

**TOWN OF SIOUX CREEK  
BARRON COUNTY, WISCONSIN  
LAND DIVISION ORDINANCE**

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**ADOPTED DECEMBER 12, 2006  
PUBLISHED DECEMBER 21, 2006**

## SECTION 1. TITLE/PURPOSE, AUTHORITY, AND SCOPE

**1.1 TITLE/PURPOSE.** The Title of this Ordinance is the Town of Sioux Creek Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Sioux Creek, Barron County, Wisconsin, in order to accomplish all of the following purposes:

- a. Promoting the public health, safety, and general welfare of the Town of Sioux Creek.
- b. Supplementing County and State land division controls to implement the *Town of Sioux Creek Comprehensive Plan* and any other Town plans.
- c. Promoting the planned and orderly layout and use of the land in the Town of Sioux Creek.
- d. Realizing the vision and enforcing the goals and policies set forth in *the Town of Sioux Creek Comprehensive Plan* and any other Town plans, codes, and ordinances.
- e. Guiding the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation while minimizing the potential negative impacts resulting from the division of large tracts into smaller parcels of land in the Town of Sioux Creek.
- f. Facilitating the adequate and efficient provision of transportation, water, sewage, health, education, recreation, emergency services, and other public requirements in the Town of Sioux Creek.
- g. Providing the best possible environment for human habitation in the Town of Sioux Creek.
- h. Ensuring that the design of the road system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Sioux Creek.
- i. Securing safety from fire, flooding, and other dangers in the Town of Sioux Creek.
- j. Conserving the value of prime agricultural soils and forest lands in the Town of Sioux Creek.
- k. Providing for the conservation of the agriculturally important lands in the Town of Sioux Creek by minimizing conflicting land uses.
- l. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Sioux Creek.
- m. Protecting the surface and ground water quality in the Town of Sioux Creek, including the Town's many rivers, streams, and wetlands.
- n. Regulating the development of condominium projects.
- o. Insuring accurate legal descriptions.
- p. Providing for administration and enforcement of this Ordinance by the Town Board.

**1.2 AUTHORITY.** This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Sioux Creek, to ss. 60.10(2)(c), 60.22(3), 61.34(1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a recommendation of this Ordinance dated November 2, 2006 from the Town Planning Agency under ss. 61.35, 62.23, and 236.45 (2), Wis. Stats, which for the Town of Sioux Creek is the Town of Sioux Creek Plan Commission.

**1.3 SCOPE.**

This Ordinance applies to all lands in the Town of Sioux Creek, County of Barron, Wisconsin. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority. The Town of Sioux Creek cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

**1.4 INTERPRETATION.**

**A. Abrogation and Greater Restrictions.**

- (1) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.
- (2) Private Provisions. These regulations are not intended to abrogate any easement, covenant, deed restriction, or any other private agreements or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, deed restriction, or other private agreements or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties or obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

**B. Liberal Construction.** In their interpretation and application, the provisions of these regulations 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 of Sioux Creek to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Sioux Creek.

**C. Severability and Non-Liability.**

- (1) If a court of competent jurisdiction adjudges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.
- (2) If any application of this Ordinance to a particular parcel or lot of land, building, structure, water, or air is adjudged unconstitutional or invalid by a court of

competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water, or air not specifically included in said judgment.

- (3) The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination or inspection oversight, construction, or any damage that may result in or after installation, and reserves the right to order changes or additions if conditions arise making this necessary.
- (4) The Town asserts that there is no liability on the part of the Town of Sioux Creek, its agencies, or committees for sanitation problems, flooding problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

**1.5 EXCLUSIONS.** Insofar as this chapter applies to divisions of land into fewer than five (5) lots, it does not apply to:

- (1) Transfers of interest in land by will or pursuant to court orders, except when a division of land occurs in such a transfer.
- (2) Leases for a term not to exceed ten (10) years, mortgages, or easements.
- (3) The sale or exchange of parcels or lots of land between owners of adjoining property if the total number of lots are not increased and the lots resulting are not reduced below two acres in size and complies with the other standards required by this Ordinance or other applicable laws and ordinances.

All of the following uses and activities are also exempt from this Ordinance:

- (1) Cemetery plats made under s.157.07, Wis. Stats.
- (2) Assessor's plats made under s.70.27, Wis. Stats.

## SECTION 2: DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

**Adequate Copies of the Plat or CSM.** The number of copies of the plat or CSM to be filed deemed sufficient for distribution to reviewing parties by the Town Clerk at the time of application or recordation.

**Buildable Area.** The area of a lot for structures exclusive of wetlands, floodplains, shoreland setbacks, ponds, lakes, drainageways, road rights-of way, easements, any other applicable setbacks, and other sensitive areas.

**Building.** Any structure having a roof supported by columns or walls used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery or materials.

**Certified Survey or Certified Survey Map.** A certified survey with the map of a minor subdivision prepared by a registered land survey in accordance with s.236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat.

**Cluster, Clustered, Cluster Development.** Development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:

1. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers the majority of the land division parcel for present or future agricultural use, forest lands, or conservation; and,
2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Sioux Creek.

**Commercial and Industrial Lots.** Lots or parcels for which a commercial business or industrial activity is planned and which will be the principal use of the site. This generally excludes home-based businesses for which the commercial or industrial use is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**Common Facilities.** Those developed facilities owned, managed, and maintained in common by the members of a homeowners or condominium association. Roads and trails, a water supply well or wells and water treatment and distribution systems, sewerage and on-site wastewater treatment systems serving one or more residences, stormwater management facilities, and recreational facilities are examples of common facilities.

**Common Open Space.** A portion of a site in a conservation design subdivision, which may or may not be held in common ownership by those owning dwellings in that conservation design subdivision, permanently set aside for public or private use with restrictions on development and its use. The space is reserved to protect natural, cultural and visual resources or to buffer natural areas, and may be used for agriculture,

passive or active recreation and approved associated facilities.

**Condominium.** A building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

**Conservation Design Subdivision.** A housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.

**Conservation Easement.** As provided in s.700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in s.157.70(1)(b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.

**County.** Means the County of Barron, Wisconsin, and includes the County's officers, employees, and agents where appropriate.

**Cul-de-sac.** A dead-end road with a circular turn-around at the end for vehicular use.

**Deed Restriction.** A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the land division or development.

**Developed Facility.** The end result of the alteration of land or that which exists on it and construction of a structure or structures that provides space, equipment or services intended for a particular purpose.

**Developer's Agreement.** An agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.

**Development.** The act, process or result of altering the land or that which exists on it and/or constructing or erecting structures.

**Driveway.** A private road used for purposes of ingress and egress that intersects with a public road that serves open unimproved land (a "field" driveway) or serving not more than two (2) residential or commercial lots.

**Dwelling Unit.** A room or group of rooms including cooking, sleeping or living accommodations designed for or occupied exclusively by one family as a residence.

**Final Plat.** A map prepared in accordance with requirements of Chapter 236 of the

Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.

**Home-Based Business.** A home-based business is incidental to and clearly subordinate to, the residential use of the property. A home-based business has no more than two employees who are not resident on the premises, has no retail sales (except for goods and services produced on the premises), occupies no more than 33% of the gross floor areas of the principal dwelling, and does not create any unreasonable parking or traffic concerns.

**Land Division.** A subdivision, minor subdivision, major subdivision, resubdivision, replat, condominium plat, parcel add-on, or any other division of land for the purpose of sale or development.

**Lot.** Subdivided land shown on a plat or in a certified survey map and identified therein by a number, e.g., Lot 1. Lots are typically intended for sale or development, and may include that portion of the parent parcel(s) with an existing structure or that portion intended for sale or development.

**Major Subdivision.** Division of a lot, parcel, or tract of land by the owner(s) thereof or agent of the owners(s) for the purpose of sale or building development where the act of division creates four (4) or more lots or building sites and the remnant parcel.

**Minor Subdivision.** Division of a lot, parcel, or tract of land by the owner(s) thereof or agent for the owner(s) for the purpose of sale or building development where the act of division creates three (3) or less lots or building sites and the remnant parcel.

**Navigable Waters.** All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are determined to be navigable under s. 30.10 Wis. Stats.

**Non-Parent Lots.** Lots to be created from a land division, excluding outlots and the parent parcel(s).

**Ordinary High Water Mark.** The point on the bank or shore 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.

**Outlot.** A tract of land, other than a lot or block, so designated on a plat or certified survey map for purposes other than a building for human habitation or a principal structure.

**Ownership Interest:** Any person, partnership, corporation, or other entity which has an interest, easement, or other right concerning the sale, use, transfer, and development of land, such as a option to purchase or a holder of development rights.

**Parcel.** That portion of a tract of land which is the subject of a proposed land division at the time a land division application is submitted to the Town.

**Parent Parcel.** The original parcel portion or remnant of a tract of land remaining after a land division occurs.

**Plan Commission.** The Town of Sioux Creek planning agency as authorized and created pursuant to Sections 60.62 (4) and 62.23, Wis. Stats.

**Plat.** A map of a land division. Certified Survey Maps are, therefore, treated as “plats” under this Ordinance.

**Preliminary Plat.** Any land division map, survey, or plan submitted to the Town for formal consideration, review, and approval, but not yet approved by the Town, including Certified Survey Maps (CSMs) and Wisconsin Statutory Subdivision Plats.

**Prime Farmland.** Class 1 and Class 2 prime farmland soils as defined by the National Resource Conservation Services *Barron County Soil Survey* or by other engineering report accepted by the Plan Commission

**Principal Structure.** A building which is a main or primary use of the land upon which the structure is immediately located, and not subordinate or incidental to the use of the land.

**Private Road.** A privately-owned and maintained road or street used for purposes of ingress and egress that intersects with a public road, street, or highway that serves more than two (2) residential or commercial lots or parcels and has not been dedicated to the Town.

**Project Area.** All parcels which are the subject of a proposed land division.

**Restrictive Covenant.** A deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.

**Sketch Plan.** A conceptual layout of a proposed development on a topographic map, which is submitted for formal review.

**State.** The State of Wisconsin, and includes the State’s officers, employees, and agents where appropriate.

**Structure.** Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or which is attached to something having more or less permanent location on or in the ground.

**Subdivider.** Any person, partnership, corporation, or other entity creating a land division subdivision, including the owner(s), agent for the owner(s), or a party with an ownership interest in a parcel of land proposed to be divided. A land divider with an option to purchase may be the subdivider if all owners or holders of interest in all involved properties are disclosed at the time of application. Also the applicant or land divider.

**Subdivision.** Division of a lot, parcel, or tract of land by the owner(s) thereof or agent for the owner(s) for the purpose of sale or building development where:

1. The act of division creates two (2) or more lots or building sites, inclusive or the original parent or remnant parcel; or



2. Two (2) or more lots or building sites, inclusive of the original parent or remnant parcel, are created by successive subdivision activity within a five (5) year period.

**Town.** The Town of Sioux Creek, Barron County, Wisconsin, and includes the Town's officers, employees, and agents where appropriate.

**Town Board.** The Town Board of Supervisors for the Town of Sioux Creek, or any person designated to act for the Town Board.

**Tract.** Contiguous land not separated by railroad right-of-way. Streams, rivers, lakes, public roads, and private road easements do not sever contiguity. A tract of land may have more than one owner.

**Unique Wildlife Habitat Areas.** Aquatic and/or terrestrial communities that:

1. Are composed of physical attributes and/or vegetation that are not common in Barron County and that therefore support species or certain life functions of species that are not supported in other locations of the County;
2. Are specific locations known to support endangered, threatened or rare species or communities; or,
3. Serve as linkages to important habitat in adjoining areas.

**Wis. Stats.** The Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION 3. LAND SUITABILITY

- A. No land which is unsuitable for development shall be approved by the Plan Commission for land division for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, potential for surface or groundwater pollution, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed land division or the Town.
- B. Lands that are unsuitable for development include, but are not limited to:
- (1) All wetlands as defined by NR 103.02(5) of Wisconsin Administrative Code or mapped by Wisconsin Department of Natural Resources pursuant to that Code and any other wetlands as identified by a professional wetland delineator, including a 75-foot buffer measured from any wetland.
  - (2) Floodplains as defined or mapped by FEMA, by using the Wisconsin Department of Natural Resources Floodplain Study Checklist, or by meeting all pertinent Wisconsin Administrative Code NR116 requirements.
  - (3) All navigable waters, including a 75-foot buffer measured from the ordinary high water mark.
  - (4) Perennial and intermittent streams, springs and drainageways that contain running water during spring runoff, during storm events or when it rains, including a filter strip as defined in NRCS Filter Strip practice standard, Code 393. A 25-foot buffer from the edge of any drainageway shall be preserved.
  - (5) Areas that are known to provide habitat for rare, threatened, or endangered species.
  - (6) Burial site and Indian mounds.
  - (7) Lands having bedrock within six (6) feet of the natural, undisturbed surface.
  - (8) Lands having evidence of groundwater within six (6) feet of the surface.
- C. Environmental Assessment. The Plan Commission may require an environmental assessment be prepared by an independent consultant at the expense of the subdivider when it deems necessary to make determinations of land suitability. Environmental assessments shall address:
- (1) A description with map(s) or sketch plan(s) of the development that the Town is being requested to approve.
  - (2) Affected environment. A description and appropriate map(s) of the resources or conditions that will be affected by the development, the areal extent of which may vary, including but not limited to:
    - a. Agriculture and forest lands.
    - b. Water resources; surface water and ground water.
    - c. Shoreland, wetlands, and floodplain
    - c. Surface drainage.
    - d. Soils.

- e. Geology.
  - f. Topography.
  - g. Vegetation.
  - h. Cultural resources.
  - i. Existing development.
  - j. Community infrastructure.
- (3) Impacts. Assess the degree to which the affected environment will be impacted, negatively and beneficially, including:
- a. Direct impacts. At the same time and in the same place as the development.
  - b. Indirect impacts. Occur later in time or in another place than the development.
  - c. An assessment of the cumulative impacts the proposal, existing development in the area, and possible future development in the area will have on the Town.
- (4) Any other information the Plan Commission deems necessary to make a determination of land suitability.
- D. The Plan Commission, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed development and shall then afford the subdivider an additional opportunity to present evidence regarding such suitability. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.
- E. The subdivider may, prior to submitting a subdivision plat or certified survey map for review, request a determination of land suitability. The subdivider shall provide all necessary maps, data, and other information for such a determination to be made.

## SECTION 4. LOT REGULATIONS AND DESIGN STANDARDS

### 4.1 GENERAL PROVISIONS.

- A. The division of land in the Town of Sioux Creek shall be conducted in compliance with all of the provisions of this Ordinance. Land division activity is also regulated by Ch. 236, Wis. Stats., and by the applicable sections of the Barron County Land-Use Ordinance regarding subdivisions, shorelands, floodplains, and shoreland-wetlands. To the extent these requirements may differ, the more restrictive regulations shall apply.
- B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Sioux Creek subject to the requirements of this Ordinance and no land division, including any cluster development, conservation subdivision, a statutory subdivision, a certified survey map, condominium plat, replat, major subdivision, or minor subdivision, or other subdivision, except where specifically excluded previously, shall be entitled to be recorded in the Office of the Register of Deeds for Barron County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
- (1) All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2. through 9. below, it is intended that the provisions of this Ordinance shall apply.
  - (2) Chapter 236, Wis. Stats. and Chapter 80.08 Wis. Stats.
  - (3) The *Town of Sioux Creek Comprehensive Plan* adopted under s. 66.1001, Wis. Stats. or any component thereof.
  - (4) The applicable County of Barron sanitary code and applicable sections of the *Barron County Land-Use Ordinance* regarding subdivisions, shorelands, floodplains, and shoreland-wetlands, as well as any other applicable County ordinances or codes.
  - (5) State of Wisconsin administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
  - (6) The applicable Town of Sioux Creek ordinances, including any ordinances or codes regarding building, driveways, public roads, business licensing, telecommunication towers, farmland preservations, and nuisances.
  - (7) All State Department of Transportation and County of Barron Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the subdivider abuts on a state or county trunk highway or connecting road or street.
  - (8) All applicable comprehensive and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, Wis. Stats., and any other applicable Town of Sioux Creek, County, or extraterritorial authority ordinances and regulations.

- (9) All other applicable rules contained in the Wisconsin Administrative Code.
- (10) To the extent the above requirements may differ with other applicable ordinances and regulations, the more restrictive regulations shall apply.
- C. All re-plats, vacations, or alterations of subdivisions shall be in compliance with provisions of §§ 236.36 through 236.445, Wis. Stats.
- D. Subdivision design shall be based on a site analysis. To the maximum extent practicable, as determined by the Plan Commission, the design shall:
  - (1) Preserve the natural features of the site.
  - (2) Avoid areas of environmental sensitivity.
  - (3) Avoid adverse effects on ground water and aquifer recharge.
  - (4) Avoid unnecessary impervious cover.
  - (5) Prevent flooding.
  - (6) Minimize adverse effects of shadow, noise, odor, traffic, drainage, artificial light, and utilities on the site and on neighboring properties.
  - (7) Minimize negative impacts on and alteration of natural features and adverse effects of cutting and filling.
  - (8) Avoid risk of harm to persons and land and mitigate land-use conflicts.
  - (9) Provide adequate access to lots.
- E. All land division layouts shall be developed in proper relation to existing or planned roads and trail systems, in harmony with the pre-subdivision topography, surface waters, vegetative cover, and other natural features, and, in a manner that will promote the most advantageous and beneficial development of adjoining areas, whether for residential or for open space, recreational, forestry, or agricultural purposes, so that changes in land use due to the land division are compatible with existing adjacent land uses and/or make use of open space to provide a buffer between different uses.
- F. Topsoil stripped from within the subdivision may not be removed from the subdivision until final land contours, topsoil finishing and seeding is successfully completed.
- G. A soil evaluation shall be done to determine suitability for an on-site wastewater treatment system for a dwelling on a single lot, or a complete site and design evaluation for suitability of state approved common on-site wastewater treatment systems that serve more than one dwelling.
- H. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with any stormwater management plan for the area. Drainage shall be designated so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- I. All pre-existing covenants and restrictions involved in a new land division shall be incorporated into the new land division.

## 4.2 LOT STANDARDS.

- A. Lot lines shall follow municipal boundary lines rather than cross them. Side lot lines, where practicable, shall be substantially at right angles to road right of way lines or radial to curved road lines on which the lots face. Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation.
- B. Lots existing prior to the effective date of this Ordinance shall be allowed (1) single-family dwelling, provided that wastewater treatment can be safely provided and all other applicable Town, County, and State standards and regulations can be met, regardless of the maximum density requirement.
- C. The parent parcel as part of a subdivision plat must meet all applicable lot regulations in this Ordinance and is calculated as part of the maximum density standard.
- D. The lot requirements in this section apply to lots accommodating single family dwellings (one dwelling unit per residential building). A lot intended for a building containing more than one (1) dwelling unit shall require one hundred (100) percent of the minimums for each dwelling unit.
- F. When three (3) or more lots are created, all lots shall abut a public or private road. When one (1) or two (2) lots are created, they may receive access from a driveway. If no more than two (2) lots are created by a single land division, one of them may be landlocked, provided, however, that in accord with § 82.27(6)(a), Wis. Stats., said lot shall be connected with an adjoining public road by means of a recorded easement against the other lot, providing a cleared easement at least 66 feet in width which shall be contiguous from the said public road to the landlocked lot.
- G. The Plan Commission, at its discretion, may require the subdivider to establish the general location of proposed dwelling footprints, on-site wastewater treatment facilities, and/or stormwater management facilities.
- H. The maximum density standards within this Ordinance are based on forty (40) acres or a  $\frac{1}{4}$  -  $\frac{1}{4}$  section, but may encompass property from multiple sections or multiple parcels or lots. Existing road rights-of-way and road easements shall not be included in the project or lot area used to calculate lot size or density. However, the Plan Commission will consider on a case-by-case basis a  $\frac{1}{4}$  -  $\frac{1}{4}$  section, which in certain cases may be less than a full forty (40) acres due to road right-of-way or land survey adjustment, but the full maximum density per forty acres or  $\frac{1}{4}$  -  $\frac{1}{4}$  section may be allowed. A similar approach may be applied at the Plan Commission's discretion to other parcel sizes.
- I. Minor Subdivisions.
  - (1) The following standards shall apply to unclustered minor subdivisions of two (2) lots, including the parent parcel, as summarized in Table 1 below :
    - a. a minimum lot size of 2 acres,
    - b. a maximum density of 2 lots per 40 acres, and,

- c. further subdivision of any of these lots must meet : (a) all the requirements for three to four lot minor subdivisions with clustering of all building sites or, (b) all the requirements for major subdivisions and existing building lots created from any preceeding land division must be consistent with all conservation design standards in Section 5.
- (2) The following standards shall apply to clustered minor subdivisions of up to four (4) lots, including the parent parcel, as summarized in Table 1 below :
  - a. a minimum lot size of 2 acres,
  - b. a maximum lot size of 5 acres on non-parent lots,
  - c. a maximum density of 4 lots per 40 acres representing the density bonus for cluster development,
  - d. if only 2 lots involved, including the parent parcel, the new building site must be clustered with the existing building site on the parent parcel,
  - e. if 3 to 4 lots involved, including the parent parcel, any building sites on non-parent lots must be cluster development, and,
  - f. a restrictive covenant to restrict further division of any parcels involved in a clustered minor subdivision shall be required and the certified survey map shall contain the following on the face : RESTRICTIVE COVENANT : These lots have been created under the Town of Sioux Creek Land Division Ordinance and no further subdivision shall be allowed.
- (3) Acreage within the project area used to calculate maximum density and open space for minor subdivisions must be under single ownership or a single ownership interest by the subdivider and must be contiguous to all proposed lots. The transfer of density to a minor subdivision from other properties in the Town of Sioux Creek shall not be allowed. For purposes of calculating maximum density, contiguous means either physically touching or located within 100 feet across a public right-of-way or private road easement. New building sites created during a minor land division shall not be separated by a pre-existing or officially mapped public right-of-way.
- (4) Lots in minor subdivisions must include the entire project area regardless of whether development or a dwelling unit is the intended use of the lot. Lots upon which pre-existing homes or principal structures are located prior to a land division must be surveyed as a lot and meet all applicable lot requirements.
- (5) A Certified Survey Map is required if any lot involved in the land division is less than 20 acres in size.

J. Major Subdivisions.

- (1) All major subdivisions shall comply with the conservation design standards in Section 5 and shall require an environmental assessment as defined in Section 3(C).
- (2) Low density major subdivisions shall be allowed if less than 25% of the soils within the lots proposed for sale or development are classified as Class 1 and Class 2 prime farmland soils as defined by the National Resource Conservation Services *Barron County Soil Survey* or by other engineering report accepted by the Plan Commission. For low density major subdivisions, the follow standards shall apply as summarized in Table 1 below :
  - a. minimum lot size of 2 acres,
  - b. maximum lot size of 10 acres for non-parent lots,
  - c. maximum average lot size of 5 acres for non-parent lots,
  - d. maximum density of 6 lots per 40 acres representing the density bonus for conservation design, and,
  - e. minimum open space of 60% protected by conservation easement.
- (3) To protect the prime farmlands of the Town of Sioux Creek as expressed through the vision and goals of the *Town of Sioux Creek Comprehensive Plan*, all other major subdivisions in the Town shall be considered high density and comply with the following standards:
  - a. minimum lot size of 1 acres,
  - b. maximum lot size of 5 acres for non-parent lots,
  - c. maximum average lot size of 2.5 acres for non-parent lots,
  - d. maximum density of 10 lots per 40 acres representing the density bonus for high-density conservation design, and,
  - e. minimum open space of 65% protected by conservation easement.
- (4) An outlot preserved as open space by conservation easement is not required to meet the minimum and maximum lot size requirements shown above and is not part of the maximum density calculation.
- (5) Lots on which pre-existing homes or principal structures are situated prior to the proposed major subdivision division shall be surveyed and must meet applicable minimum lot size requirements. In addition, they shall be included in maximum density and minimum open space calculations for such a land division although they shall not be included for purposes of calculating clustering requirements.
- (6) The transfer of density to a major subdivision from other properties in the Town of Sioux Creek is allowed if all other requirements in this Ordinance are met.



**Table 1: Alternative Land Division Standards**

Land division type	Minimum Lot Size	Maximum Lot Size	Max. Average Lot Size	Maximum Density, i.e. number of dwelling units per 40 acres *	Min. Open Space Required (%)
Minor subdivision (2 lots)	2 acres	none	none	2 per 40	none
Minor subdivision (up to 4 lots)	2 acres	5 acres	none	4 per 40	none
Major subdivision (low density)	2 acres	10 acres	5 acres	6 per 40	60%
Major subdivision (high density)	1 acres	5 acres	2.5 acres	10 per 40	65%

\* depending on the area of road right-of-way and federal land survey

- K. Condominium Plat. All condominium plats shall comply with the conservation design standards in Section 5 and the general provisions and lot standards for major subdivisions, with one condominium unit equaling one dwelling unit.
- L. Commercial and Industrial Lots. The following lot standards apply to commercial and industrial lots, excluding home-based businesses:
  - (1) All commercial and industrial lots shall have a minimum two (2) acres of contiguous buildable area.
  - (2) The widths, lengths, and shapes of lots shall be suited to the planned use of the land and the need for convenient access to roads, control of traffic, the potential phasing or staged growth of the proposed subdivision, and the limitations and opportunities presented by the topography.
  - (3) Depth and width of lots reserved or laid out for commercial or industrial use shall be adequate to provide for parking and off-street service, such as deliveries and service vehicles, required by the use contemplated.
  - (4) Lot layouts shall be clustered with existing or planned commercial or industrial lots when possible and shall facilitate assembly of smaller lots into larger parcels. The Town may require cross-easements where commercial lots are side-by-side to allow linking of parking areas. Lot layouts, along with any easements, dedications, parking areas, or other required facilities shall be shown on a site plan to be submitted with the preliminary plat.
  - (5) The overall topography of commercial or industrial lots shall not exceed slopes of 12%.
  - (6) A landscaping plan shall be required with the preliminary plat. A landscaped buffer of at least 10 feet in width shall abut the perimeter of parking lots/pavements. If an area is newly planted, the landscaped buffer shall include plants with a minimum height of 18 inches at the time of planting. If plants are preserved, they must be shrubs or trees in order to count toward the requirement. The buffer shall attain 80% opacity at maturity. Every effort shall be made to protect and retain existing trees, shrubbery, and grasses not actually located in rights-of-way, drainageways, vision triangles, and the like.
  - (7) The location of all exterior lighting and lighted signage shall be shown on the

site plan. All exterior lighting and lighted signage shall be shaded in such a manner that the illumination is directed down and controlled in such a way as to not shine on or illuminate up into the sky or onto neighboring properties and roadways, whether public or private.

- (8) The location of all utilities shall be shown on the site plan. All utilities, including electric, cable television, telephone, gas, drainageways, water and storm and sanitary sewers, except power lines exceeding 1200 volts, shall be underground.
- (9) The site layout shall allow for provision of future connection to municipal services for sewer, water, and stormwater. Connection to municipal sewer may be required, especially for intensive or heavy commercial or industrial uses.
- (10) Minimum road rights-of-way shall be 66 feet unless the right-of-way pre-exists adoption of this ordinance. Roads, driveways, and parking areas shall be designed and constructed to handle the size and frequency of vehicles likely to use the site.
- (11) An environmental assessment and a stormwater management plan is generally required for the approval of commercial and industrial lots.
- (12) At the cost of the developer, the Town may hire a professional engineer or other consultants to review the proposed site plan and any utility plans, road design, environmental studies, or stormwater management plans for a proposed commercial or industrial land division.

M. Right-to-Farm Statement. All certified survey maps and subdivision plats involving non-farm lots approved under this Ordinance shall contain the following statement on the face: "RIGHT-TO-FARM STATEMENT: The owner and subsequent owners of this non-farm lot hereby acknowledge that the Town of Sioux Creek is an agricultural community and agree to not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations".

## **SECTION 5. CONSERVATION DESIGN**

Conservation design provides additional subdivision design analysis and standards for residential development. If the subdivider elects a conservation design subdivision, these provisions shall prevail over any conflicting provisions in this Ordinance.

### **5.1 SITE INVENTORY AND ANALYSIS.**

The subdivider shall map primary conservation areas, secondary conservation areas, and potential development areas.

#### **A. Primary Conservation Areas.**

Primary conservation areas shall be protected. No structures, buildings or developed facilities, except best management practices for stormwater management are allowed. Primary conservation areas consist of the following:

- (1) All wetlands as defined by NR 103.02(5) of Wisconsin Administrative Code or mapped by Wisconsin Department of Natural Resources pursuant to that Code and any other wetlands as identified by a professional wetland delineator, including a 75-foot buffer measured from any wetland.
- (2) Floodplains as defined or mapped by the Federal Emergency Management Agency, by using the Wisconsin Department of Natural Resources Floodplain Study Checklist, or by meeting all pertinent Wisconsin Administrative Code NR116 requirements.
- (3) All navigable waters, including a 75-foot buffer measured from the ordinary high water mark.
- (4) Perennial and intermittent streams, springs and drainageways that contain running water during spring runoff, during storm events or when it rains, including a filter strip as defined in NRCS Filter Strip practice standard, Code 393. A 25 foot buffer from the edge of the drainageway shall be included.
- (5) Unique wildlife habitat areas.
- (6) Burial sites and Indian mounds.
- (7) Lands having bedrock within six (6) feet of the natural, undisturbed surface.
- (8) Lands having evidence of groundwater within six (6) feet of the surface.

At the determination of the Plan Commission, verification of the above primary conservation areas by the Wisconsin Department of Natural Resources, other pertinent agency, or professional consultant may be required at the cost of the applicant.

#### **B. Secondary Conservation Areas.**

Secondary conservation areas should be protected or integrated into the development to enhance open space values such as rural character, historical significance, wildlife habitat, native vegetation, scenic views and agricultural

production, and include the following areas:

- (1) Mature, native woodlands, or woodlands harvested in the past five years.
- (2) Freestanding, healthy trees which are 18" diameter at five feet above ground level or groups of trees of native, non-invasive species.
- (3) Hedgerows and rock or boulder fences or walls.
- (4) Grasslands, and identified prairie remnants, including sedge meadows, open bogs, savannas, barrens communities, and surrogate prairie grasslands that are similar to and replaced the former prairie grasslands that historically occurred in the region.
- (5) Farmland.
- (6) Historic or archeological features.
- (7) Old farmsteads or farm buildings.
- (8) Scenic views onto the site, including the tops of hills or ridges.
- (9) Geologic features.
- (10) Areas of steep slopes twenty (20) percent or greater and with a vertical relief of four (4) or more feet shall be differentially shaded and labeled or otherwise clearly indicated.
- (11) River or stream valleys.
- (12) Other natural or cultural elements of the site that have enough significance or value to be spared from cleaning, clearing, grading and development or to mitigate the adverse impacts of such activity.
- (13) A 300 foot buffer area from existing farm buildings, manure storage facilities, and livestock holding areas which are part of an actively working agricultural operation.
- (14) A 300 foot buffer area from existing public roads measured from the centerline of the roadway.
- (15) Proposed low-density major subdivisions shall also map all Class 1 and Class 2 prime farmland soils as defined by the National Resources Conservation Service in the most recent Barron County Soil Survey.

C. Potential Development Areas.

Potential development areas shall avoid the primary conservation areas and shall be sensitive to the visual and physical impacts of development on the secondary conservation areas.

- (1) Potential development areas that do not comprise either primary or secondary conservation areas shall be the first portions of the site to look to place development.
- (2) The remainder of the potential development area shall be placed to meet minimum open space requirements, maximize open space views onto the site,

and protect or mitigate adverse impacts on the most significant natural and cultural features of the site.

## **5.2 CONSERVATION DESIGN OPEN SPACE STANDARDS.**

The minimum amount of common open space in a low density major subdivision shall be sixty (60) percent gross land area and for a high-density major subdivision shall be sixty-five (65) percent of the gross land area of the original parent parcel(s) prior to the land division, excluding existing rights-of-way and utility easements. Common open space shall be contained in an outlot or outlots and shall comply with the following:

- A. To the extent possible, all common open space shall be a part of a larger contiguous and integrated open space system. At least seventy-five (75) percent of the common open space areas shall be contiguous to another open space area and abut the lots proposed to be developed; the remaining twenty-five (25) percent of the open space may be non-contiguous. For this purpose, contiguous means either physically touching or located within 100 feet across a public right-of-way or private road easement.
- B. Common open space shall contain all primary conservation areas and to the greatest extent possible, protect other site features identified in the site inventory and analysis as having particular value in preserving rural character and conserving natural resources.
- C. Common open space may not contain lots, public or private road rights-of-way or easements, parking areas, farmsteads or railroad and utility rights-of-way, except underground utilities.
- D. Common open space may contain approved water supply wells, approved on-site wastewater treatment facilities and approved stormwater best management practices. Easements and management plans shall be required for individually owned facilities.
- E. Up to ten (10) percent of the common open space area can be used for active recreational uses, including structures for facilities that serve such uses.
- F. All or part of the common open space area can be used for agriculture, forest management, or passive recreation.
- G. The development rights to preserve common open space for major subdivisions may be acquired from owners of other property in the Town, if the common open space is appropriately protected by conservation easement and all other standards and requirements of this Ordinance are met. The open space shall be platted as an outlot with the conservation easement and associated major subdivision noted on the face of the certified survey map or subdivision plat.
- H. Common open space shall be protected from future land division or development with a Town Board approved conservation easement executed under §700.40, Wis. Stats. The Town of Sioux Creek shall be a holder of all such conservation easements. An approved private conservation organization shall be a holder, or have a third-party enforcement right, in all such conservation easements. The

subdivider shall propose a private conservation organization for this purpose with the preliminary plat.

### **5.3 CONSERVATION DESIGN LOT DESIGN STANDARDS.**

Lots in a major subdivision shall be clustered on the potential development area in a manner that complies with all of the following requirements:

- A. For proposed land divisions in which the total project area is 40 acres or less, including acreage from which density is being transferred, each cluster shall be between 4 and 9 lots. For proposed land divisions in which the total project area is over 40 acres, including acreage from which density is being transferred, each cluster shall be between 6 and 16 lots. The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided that the applicant can demonstrate that such an alternative design is more appropriate for the site, and will meet both the general intent and design objectives of this Ordinance and the goals and objectives of the *Town of Sioux Creek Comprehensive Plan*.
- B. All lots in a cluster shall abut common open space on at least one side and take access from interior roads.
- C. All cluster groups should be separated by a minimum of 100 feet from other cluster group boundaries and a minimum of 100 feet from all subdivision site boundaries.
- D. Each cluster of lots shall be defined and separated by common open space to provide direct access to common open space and privacy to individual lots or yard areas.
- E. Lot clusters should be arranged to maximize the open space views from each dwelling and minimize their visual impact from off-site and public roads in the area.
- F. Lot clusters containing 10 or more lots shall provide internal common open space at a minimum rate of 2,000 square feet per lot in the cluster, which shall be applied to the minimum open space requirement, and should be configured as a cul-de-sac island, loop lane, an island within a larger loop ("eyebrow" or semi-circular loop), an island in a center median road, a common green area, or other configurations that yield internal open space within the cluster.
- G. Pre-existing homes or farmsteads prior to a proposed major subdivision are exempt from the clustering requirements, but must be included in the maximum density and open space calculations.

### **5.4 CONSERVATION DESIGN NATURAL FEATURES STANDARDS.**

Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Plan Commission may authorize modifications to improve the natural features' appearance or restore their overall condition and natural processes, consistent with the approved management plan, and may include:

- (1) Woodland or forest management.

- (2) Reforestation.
- (3) Meadow, savanna or prairie management.
- (4) Wetlands management.
- (5) Streambank protection.
- (6) Establishing native, non-invasive vegetation in buffer areas.

## **5.5 MANAGEMENT PLAN.**

To ensure adequate management, operation and/or maintenance of common open space or facilities as part of a major subdivision, the subdivider shall prepare and the Plan Commission shall approve a management plan.

- A. A draft management plan shall be submitted by the subdivider at the time of preliminary plat review and a final management plan at final plat approval and shall:
  - (1) Define proposed ownership.
  - (2) Define the use.
  - (3) Establish necessary regular and periodic operation and maintenance activities that may need to include:
    - a. Mowing schedules.
    - b. Weed control program.
    - c. Planting schedules.
    - d. Clearing and cleanup program.
    - e. Prescribed burns.
    - f. Facilities maintenance.
  - (4) Estimate service contract needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
  - (5) Include a stormwater management plan.
  - (6) Include a section specifically focusing on the long-term management of common open space.
- B. Any subsequent cutting of healthy trees, grading or regrading, topsoil removal, altering, diverting or modifying watercourses or waterbodies must be done in compliance with the approved management plan and other applicable laws.
- C. At the Plan Commission 's discretion, the subdivider may be required to provide a financial assurance for the maintenance and operation costs of common open space and facilities.
- D. The Plan Commission can require that a letter of credit be secured by the subdivider or the owner of the common open space and facilities to cover the costs of corrective action if development or maintenance of common open space and

facilities does not occur.

- E. The Town may take corrective action in the event a person or organization fails to maintain common open space or facilities according to the approved management plan. The Town, following §66.0627 and §66.0703, Wis. Stats., can levy special charges upon property within the development for work it does or contracts for in corrective action.
- F. Modification of the management plan after final plat approval may be allowed by the Town Board, after Plan Commission recommendation.

## **5.6 OWNERSHIP OF COMMON OPEN SPACE AND FACILITIES.**

To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private roads, and other common or community facilities as part of a major subdivision, the following regulations shall apply:

- A. Documentation of the proposed ownership arrangement for the common open space and facilities shall accompany the preliminary plat, including any draft contracts, agreements, condominium instruments and easements, articles of incorporation, by-laws, management plans, initial annual budget for common facilities and open space management, restrictive covenants, etc. Documentation shall include association or organization dues or member fee structure and how initial and subsequent operating budgets will be funded.
- B. The following forms of ownership may be used, either singly or in combination, to own common open space and facilities:
  - (1) Homeowners Association. Common open space and facilities are held in common ownership by the association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:
    - a. The members of a homeowners association shall hold common open space and facilities as undivided proportionate interests..
    - b. The organization shall be established by the subdivider and shall be operating (with financial subsidy by the subdivider, if necessary) prior to the sale of any lots and/or dwelling units in the development.
    - c. Membership in the organization shall be mandatory for all purchasers of lots and/or dwelling units and their successors and assigns.
    - d. The organization shall be responsible for maintenance of and insurance for the common open space and facilities.
    - e. Written notice of any proposed transfer of common open space and/or common facilities by the homeowners association or the assumption of maintenance of common open space and/or facilities must be given to all members of the organization and to the Plan Commission at least 30 days prior to such event.



- (2) Condominium. Common open space and facilities may be held as common elements described in condominium instruments.
- a. The members of a condominium association shall hold common open space and facilities as undivided proportionate interests..
  - b. The condominium instruments shall conform to the requirements of Chapter 703, Wis. Stats., as amended.
  - c. The organization shall be established by the subdivider and shall be operating (with financial subsidy by the subdivider, if necessary) prior to the sale of any lots and/or dwelling units in the development.
  - d. The condominium plat shall follow the same design and installation standards for subdivisions and conservation design that are found in this Ordinance.
  - e. The condominium association shall be responsible for maintenance of and insurance for the common open space and facilities.
  - f. Written notice of any proposed transfer of common open space and/or common facilities by the condominium association or the assumption of maintenance of common open space and/or facilities must be given to all members of the organization and to the Plan Commission at least 30 days prior to such event.
- (3) Ownership retained by original landowner. Ownership of common open space may be retained by the original landowner or developer provided that:
- a. The requirements of Section 5 are met.
  - b. Resident access to the open space is limited by agreement between the owner of the common open space and property owners of the development, as indicated by documents signed at the time of purchase of lots or dwelling units.
  - c. The open space may be retained by the owner for agricultural purposes.
  - d. The original landowner or legal representative, may transfer ownership to another person in compliance with this subsection.
- (4) Fee simple conveyance to the Town, other public agency, private agency, or utility approved by the Town Board. The Town, other public agency, private agency or utility approved by the Town Board may, but shall not be required to, accept any portion of the common open space and facilities, provided that:
- a. There is no cost of acquisition to the Town.
  - b. Common open space and facilities so conveyed shall be accessible to the residents of the Town, if the Town Board or other public or private agency or utility so chooses.

- c. The acquiring entity shall maintain such common open space and facilities based on the management plan.
  - d. Fee simple conveyance to a private conservation organization. With approval of the Town Board, an owner may convey any portion of the common open space and/or facilities to a private, nonprofit conservation organization, provided that:
    - i. The organization is acceptable to the Town Board and is a bona fide conservation organization.
    - ii. The conveyance contains appropriate provisions for reversion or reconveyance to the owner in the event that the organization becomes unwilling or unable to continue carrying out its functions.
    - iii. A maintenance agreement acceptable to the Town Board that is consistent with the management plan is entered into.
- (5) Other arrangements recommended by the Town Plan Commission and approved by the Town Board that substantially address the basic intent as the above.

## SECTION 6. DEDICATIONS, EASEMENTS, AND IMPROVEMENTS

### 6.1 DEDICATIONS.

#### A. Open Space, Public Park, and Land Dedications.

- (1) *General Open Space, Public Park, and Land Dedication Requirements.*
  - a. Dedication Requirement. At the time of final plat approval for a major subdivision, each subdivider may be required to dedicate land for park or other public uses in order that adequate open spaces and sites for public uses may be properly located and reserved, and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas, and public schools may be equitably apportioned on the basis of additional need created by the land division development.
  - b. General Design. In the design of a major subdivision, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways, and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat and shall comply with the *Town of Sioux Creek Comprehensive Plan* or components of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
  - c. Deeded to the Town. Land accepted by the Town for dedication for public purposes shall be deeded to the Town at the time the Final Plat is approved.
  - d. Access to Dedicated Land. All dedicated land shall have frontage on a public or private road and shall have unrestricted public access.
  - e. Reservation of Additional Land. When public parks and sites for other public areas as shown on the *Comprehensive Plan* or *Comprehensive Plan* component lie within the proposed area for development and are greater in area than required elsewhere in Section 6.1, the owner shall reserve for acquisition by the Town, through agreement, purchase of condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.
  - f. The Town Board may require certification of compliance with the dedication requirements by the town engineer. The cost of such report shall be paid by the subdivider.
  - g. If the subdivider fails to satisfy the dedication and park development requirements of this Ordinance, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid, as well as other penalties for non-compliance as described in this Ordinance.

(2) *Parkland Dedication.*

- a. Dedication Calculation. At the time of final plat approval of any major subdivision within the Town of Sioux Creek, a parkland dedication of twenty-nine hundred (2,900) square feet of land per dwelling unit (or lot) may be required for parkland. Whenever a proposed playground, park, or other public area, other than roads or drainageways, designated in the *Town of Sioux Creek Comprehensive Plan* is embraced, all or in part, in the tract of land to be divided, these lands shall be made part of the required land dedication. The Town Board shall have joint authority to determine the suitability and adequacy of parklands proposed for dedication. Drainageways, wetlands, or areas reserved for roads shall not be considered as satisfying parkland dedication requirements.
- b. Unknown Number of Dwelling Units. Where the land division does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by this Ordinance.
- c. When parklands are dedicated, the subdivider is required to:
  - i. Properly grade and contour for proper drainage;
  - i. Provide surface contour suitable for anticipated use of area; and,
  - ii. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Town, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.
- d. Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Town Board.

B. Reservations & Dedications for Public Access to Waters.

(1) *General Guidelines.*

Where deemed feasible by the Town Board, on recommendation of the Plan Commission, major subdivisions abutting a navigable lake or stream may be required to include a reservation or dedication of a public access area to such a lake or stream. All such public water accesses shall be a land area of at least sixty (60) feet in width and consistent with s.236.16(3), Wis. Stats and the Barron County Land-Use Ordinance. All such reservations or dedications shall be clearly noted on the final plat or map, or in an accompanying recorded instrument. This Subsection does not require the Town to improve land provided for public water access.

(2) *Public Water Access for Major Subdivisions.*

All land divisions, which are part of a major subdivision plat, abutting on a navigable lake or stream shall provide public access to the low watermark so

that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Administration, and excluding shore areas where public parks or open-space roads on either side of a stream are provided. No public access established under this Ordinance may be vacated except by Circuit Court action.

(3) *Meander Lines.*

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

- C. Homeowners or Condominium Association. For all subdivisions with commonly held, privately-owned open space, drainageways, erosion control facilities, sanitary facilities, public access, wildlife habitat, or similar commonly-held lands and facilities, such areas shall be owned by an incorporated Homeowners or Condominium Association with ownership required of each buildable lot in the subdivision. Each lot shall hold membership in such a manner that one lot has one vote. Homeowners or Condominium Associations shall hold title to such open space and facilities, shall be responsible for improvements to and maintenance of such open space and facilities, and shall be responsible for the management, maintenance, and improvement of erosion control and stormwater management devices or naturally occurring surface waters and shore lands located in such open spaces. If any member lot owner so requests, and the said Homeowners or Condominium Association agrees, erosion control and storm water management devices or naturally occurring surface waters and shore lands located on private land in the subdivision shall also be managed, maintained, and improved by the Homeowners or Condominium Association. If conservation design is employed these requirements do not apply.
- D. Roads and Drainageways. Any part of a road, drainageway, or other public way which is shown on a plat and also indicated on the comprehensive plan of the Town or any plan component shall conform to the arrangement, width, and location indicated in any such plan or plan component. All public roads shall be offered for dedication to the Town. The subdivider shall pay for and install all required road signs.

## **6.2 EASEMENTS IN ALL LAND DIVISIONS.**

- A. Easements shall be generally limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of roads, pedestrian right-of-way, parks, school lands, or other public lands if dedication is required.
- B. Easements across lots or centered on rear or side outlot, parcel, or lot lines shall be designed for utilities where necessary and shall be at least fifteen (15) feet wide. Electric and telephone lines shall be planned along rear lot lines wherever possible. The Town Board or Plan Commission shall determine the feasibility of burying utility lines, and is typically required for major subdivisions.
- C. Where a land division is traversed by a water course, drainageway, channel, or road, there shall be provided a stormwater easement or drainage right-of-way of sufficient width to accommodate stormwater runoff, and not less than thirty (30) feet in width, conforming substantially with the lines of such water courses. Parallel roads or parkways may be required in connection therewith.
- D. Private access easements for ingress and egress within any land division area shall be a minimum of 66 feet in width, excluding easements for lake access.
- E. The Town Board and Plan Commission may consider alternative dimensions for easements if it can be shown by the subdivider to the satisfaction of the Town Board and Plan Commission that the public interest is served. For landlocked parcels, the minimum easements width shall be 66 feet.
- F. At the discretion of the Town, and to be reflected on the face of the associated plat, the Town Board shall own title and bear responsibility for the maintenance of drainage easements; the Town Board shall have the authority to assess the costs of maintaining those drainage easements to all benefiting landowners in the development.

## **6.3 PUBLIC IMPROVEMENTS.**

- A. The recommended approach to the construction of public improvements is that the subdivider installs all required road, street sign, culvert, drainage, stormwater management, and utility improvements before final approval of any plat.
- B. No person shall be issued a final plat approval by the Town Board:
  - i. Until the subdivider makes or installs all required public improvements in accordance with plans, standards, or specifications provided by the Town; or,
  - ii. Until the subdivider executes a surety bond, irrevocable letter of credit, or other security acceptable by the Town Board in an amount equal to 120% of an accepted bid or engineer's estimate of the cost of the proposed public improvements and meeting the approval of the Town Clerk as a guarantee that such improvements shall be completed by the subdivider within an established time determined by the Town Board as described through a developer's agreement.

- C. No person shall be issued a final plat approval by the Town Board until the subdivider agrees through a developer's agreement that the subdivider will be responsible for the cost of any necessary alteration of any existing public roads or utilities by virtue of the proposed land division.
- D. Before construction of public improvements begins there shall be a pre-construction meeting of Town officials, the subdivider, and all contractors and subcontractors involved with the construction. No earth can be moved or disturbed for site preparation before a developer's agreement is entered into with the Town of Sioux Creek.
- E. If such improvements are not installed, inspected, and accepted by the time the final plat is submitted for approval then all areas shown on the plat as dedicated to the public shall not be deemed to have been accepted by the Town and shall not be maintained by the Town until such roads have been built in conformity with all Town standards and requirements, inspected, and separately accepted by Town Board action.
- F. The subdivider shall pay all inspection and related engineering fees. Upon Town acceptance of all public improvements, any funds held or the irrevocable letter of credit shall be released, less related inspection and engineering fees incurred by the Town.

**6.4 PUBLIC ROADS.**

- A. Public roads shall be located, designed, and built in conformity with this Ordinance, and any other Town of Sioux Creek ordinances regulating road or driveway design, dedication, and maintenance and shall be located to take into account:
  - (1) The *Town of Sioux Creek Comprehensive Plan* and any other applicable plans, studies, or ordinances.
  - (2) Any applicable official map ordinances, and transportation plans.
  - (2) Topographic condition, including the load bearing capacity and erosion potential of the soil, and other natural features.
  - (3) Public convenience and safety, including facilitating fire protection, snow plowing, and pedestrian traffic.
  - (4) Existing land uses and the proposed uses of the land to be served.
  - (5) Existing and proposed roads, trails, and transportation networks.
  - (6) Future connections to adjacent developable land likely to be subdivided and the stubbing of roads with temporary cul-de-sacs to facilitate those future connections.
  - (7) Further re-division possibilities, as well as development of lands adjoining the subdivision.
- B. Public road right-of-way widths, radii of curvature, and grades shall conform to the town road standards in s.82.50 Wis. Stats.

- C. All public roads proposed to be constructed shall include provisions for control of erosion and sedimentation as part of the construction, which shall be presented to the Town for review as part of a concept or preliminary plat review.
- D. All road rights-of-way shall be sodded or seeded at the time of construction. If constructed after September 15th, temporary seeding shall be planted followed by a permanent seeding the next growing season to prevent erosion and sedimentation.
- E. The Plan Commission may require the construction of service roads or shared access roads or driveways serving multiple building sites to minimize congestion of road intersections with planned or existing public roads.
- F. The Plan Commission, at its discretion, may require the subdivider to establish the location of proposed driveways and culvert along the proposed road.
- G. The Plan Commission shall require additional driveway construction beyond the right-of-way where deemed necessary to prevent erosion, provide emergency response vehicle access, or address any other public safety concern.
- H. Public roads shall be laid out with consideration of possible existing and future connections with adjacent lots or parcels to avoid creating landlocked lots or parcels and to provide for possible continuation wherever topographic and other physical conditions permit.
- I. Minor public roads shall be so laid out so as to discourage their use by through traffic.
- J. The number of intersections of minor public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protection of residential properties.
- K. A tangent at least 150 feet long shall be required between reverse curves on arterial and collector public roads and 75 feet on local public roads.
- L. Public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable. Road jogs at intersections shall be avoided. There shall be at least 125 feet between the centerlines of roads at adjacent intersections. No roads shall intersect any other road at less than 75 degrees, and more than two roads intersecting at one point shall be prohibited, unless for intersections designed as a roundabout.
- M. The dedication of half-width roads is prohibited, except where, in the opinion of the Plan Commission, it is essential for the reasonable development of the land division in conformity with all other requirements of this ordinance. If a half-width road is permitted to be dedicated, which road is located along the exterior boundary of the land division, the developer shall obtain for the Town an easement from the adjoining landowner of a half-width road corridor immediately adjoining the developer's half-width road.



- N. Permanent dead-end roads, or cul-de-sacs shall not be longer than 1,000 feet, shall have a minimum width of 66 feet, and terminate with a turn-around having an outside roadway diameter of at least 100 feet and a road property line diameter of 138 feet.
- O. No public road names shall be used which will duplicate or may be confused with the names of existing roads elsewhere in the Town, County, or area. Road names shall be subject to the approval of the Town Board. Any road that is the reasonable continuation of an existing road shall bear the same name.
- P. Road lighting and exterior lighting proposed with the subdivision plat shall be shaded in a such a manner that the illumination is directed down and controlled in such a way as to not shine on or illuminate up into the sky or onto neighboring properties or roadways, whether public or private.

#### **6.5 PRIVATE ROADS AND DRIVEWAYS.**

- A. All roads serving more than two (2) lots or parcels not offered for dedication to the Town shall conform to all the requirements for public roads and public improvements in this Ordinance, including requirements regarding the timing of their installation. Driveways serving not more than two (2) lots or parcels not offered for dedication to the Town shall conform to all the requirements for driveways in the Town of Sioux Creek Driveway Ordinance. All private roads and driveways shall comply with any additional Town of Sioux Creek ordinances regulating design, dedication, and maintenance of private roads and driveways, as applicable.
- B. The Plan Commission shall require additional driveway construction, culverts, or other related improvements beyond the right-of-way/easement where deemed necessary to prevent erosion, provide emergency response vehicle access, or address any other public safety concern.
- C. The Plan Commission may require the construction of service roads or shared access roads or driveways serving multiple building sites to minimize congestion of road or driveway intersections with planned or existing public roads.
- D. Placement of Driveways and Culverts. The Plan Commission, at its discretion, may require the subdivider to establish the location of proposed driveways and culverts along the proposed road
- E. No driveway as part of a land division shall be located within 200' of any other driveway on the same side of the road, except in Conservation Design subdivisions where no driveway shall be located within 125' of any other driveway on the same side of the road.
- F. No driveway as part of a land division shall be located within 200' of any public or private road intersection, except in Conservation Design subdivisions where no driveway shall be located within 125' of any public or private road intersection.
- G. Disclaimer Required. No person shall sell any lot that abuts on a road that has not been accepted as a public road unless the seller informs the purchaser in writing that the said road is not a public road and is not required to be maintained or plowed by the Town or County.

- H. In cases of a shared private road or driveway, the Town may require the additional placement of fire number signs with one sign at each lot or at the end of each non-shared driveway, and a second sign for each lot at the other the end of the shared private road or driveway being visible from the public roadway it intersects.
- I. Those portions of driveways in State or County road rights-of way which would access a State or County highway, road, or street are regulated and administered by the State of Wisconsin and/or Barron County and is not covered by this ordinance.
- J. Private roads shall be maintained by the owner or owners thereof. The Town accepts no responsibility for maintenance or repair of private roads.
- K. Private roads shall be identified by signs posted prominently at the mouth of each such road where it enters a public road, advising the traveling public this it is not a public road and, where appropriate or necessary, identifying any limitations on public use thereof.
- L. The Town reserves the right, if requested, to take over ownership or control of and to maintain and repair a private road, to refuse to do so for any reason whatsoever including, but not limited to, the road not being up to town road standards.
- M. All private roads shall be appropriately signed for traffic hazards and other travel-related concerns by the owner or owners thereof.

## **6.6 STORMWATER MANAGEMENT AND EROSION CONTROL DEVICES.**

Stormwater management and erosion control devices shall be designed to permit the unimpeded flow of natural watercourses, to ensure the drainage of all points along public and private roads and driveways, and to provide positive drainage away from on-site sewage disposal facilities. In designing stormwater management and erosion control devices, special consideration shall be given to protection against shoreland or hillside erosion, the siltation of surface waters, and preventing excess runoff onto adjacent property.

Stormwater shall be managed so as to drain from an area proposed for subdivision in the same quantity and velocity after the area has been subdivided and built-out as it drained from the land being subdivided when it was in an undeveloped state. Drainage easements of widths sufficient to accommodate anticipated stormwater run-off shall be provided and shown on the plat.

## **6.7 DEVELOPER'S AGREEMENT.**

- A. Authority. The Plan Commission may require and the Town Board may approve Developer's Agreements concerning the development and use of land within the Town of Sioux Creek with the owner and subdivider of such property, and with the other governmental units with jurisdiction. A developer's agreement is required for all public improvements as part of a subdivision plat.

- B. Purpose.
- (1) Provide a method for the Town and owners and subdividers of land to create agreements specific to the land being developed.
  - (2) Describe in detail the terms, conditions, and other provisions relating to the development.
  - (3) Include terms, conditions, and other provisions that are mutually agreed to but may not otherwise be specified within this Ordinance, provided the public interest is served.
  - (4) Provide a more certain set of terms and conditions for the development than provided by this Ordinance, which simplifies enforceability by the Town, other governmental units, and the owner and subdivider of the land.
- C. Process. The Developer's Agreement shall be:
- (1) Provided in draft form with the submittal of the preliminary plat to the Plan Commission, and shall be further negotiated with the Plan Commission.
  - (2) Approved by the Town Board prior to the start of construction.
  - (3) Recorded, by the owner or subdivider in the office of the Barron County Register of Deeds within 30 days of its approval and before construction commences.
  - (4) Binding upon and enforceable by the Town, the owner and subdivider, and all subsequent owners of the property for the term of the agreement.
- D. Requirements. The Developer's Agreement shall be mutually developed by the parties, be in writing, and include:
- (1) A statement identifying the owner and the subdivider responsible parties to satisfy and/or enforce the terms of the Developer's Agreement.
  - (2) The names of the parties to the Developer's Agreement.
  - (3) A description of the property being developed.
  - (4) A statement detailing how the Developer's Agreement is consistent with the *Town of Sioux Creek Comprehensive Plan*.
  - (5) The effective date of the Developer's Agreement.
  - (6) The term of the Developer's Agreement.
  - (7) Identification of and a timeline for the installation of required temporary and permanent improvements.
  - (8) Identification of and a timeline for the removal of existing features and temporary erosion and sediment control and stormwater management structures.
  - (9) Identification of and a timeline for maintenance to be performed.
  - (10) The parties contracted with for the installation and maintenance of improvements.

(11) The details of the financial assurance required by this Ordinance. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.

(12) A reiteration in full of the provisions of Section 6.7 E. below.

E. Termination. A Developer's Agreement may be canceled or revised at any time by:

(1) The mutual written consent of the parties; or

(2) If the Town or its agents finds that a hazard or other unexpected situation that threatens the public health, safety, or welfare exists on or near the land that was unknown at the time the agreement was adopted, and the owner or subdivider is unable or unwilling to immediately correct the situation.

## **SECTION 7. PROCEDURES FOR SUBMITTING A PRELIMINARY PLAT.**

### **7.1 INITIAL CONSULTATION AND SKETCH PLAN REVIEW.**

- A. Required Meeting. The subdivider shall set up an appointment with the Town Clerk for the Plan Commission initial consultation and sketch plan review. The subdivider or their representative(s) shall attend this meeting. The subdivider will identify their ownership interest in the properties involved, as well as all other ownership interests in the properties. The subdivider and the Town will abide by the process, procedures, and timelines for the initial consultation and sketch plan review as described in the Procedural Handbook, unless extension of the time is mutually agreed upon in writing.
- B. Initial Consultation. The subdivider shall have an initial consultation with the Plan Commission before proceeding with platting procedures in order to obtain their advise and assistance and to review the sketch plan, concept of the land division, and any road application. The initial consultation familiarizes the subdivider with the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general progress and objectives of the proposed development and its possible effects on the neighborhood and community. Hence, before significant costs are incurred, the subdivider will gain a better understanding of the subsequent required procedures and the following general factors:
- (1) The suitability of the site for development.
  - (2) The accessibility of the site.
  - (3) The availability of public facilities (sewer, schools, parks, water, etc.) and public services (police, fire, etc.).
  - (4) Soil conditions, topography, and drainage patterns.
  - (5) The effect on the proposed development on any contemplated improvements and surrounding area.
  - (6) The availability of density and discussion of the sketch plan in the context of applicable Town regulations.
- C. Sketch Plan. The subdivider must submit a sketch plan to the Town Clerk at least fourteen (14) days before the Plan Commission appointment for the initial consultation. The sketch plan may be a free-hand drawing, but in sufficient detail to determine the nature of the above conditions and compliance with the requirements of this Ordinance. The sketch plan will be in a format and include that information as required in the Town of Sioux Creek Land Division Procedural Handbook. The sketch plan will be reviewed as it relates to:
- (1) Topography and other known physical features of the site.

- (2) The improvements, design standards, dedications, or reservations required by these regulations.
- (3) Continuity to existing development within 300 feet of all boundaries.
- (4) Other potential County and State regulations which may apply.
- (5) Consistency with the vision, goals, and strategies of the *Town of Sioux Creek Comprehensive Plan*.

**7.2 PRELIMINARY PLAT AND CERTIFIED SURVEY MAP REVIEW.**

- A. Under this Ordinance, a preliminary plat includes any land division map, survey, or plan submitted to the Town for formal consideration, review, and approval, but not yet approved by the Town, including Certified Survey Maps (CSMs) and Wisconsin Statutory Subdivision Plats.
- B. Following sketch plan review and negotiations with the subdivider on changes and the kind and extent of public improvements that will be required, the Plan Commission shall schedule a public hearing on the preliminary plat. The subdivider shall provide at least fifteen (15) copies of the preliminary plat and all related materials required to be prepared for the preliminary plat application as identified in the Town of Sioux Creek Land Division Procedural Handbook to the Town Clerk when the subdivider submits a preliminary plat for Town approval.  
  
Adequate copies of the preliminary plat shall be provided to the Town Clerk at least fourteen (14) days prior to the public hearing of the Plan Commission in order for a preliminary plat application to have been validly submitted for action by the Town.
- C. The preliminary plat or other relevant document information, including the application, shall be reviewed by the Plan Commission for conformance and consistency with s.236.11 Wis. Stats., s.236.12 Wis. Stats., this Ordinance, the *Town of Sioux Creek Comprehensive Plan*, and any other applicable Town of Sioux Creek ordinances, regulations, or plans.
- D. The preliminary plat shall be prepared by a registered land surveyor in a format and including that information as required in the Town of Sioux Creek Land Division Procedural Handbook. The subdivider and the Town will abide by the process, procedures, and timelines for preliminary plat and certified survey map review as described in this Ordinance and the Procedural Handbook, unless extension of the time is mutually agreed upon in writing. The preliminary plat shall also be accompanied by the following:
  - (1) Complete and accurate information as required by the Town of Sioux Creek Land Division Procedural Handbook.
  - (2) The identity of the owner(s) of record and any contract purchaser(s).
  - (3) Detailed design and construction plans for all public improvements being built by the developer that are proposed to be dedicated to the Town and for all private roads, and for all stormwater management and erosion control plans, as well as a draft developer's agreement for any such improvements.

- (4) All easements and dedications shall be shown on the plat.
  - (5) A draft of restrictive covenants or conservation easements shall be submitted where the subdivider intends to protect open space, regulate land use in the subdivision, or otherwise protect the proposed development. Covenants and conservation easements shall be subject to the review and approval of the Town of Sioux Creek attorney as to form.
  - (6) The surveyor preparing the plat shall certify on the face of the plat it is a correct representation of the proposed subdivision and physical features, and that the plat fully complies with the provisions of this Ordinance.
  - (7) For major subdivisions, a map or maps of primary conservation areas, secondary conservation areas, and potential development areas for site inventory and analysis as described in Section 5.1 of this Ordinance.
  - (8) For major subdivisions, a detailed statement as to whether and how the proposed development is consistent with the *Town of Sioux Creek Comprehensive Plan*.
  - (9) For major subdivisions, a draft management plan for the common open space.
  - (10) For major subdivisions, or at the determination and request of the Plan Commission, an environmental assessment as described in Section 3 of this Ordinance or any other required plans or studies.
- E. The Town Plan Commission, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision, or otherwise entail an erosion or stormwater hazard, may require the subdivider to provide a grading plan, an erosion and sediment control plan, or a stormwater management plan.
- F. Site Inspection. Prior to the public hearing and preliminary plat approval, or as a condition of approval, the Plan Commission may require a site inspection at the Commission's discretion. Such a site inspection is generally required for proposed major subdivisions and subdivisions involving commercial or industrial development. In such cases, the applicant shall arrange for a site inspection of the property by the Plan Commission or other Town officials and shall distribute copies of the sketch plan or preliminary plat, and any other related site inventory and analysis maps at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Plan Commission. The purpose of the visit is to familiarize Town officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated drainageways and potential locations of proposed buildings and road alignments. Comments made by Town officials or their staff at the on-site meeting shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered and no official decisions can be made at the site inspection.

- G. Preliminary Review By Objecting Agencies. Prior to preliminary plat approval or as a condition of approval, the Plan Commission may request a preliminary review of the plat by those agencies having the authority to object to the plat as provided in §236.12, Wis. Stats. The purpose of having these objecting agencies perform a preliminary plat review is to provide the applicant more flexibility in addressing potential objections while not incurring the added expenses of having prepared a final plat. Costs associated with the preliminary plat review shall be the responsibility of the applicant.

### **7.3 APPROVAL, CONDITIONAL APPROVAL, OR REJECTION OF A PRELIMINARY PLAT**

- A. Unless the timeline is extended by agreement with the subdivider, the Town Plan Commission, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed preliminary plat and all required materials deem the preliminary plat complete, grant approval of, grant conditional approval of, or reject the subdivision plat as proposed.
- B. Public Hearing Required. Prior to approval, conditional approval, or rejection, the Town Plan Commission shall conduct a public hearing on the preliminary plat. The public hearing shall be listed as an agenda item in the meeting notice published in the official local newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action. The Town shall notify adjacent landowners of the proposed land division in writing by U.S. certified mail about the proposed subdivision activity and the date of the Plan Commission at which the application will first be considered. This notification shall be given at least five (5) working days prior to the meeting.
- C. Conditional Approval. If a subdivision plat is approved conditionally by the Town Board or Town Plan Commission, the conditions for approval shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval shall be sent to the subdivider.
- D. Rejection. In the event of a rejection of a proposed preliminary plat, the Town Board or Town Plan Commission shall record in the minutes of the meeting the particular facts upon which it bases its conclusion for rejection, including incompleteness of the application, nonconformance or inconsistency with this Ordinance or other Town ordinances or plans, or that the land is not suitable for the proposed land division.
- E. Appeal. A subdivider or other party with standing may appeal an approval, conditional approval, or rejection determination of the Plan Commission in accordance with the process and policies found within the Town of Sioux Creek Ordinance Regarding Administrative Appeals.
- F. If either the Town Board or the Town Plan Commission denies two consecutive preliminary plats for the same parcel, no subsequent re-application for a subdivision approval of the parcel will be accepted, received, or considered by the Town Board or Plan Commission within three (3) months of the second denial.



- G. Following preliminary plat approval, the Town Government checklist, as required in Section 18.11(B)(3) of the Barron County Subdivision Ordinance, shall be reviewed and completed by the Plan Commission for adoption by the Town Board and transmittal to Barron County.

#### **7.4 EXCEPTIONS FOR SUBDIVISIONS INVOLVING ONLY TWO LOTS**

Minor subdivisions which create one (1) lot or building site and the parent parcel shall be submitted to the Town Clerk for administrative review and approval of lot size and driveway requirements.

- A. A certified survey map is required if any lot or outlot, including the parent parcel, will be less than 20 acres in size following the land division.
- B. If a certified survey map is required, except in a land division involving a commercial or industrial use, minor subdivisions which only create one (1) lot and the parent parcel are exempt from Town of Sioux Creek initial consultation and sketch plan and preliminary plat reviews by the Town as required in Sections 7.1 and 7.2 above, except if the Town Clerk finds there are characteristics or circumstances which cannot be handled administratively or if the Town Clerk cannot make a straightforward determination that the certified survey map meets the lot and driveway requirements of the Town of Sioux Creek. The Town Clerk can then forward a minor subdivision application to the Plan Commission for review to address those characteristics, circumstances, or determinations.
- C. If a certified survey map is not required, a land division application form must be submitted to Town Clerk for administrative review and approval. Such land divisions involving or proposing no parcel or lot less than 20 acres in size are exempt from Town Plan Commission and Town Board approval as required in Sections 7.1, 7.2, 7.3, and 9 of this Ordinance, except if the Town Clerk finds there are characteristics or circumstances which cannot be handled administratively or if the Town Clerk cannot make a straightforward determination that the proposed land division meets the lot and driveway requirements of the Town of Sioux Creek. The Town Clerk can then forward a minor subdivision application to the Plan Commission for review to address those characteristics, circumstances, or determinations.
- D. All land divisions involving a commercial or industrial use, regardless of the number of lots involved, require the Town of Sioux Creek initial consultation and sketch plan and preliminary plat reviews by the Town as described in Sections 7.1 and 7.2.

#### **7.5 EXCEPTIONS FOR CORRECTION SURVEYS**

The provisions of Section 7 do not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then Plan Commission review and Town Board approval is required following the requirements noted above in Section 7.

## **SECTION 8. CONDOMINIUM PLAT**

- A. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof.
- B. Condominium projects shall comply in all respects with the requirements of s.703.11, Wis. Stats., and other applicable statutes, as well as the standards and requirements of this Ordinance as a plat or certified survey map for the land development of the property. The procedures, requirements, and standards of this chapter for plats or certified survey maps shall apply to the review of all condominium plats.
- C. As part of the Town approval process for condominium plats, the Town Government checklist, as required in the Barron County Subdivision Ordinance, shall be reviewed and completed by the Plan Commission for adoption by the Town Board and transmittal to Barron County.

## **SECTION 9. FINAL PLAT**

- A. To be considered and treated as a final plat, adequate copies of the plat shall be submitted to the Plan Commission within twenty-four (24) months of preliminary plat approval. Prior to Town final plat approval, the final plat shall substantially conform to the preliminary plat and to the requirements of all applicable ordinances and State laws, and shall be submitted for and have received certification of those agencies having the authority to object to the plat as provided in §236.12, Wis. Stats. Further, prior to Town final plat approval, any required final management plans for common open space, public dedications, easements, or improvements, or final developer's agreements must also receive Town Board approval.
- B. Submitted with the final plat, the Town of Sioux Creek requires that an updated abstract of title certified to date of submission, or, at the option of the subdivider, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Plan Commission to ascertain that all parties in interest have signed the owner's certificate on any plat.
- C. Final plats shall be presented to the Plan Commission at least fourteen (14) days prior to the meeting at which they are to be considered and shall be accepted or rejected by the Plan Commission and the Town Board within sixty (60) days of its submission, unless extension of the time is mutually agreed upon in writing. Approved final plats shall be recorded in accordance with the requirements of §236.25, Wis. Stats.

## SECTION 10. WAIVER OF DESIGN STANDARDS

- A. The Town Plan Commission may approve a waiver of design standards, as may be reasonable, because one or more unique conditions affecting the land to be divided results in:
- (1) An exceptional or unnecessary hardship from the provisions of this Ordinance due to a literal application of this Ordinance; or,
  - (2) A significant conflict or inconsistency with the vision, goals, policies, and intent of the *Town of Sioux Creek Comprehensive Plan* due to a literal application of this Ordinance and unique topographic or other characteristics of the land involved.
- B. The Town Plan Commission action shall comply with the following conditions:
- (1) A waiver shall not violate the general intent and purpose of this Ordinance, the provisions of Chapter 236, Wis. Stats., the *Town of Sioux Creek Comprehensive Plan*, and any other applicable laws or regulations.
  - (2) A waiver shall not be detrimental to the health, safety, general welfare, and aesthetics of the community or to other property or improvements in the neighborhood in which the property is located.
  - (3) The condition for which a waiver is sought must be unique to the property.
  - (4) The conditions for which a waiver is sought is due to the particular physical surroundings, shape, or topographical conditions of the specific property involved and such modification is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.
  - (5) A waiver may not be based on mere inconvenience or financial hardship to the subdivider, or be a self-created hardship of the subdivider.
  - (6) A waiver shall provide only the minimum relief necessary to alleviate an exceptional or unnecessary hardship.
  - (7) Administrative, application, procedural, fees, and enforcement requirements shall not be waived by the Town Board.
- C. An application for waiver of design standards shall accompany the sketch plan or preliminary plat, or if the unique condition is discovered later, at the time of discovery. The application shall be provided to the Town of Sioux Creek in written form and fully state all facts relied upon to support the waiver and shall include drawings, studies, or other information that will aid the Town in reviewing the application.
- D. Applications for a waiver of design standards shall require a public hearing with a Class I notice of the hearing with a written notice by U.S. Mail to adjacent property owners for which the waiver is requested, the Barron County Zoning Administrator, and any municipality with extraterritorial plat approval jurisdiction. The Town shall send the written notice by certified mail at least five (5) working days prior to the

public hearing on the waiver application. All reasonable costs incurred by the Town of Sioux Creek associated with the review of the waiver shall be the responsibility of the subdivider. The public hearing for a waiver of design standards may be combined with the public hearing on a preliminary plat.

- E. Waiver applications can be approved concurrently or separately from its related land division application. An application for waiver, if requested separately from a land division application, shall be presented to the Plan Commission at least fourteen (14) days prior to the meeting at which they are to be considered and shall be accepted or rejected by the Plan Commission within sixty (60) days of their submission and the receipt by the Town of all necessary information and studies which are needed for an informed decision. If a decision is not made within the 60 days, the waiver shall be deemed approved, unless the time for making a decision is extended in good faith.

## **SECTION 11. FEES**

- A. At the time of filing the preliminary plat, the subdivider shall pay to the Town the application fee in an amount established by resolution of the Town Board from time to time and on file in the office of the Town Clerk.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each land division application, proposed plat, and proposed variance or waiver, including the employment of the necessary services of engineers, attorneys, planners, and other professional consultants for said review, shall be the responsibility of the subdivider who shall timely and fully reimburse the Town of Sioux Creek for these costs. The Town Board may require that all or a portion of the known costs of application approval and waiver review be paid in advance. The Town Board may also establish a deposit schedule for review fees.

## **SECTION 12. ENFORCEMENT AND PENALTIES**

- A. Any buildings hereafter erected, moved, or otherwise placed on lots created in violation of the provisions of this chapter by any person, including building contractors or their agents, shall be deemed as unlawful structures. The Town Attorney may bring an action to enjoin, remove, or vacate any building or structure on lots violating this chapter.
- B. Any activity which fails to meet the requirements of this Ordinance or that violates State Statutes shall be a violation of the Ordinance regardless of knowledge of or intent to violate, and shall subject the party or parties responsible for non-compliance to an action for an injunction requiring that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken and/or a forfeiture of not less than \$100.00 plus actual costs of prosecution and any applicable costs incurred by the Town for each offense. Each day during which such violation exists or continues is a separate offense. In

addition, the Town Board may order an assessor's plat pursuant to the provision of s.70.27, Wis. Stats., at the expense of the subdivider whenever the conditions specified in that section are found to exist.

- C. No building permits shall be issued concerning any lot created in violation of any requirement of this Ordinance. No person shall sell land in the Town of Sioux Creek in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.
- D. All provisions of §§ 236.30, 236.31, 236.32 and 236.335, Wis. Stats., are hereby incorporated by reference and any penalty set forth in such sections shall be imposed as a daily forfeiture payable to the Town Treasurer.

### **SECTION 13. ADOPTION AND EFFECTIVE DATE**

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Sioux Creek. Pursuant to s.236.45 (4), Wis. Stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch.985, Wis. Stats.

This Ordinance shall be in effect and in force from and after the date of its passage and publication all in accordance with the Wisconsin State Statutes.

Ordinance first Adopted:	DECEMBER 12, 2006
Ordinance first Published:	DECEMBER 21, 2006

Signed: \_\_\_\_\_  
Jerry Huset, Town Board Chairperson

Attest: \_\_\_\_\_  
Kathleen L. Martin, Town Clerk