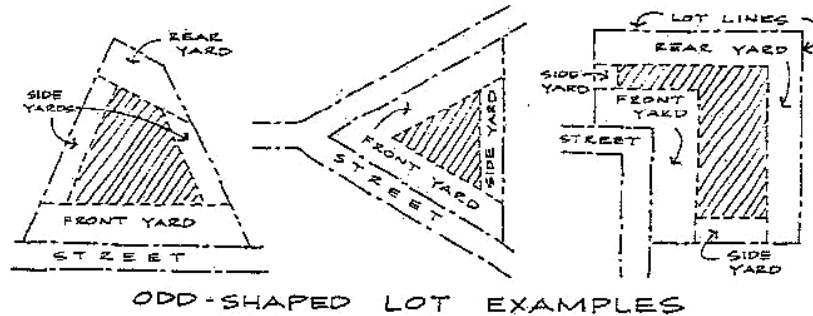
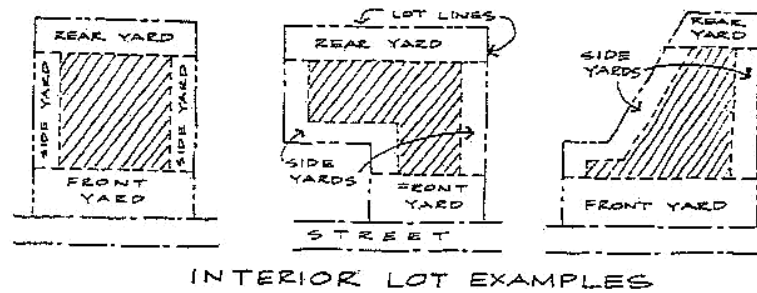
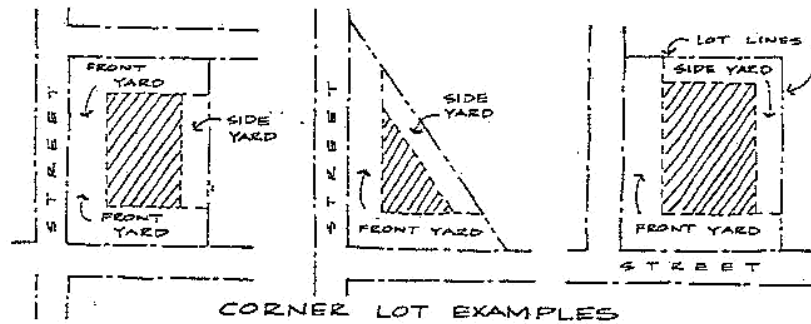
### (70) Wisconsin Statutes

The laws of the State of Wisconsin published biennially, as they may be amended from time to time.

### (71) Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. Front yards and rear yards extend the full width of the lot (see Figure 4, also see definitions for "Street Yard," "Rear Yard," and "Side Yard").

Figure 4



### REQUIRED YARDS

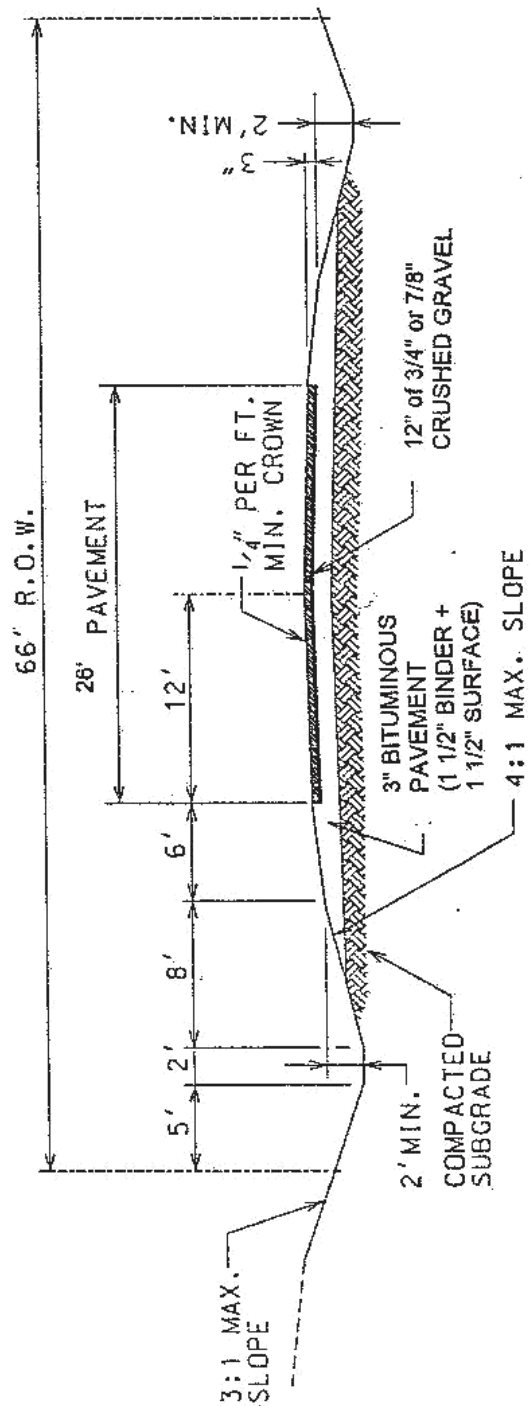
 BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)



## **Appendix A**

### **Construction Standards and Specifications for Development**



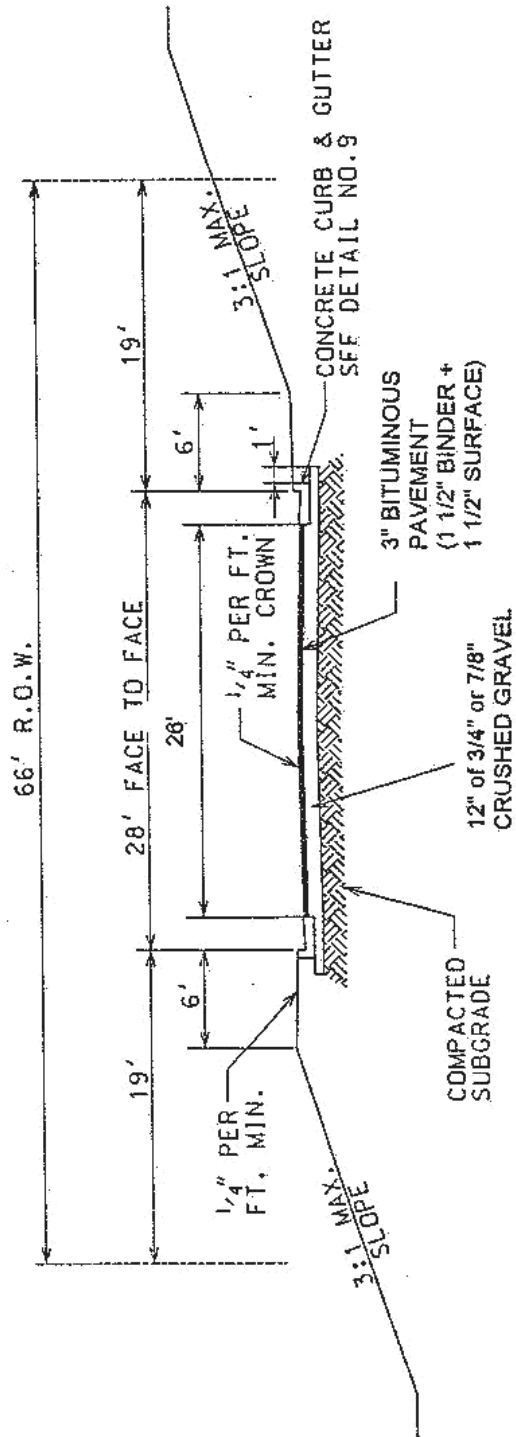


MIN. CULVERT SIZE - 15"  
END SECTIONS REQ'D.

**Town of Hubbard**  
Dodge County, Wisconsin

**STANDARD DETAIL NO. 1**  
Rural Local Street Section





# MINOR STREET WITH CURB & GUTTER EXAMPLE

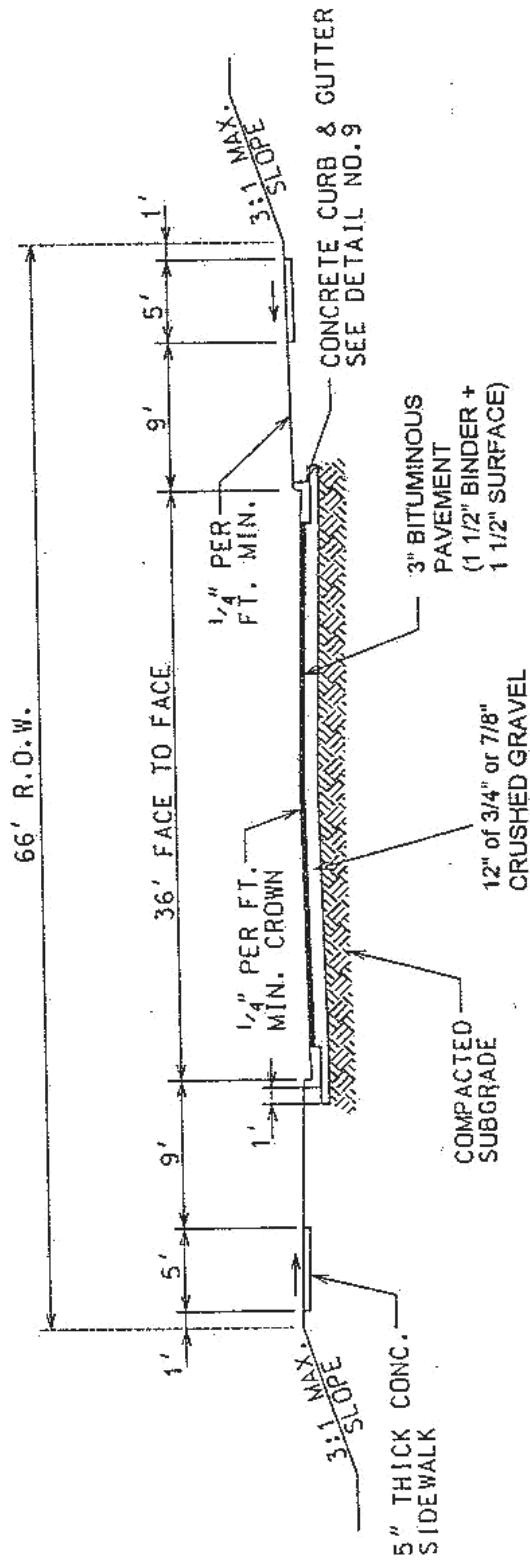
**Town of Hubbard**

Dodge County, Wisconsin

**STANDARD DETAIL NO. 2**

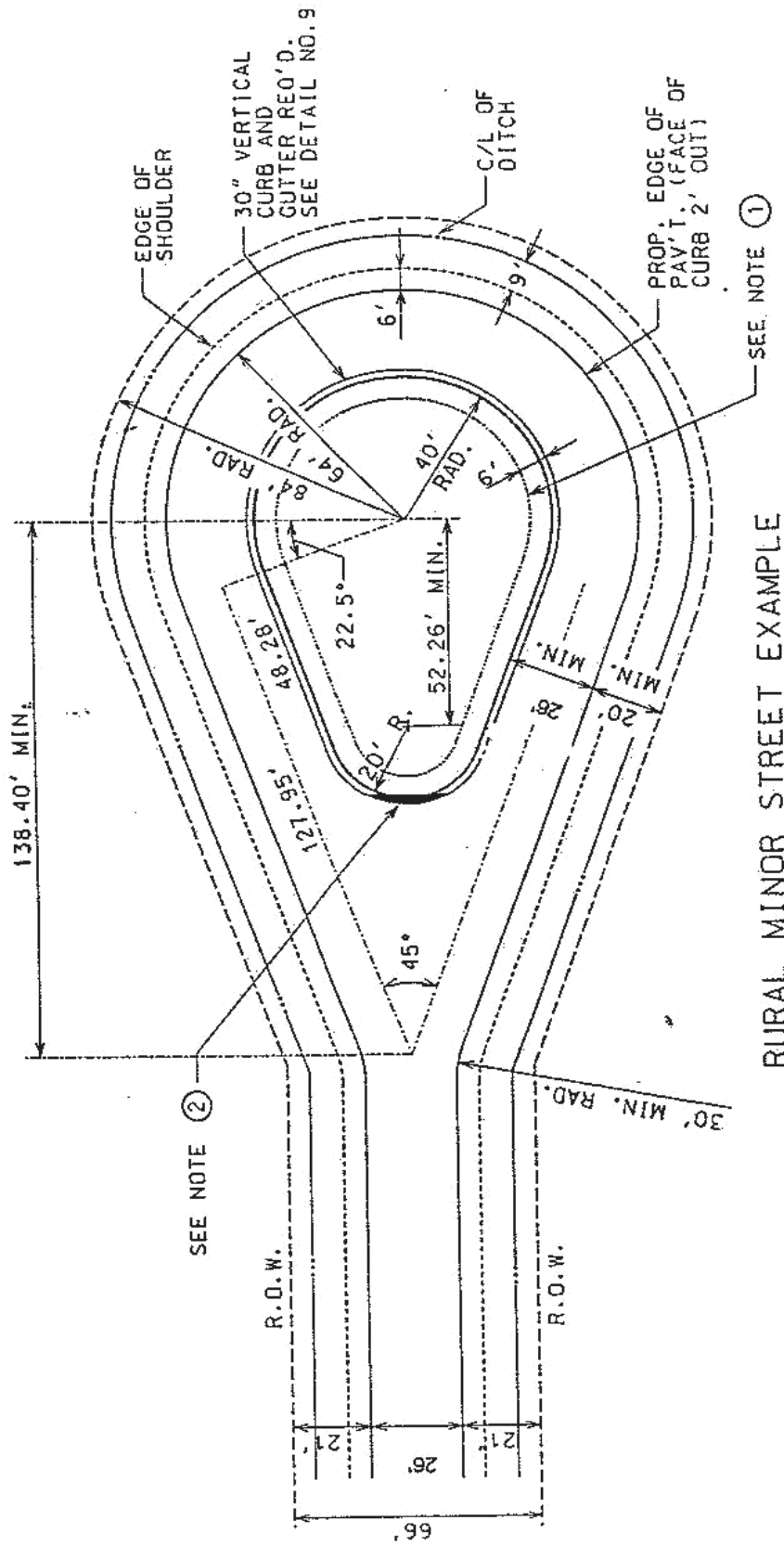
Rural Local Street Section

(with curb & gutter)



# MINDOR STREET EXAMPLE

<b>Town of Hubbard</b> Dodge County, Wisconsin
<b>STANDARD DETAIL NO. 3</b> Urban Local Street Section

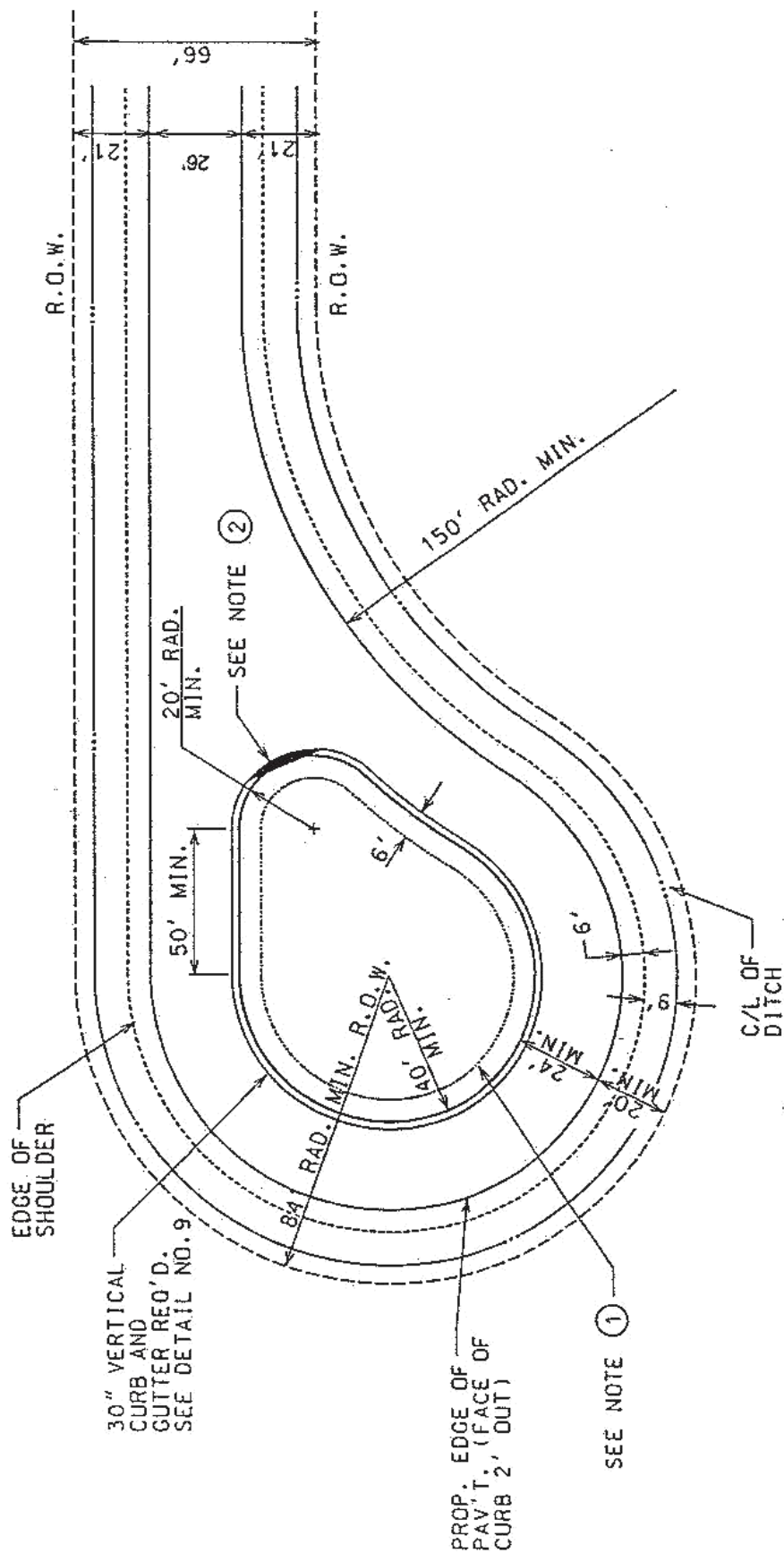


RURAL MINOR STREET EXAMPLE

<b>Town of Hubbard</b>
Dodge County, Wisconsin
<b>STANDARD DETAIL NO. 4</b>
Standard Cul-De-Sac

NOTE:

- ① NO LANDSCAPING SHALL BE INSTALLED WITHIN SIX (6) FEET OF BACK OF CURB.
- ② SEE CONCRETE ISLAND NOSE DETAIL NO. 8

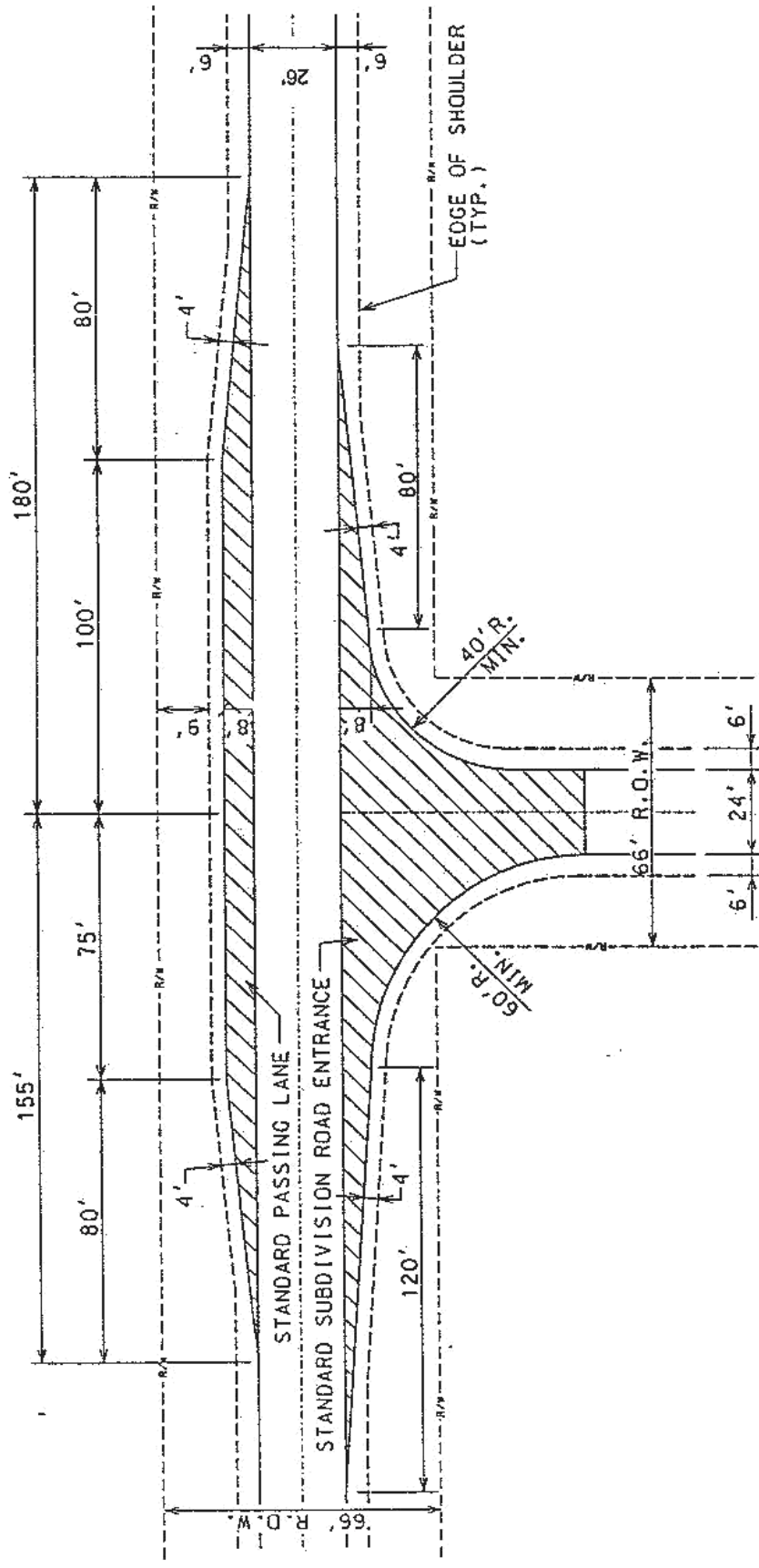


**Town of Hubbard**  
Dodge County, Wisconsin

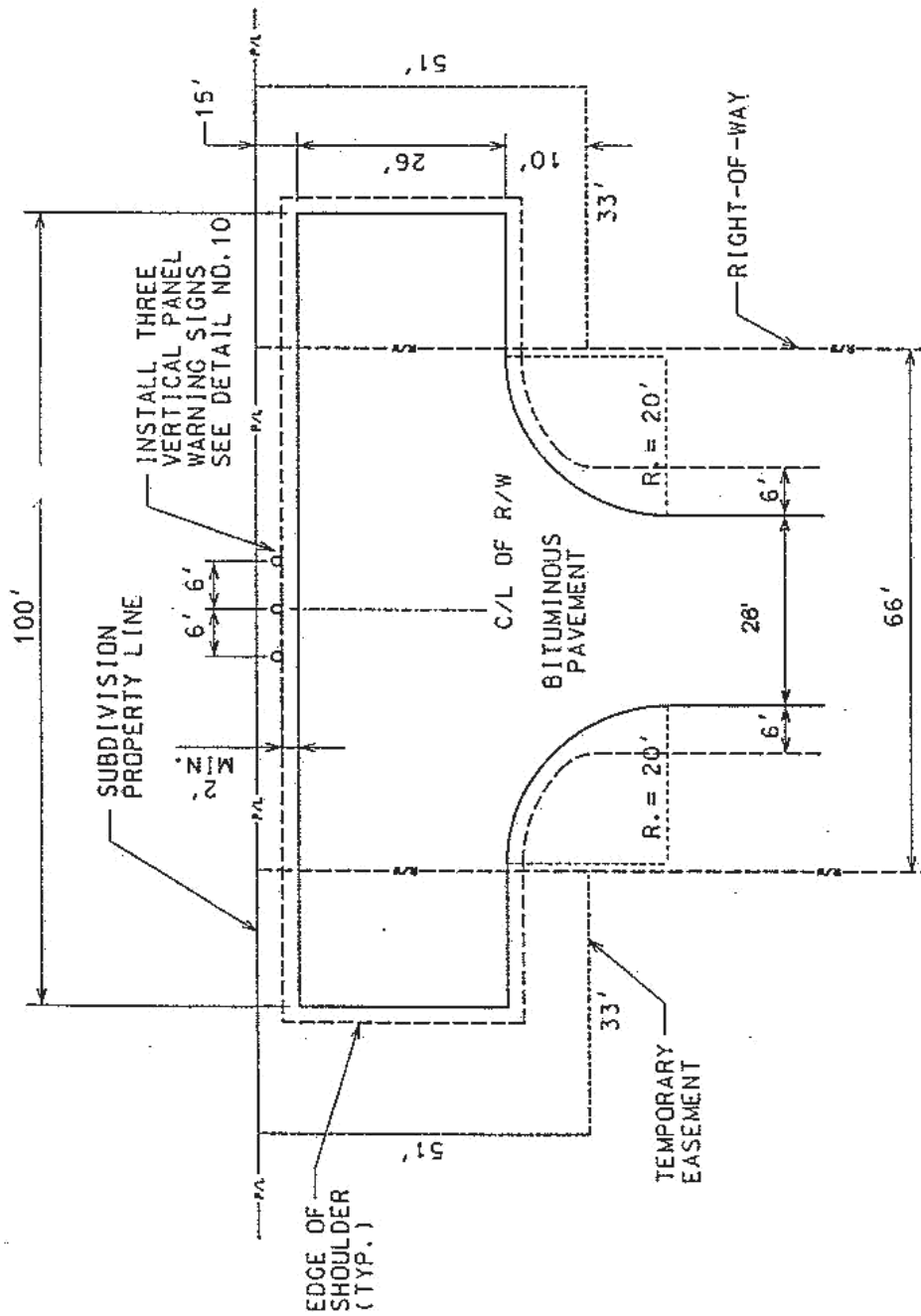
**STANDARD DETAIL NO. 5**  
"Offset Teardrop" Cul-De-Sac

**NOTES:**

- ① NO LANDSCAPING SHALL BE INSTALLED WITHIN SIX (6) FEET OF BACK OF CURB.
- ② SEE CONCRETE ISLAND NOSE DETAIL NO. 8

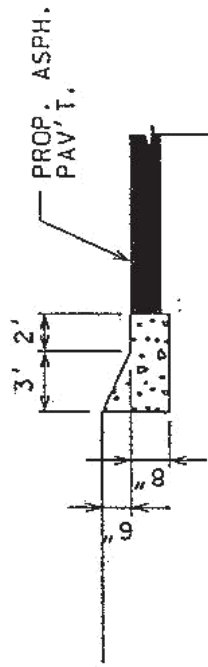
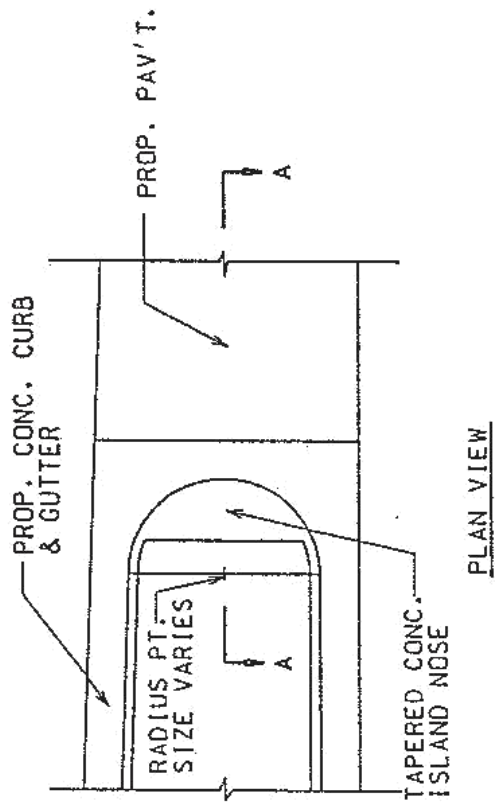


<p><b>Town of Hubbard</b> Dodge County, Wisconsin</p>
<p><b>STANDARD DETAIL NO. 6</b> Subdivision Entrance Intersection &amp; Acceleration/Deceleration Passing Lane</p>



**Town of Hubbard**  
Dodge County, Wisconsin

**STANDARD DETAIL NO. 7**  
Temporary "T" Turnaround

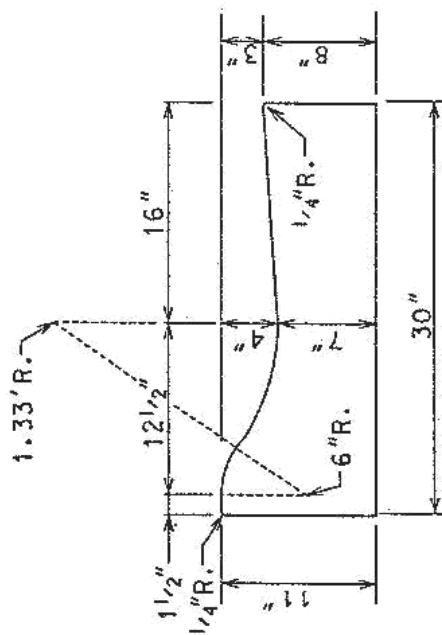


SECTION A-A

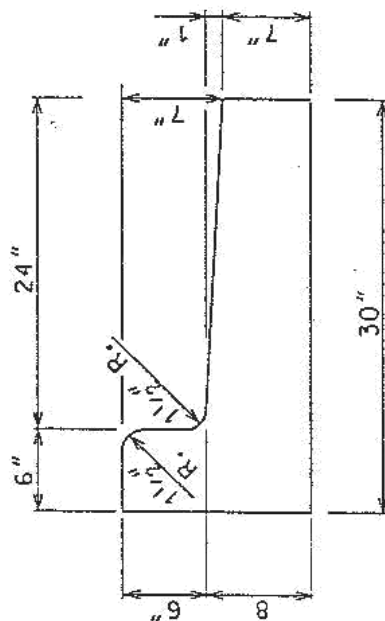
**Town of Hubbard**  
Dodge County, Wisconsin

**STANDARD DETAIL NO. 8**  
Concrete Cul-De-Sac Island Nose





30" VERTICAL FACE  
CONCRETE CURB & GUTTER



VERTICAL FACE  
HIGHSIDE CONCRETE  
CURB & GUTTER

N.T.S.

MOUNTABLE CONCRETE  
CURB & GUTTER

NOTE:

TEMPORARY ASPHALT WEDGING REQUIRED  
UNTIL FINAL LIFT OF ASPHALT IS INSTALLED.

GRAVEL BASE IS REQUIRED UNDER CURB & GUTTER.  
DEPTH OF GRAVEL BASE SHALL MATCH ADJACENT PAVEMENT GRAVEL BASE.

## Town of Hubbard

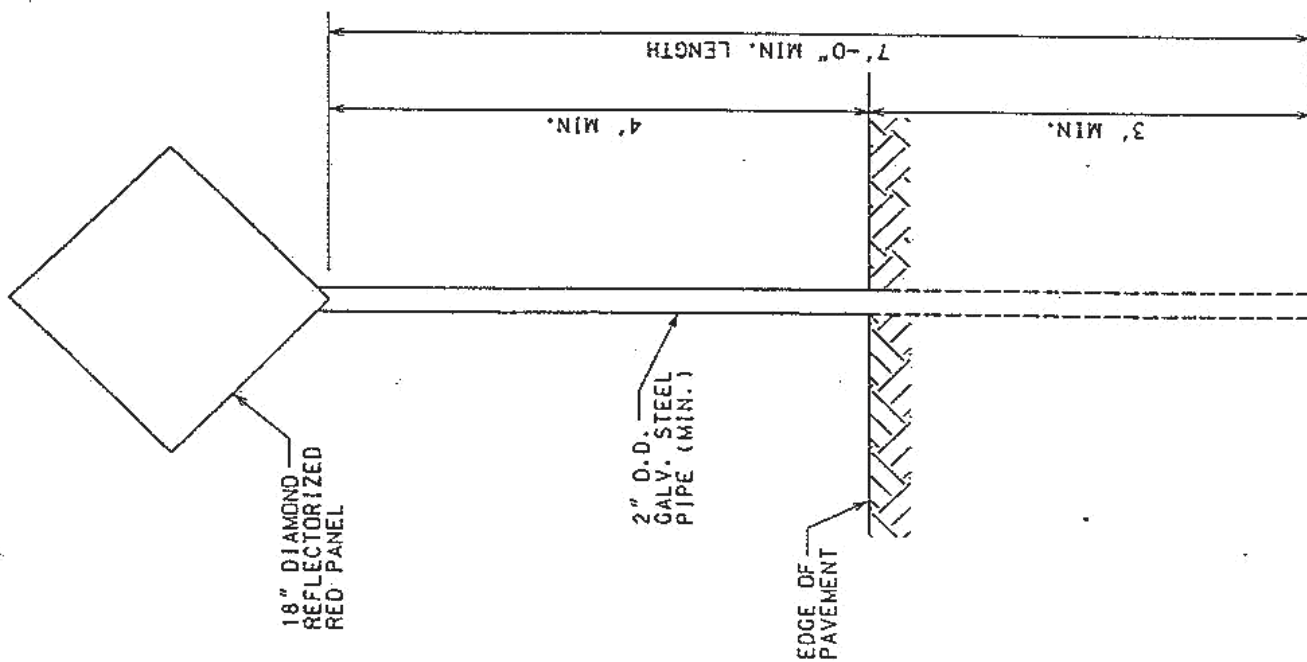
Dodge County, Wisconsin

## STANDARD DETAIL NO. 9

## Vertical Curb & Gutter

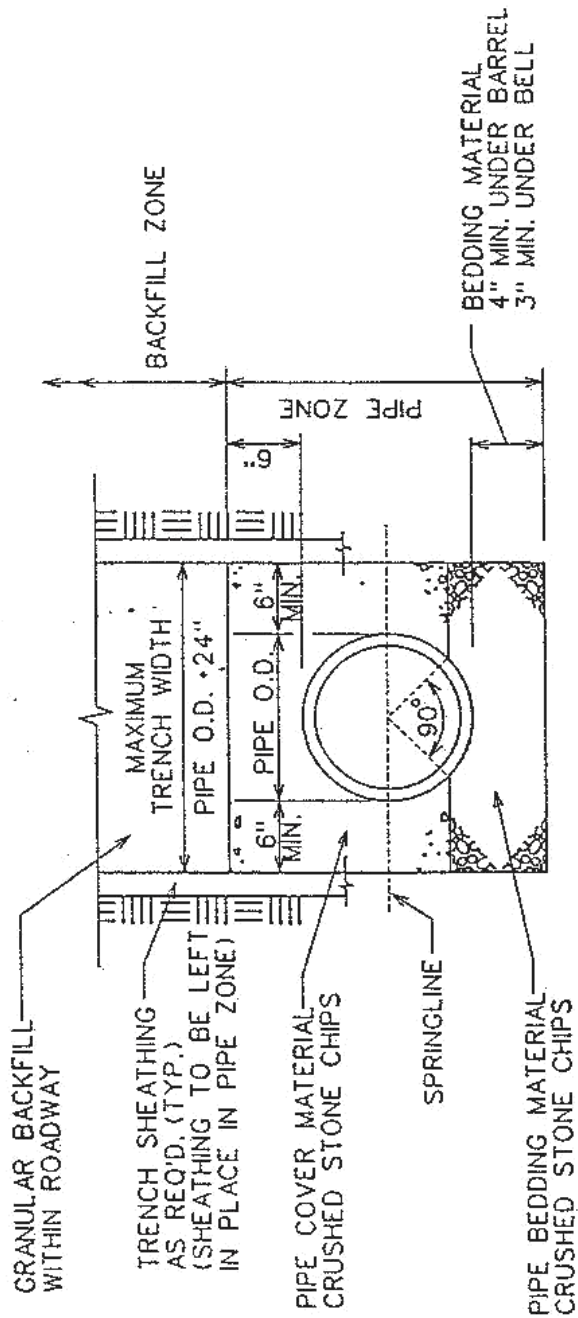
## Mountable Curb & Gutter





NOTE: END OF ROAD MARKER IN ACCORDANCE WITH THE U.S. DEPARTMENT OF TRANSPORTATION MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

<b>Town of Hubbard</b> Dodge County, Wisconsin
<b>STANDARD DETAIL NO. 10</b> Temporary "T" Turnaround Barricade Sign



NOTE: 3" OF ADDITIONAL CRUSHED STONE  
REQUIRED IN WET TRENCH AT NO  
ADDITIONAL COST.

**Town of Hubbard**

Dodge County, Wisconsin

**STANDARD DETAIL NO. 11**

Culvert Installation



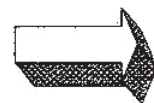
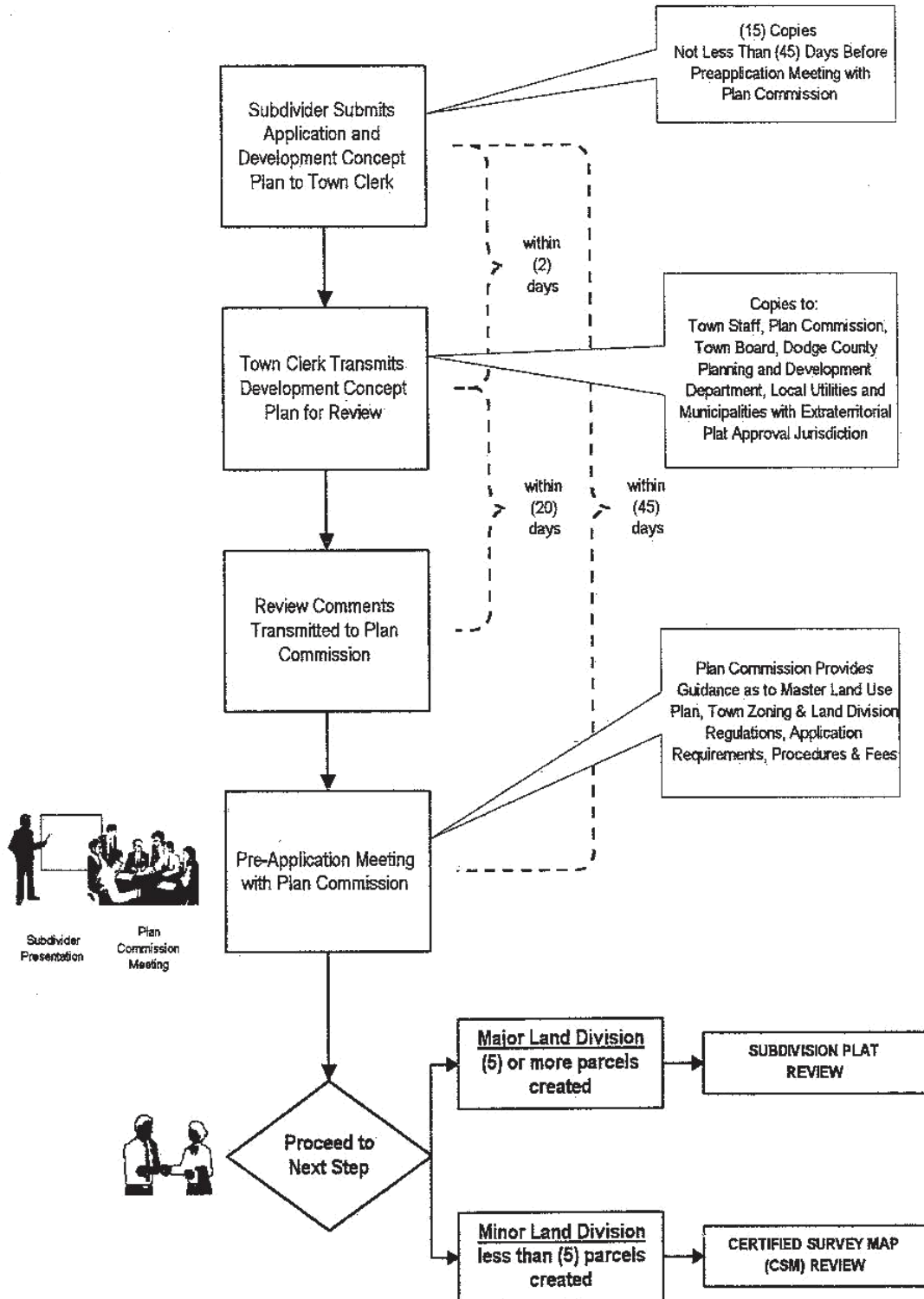
## **Appendix B**

### **Land Division Procedure Flowchart**

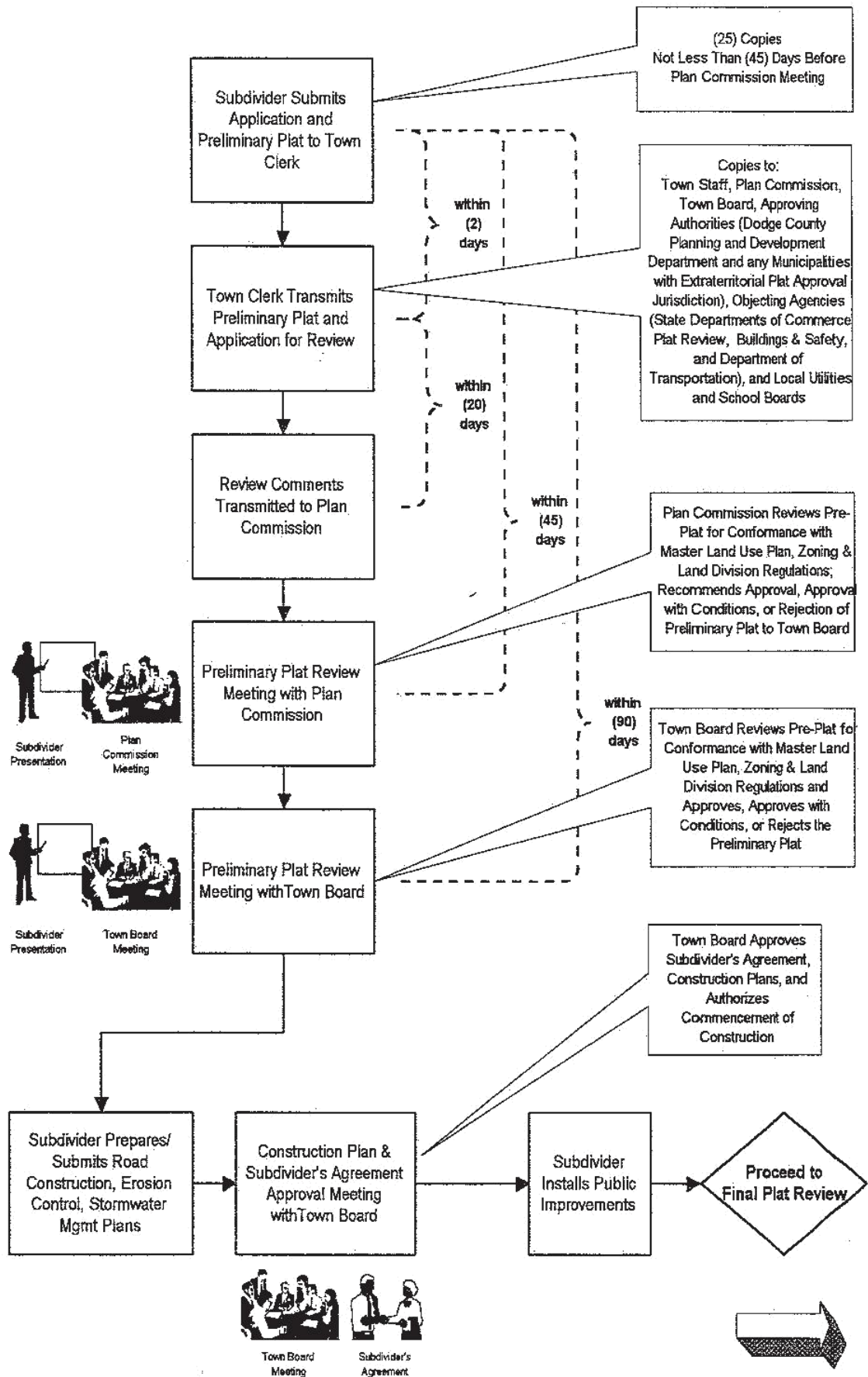


STEP 1.

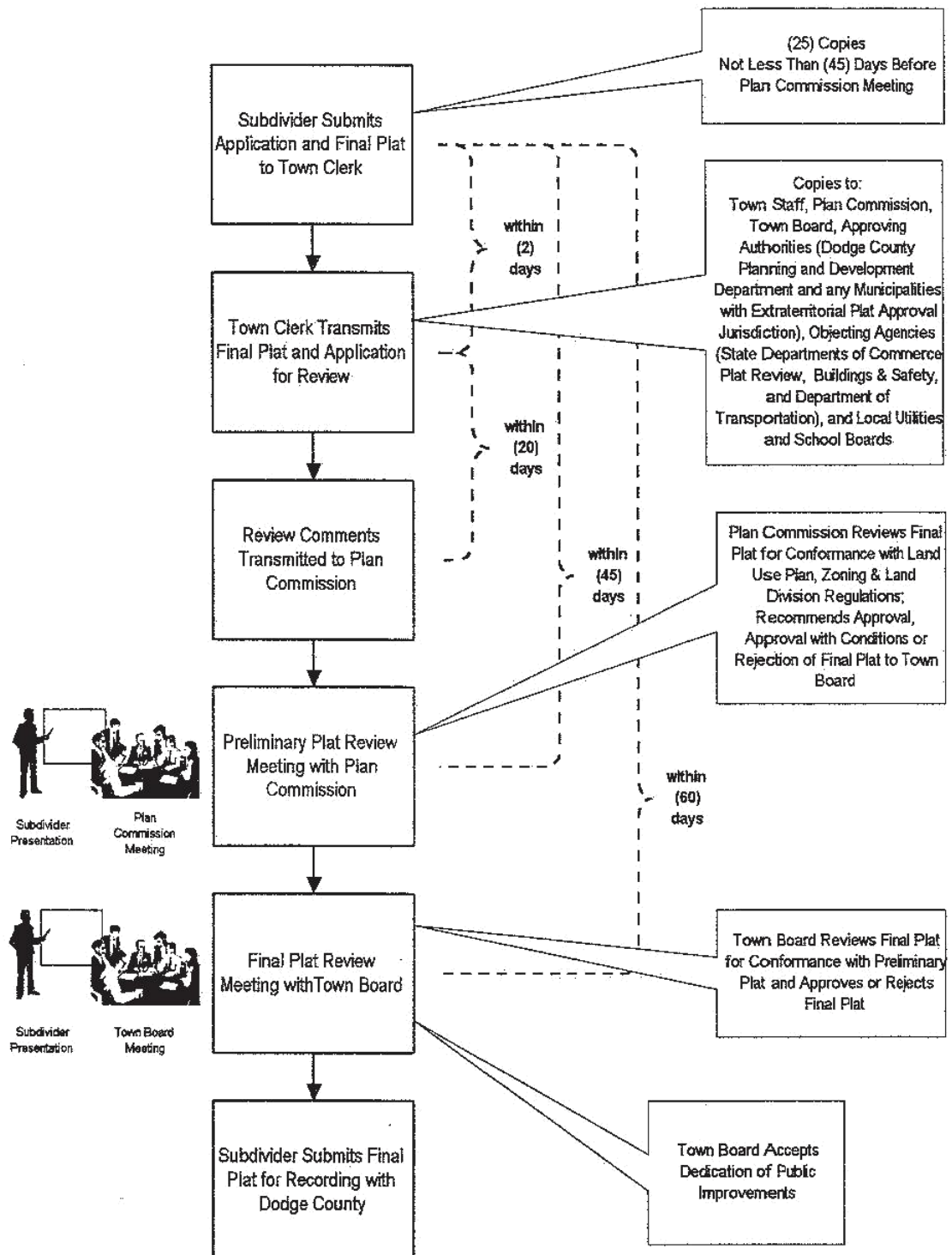
## Pre-Application and Development Concept Plan Review



## Subdivision Plat Review: Preliminary Plat



**Subdivision Plat Review:  
Final Plat**





STEP 4.

Certified Survey Map (CSM) Review

