

## CHAPTER 5

### LAND DIVISION

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5.01 PURPOSE OF AUTHORITY. The regulations established by this chapter are adopted pursuant to the authority granted by §236.45, Wis. Stats. The purpose of this chapter is to regulate and control the division of land and the creation of condominiums within the corporate limits of the Town in order to promote the welfare of the community; lessen congestion of roads, streets and highways; further the orderly layout and appropriate use of land; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; conserve the value of buildings placed upon land; provide the best possible environment for human habitation; encourage the most appropriate use of land through the Town; facilitate the division of larger tracts into smaller parcels of land; ensure adequate legal description and proper survey documentation of subdivided land; provide for the administration and enforcement of this chapter; and provide penalties for its violations.

5.02 TITLE. This chapter shall be known as, referred to and cited as the “Land Division Ordinance.”

5.03 PLANNING AND ZONING COMMITTEE. The authority to approve or object to preliminary plats, final plats, certified surveys and condominium plats is, to the extent necessary to implement the provisions of this chapter, delegated to the Planning and Zoning Committee established pursuant to Ch. 1, Zoning Code.

5.04 ABROGATION AND GREATER RESTRICTIONS. This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing easement, covenant, agreement, rule, regulation or permit lawfully adopted or issued. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

5.05 INTERPRETATION. This chapter establishes minimum requirements and shall be liberally interpreted in favor of the Town and shall not be deemed a limitation of any other power granted by law.

5.06 DEFINITIONS. In this chapter, the following words and phrases shall have the designated meanings, unless a different meaning is expressly provided or the context clearly indicates a different meaning:

BOARD or TOWN BOARD. The St. Germain Town Board.

CERTIFIED SURVEY MAP. A drawing meeting all of the requirements of §236.34, Wis. Stats., which is the map or plan of record for a land division.

COMMITTEE. The Town of St. Germain Planning and Zoning Committee.

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**CONDOMINIUM.** Any land described in and made subject to a declaration of condominium pursuant to Ch. 703, Wis. Stats., including units, common elements, limited common elements, buildings and structures.

**CONVERSION CONDOMINIUM.** A parcel of land improved with one or more existing structures converted to a condominium form of ownership.

**DECLARANT.** An owner who subjects its property to a condominium declaration pursuant to Ch. 703, Wis. Stats.

**DEAD-END ROAD.** A public road with only one vehicular outlet.

**EASEMENT.** A recorded authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

**EXPANDABLE CONDOMINIUM.** A condominium to which additional units or property or both may be added.

**LAND DIVISION.** A division of a lot, parcel or tract into 2 or more lots, parcels or tracts.

**LOT.** A parcel or tract of land of less than 10 acres described in a recorded plat or by a deed and abutting on a public road or easement for roadway purposes.

**MASTER PLAN.** Any master, development or regional plan adopted pursuant to §§62.23, 59.97, 236.46 or 66.945, Wis. Stats., which is applicable to the Town.

**MINOR OR LOCAL STREET.** A street which serves or is intended to serve primarily as an access to abutting lots.

**MINOR SUBDIVISION.** A division of a lot, parcel or tract where:

- (a) The act of division creates more than 2 but fewer than 5 parcels, any one of which is 10 acres or less each; or
- (b) More than 2 but fewer than 5 parcels, any one of which is 10 acres or less, are created by successive divisions within a 5 year period.

**OFFICIAL MAP.** A map indicating the location, width and extent of existing and proposed roads, highways, parkways, parks and playgrounds as adopted and amended by the Town Board pursuant to §62.23(6), Wis. Stats.

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OUTLOT. A parcel of land, other than a lot, building site or block, so designated on the plat or certified survey map.

OWNER. Each owner of an interest in property or a contract purchaser of property.

PARCEL. Contiguous lands under the control of a subdivider, whether or not separated by streets, highways or railroad rights-of-way.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision or replat submitted to the Town for the purpose of preliminary consideration prior to all final plats and, when required, prior to all land divisions.

PRIVATE ROAD. A road not dedicated for public use which serves 2 or more lots or parcels not owned by the same person.

PUBLIC IMPROVEMENTS. Roads, drainageways or other portions of a plat, certified survey map or condominium plat installed for public use or public benefit.

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

ROAD or TOWN ROAD. A public way meeting the specifications for Town roads established by the Town Board and dedicated to the Town for public use.

SUBDIVIDER. Any person, firm, corporation, partnership or entity of any sort, which divides or proposes to divide land in any manner which results in a land division or subdivision, including an owner of lands proposed to be subjected to the condominium form of ownership.

SUBDIVISION. A division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or building development where:

- (a) The act of division creates 5 or more parcels or building sites of less than 10 acres each; or
- (b) Five or more parcels or buildings sites of less than 10 acres in each area are created by successive divisions within a 5 year period.

TOWN. The Town of St. Germain, situated in Vilas County, Wisconsin.

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TOWN ATTORNEY. Any attorney engaged by the Town to perform legal work relating to this chapter.

TOWN ENGINEER. Any registered professional engineer engaged by the Town to perform engineering work relating to this chapter.

WATERCOURSE or NAVIGABLE WATER. Any continuous stream or river and any lake, pond or flowage shown on the "Detailed Zoning Maps, Vilas County." In the event of any conflict, reference shall be made to United States Geological Survey Quadrangle Maps of the affected watercourse or other body of water whereby continuous streams and named lakes shall be deemed navigable and intermittent streams and unnamed lakes as nonnavigable.

WETLANDS. Land areas characterized by water at or near the surface of the ground most of the year or saturated soils during at least part of the growing season such that moist soil vegetation or shallow water plants are present as shown on the Wisconsin Wetland Inventory Maps or by a field delineation conducted by a qualified person.

5.07 GENERAL PROVISIONS. No person, firm, corporation, partnership or legal entity of any sort shall divide any land located within the Town which results in a subdivision, minor subdivision or replat as defined herein or through a declaration of condominium and condominium plat, nor shall any such condominium plat, subdivision, minor subdivision or replat be entitled to record, and no road shall be laid out or improvements made to land without compliance with all requirements of this chapter and with:

(1) The provisions of Chs. 236 and 703, Wis. Stats.

(2) The regulations of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

(3) The regulations of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a State trunk highway or connecting street.

(4) Comprehensive plans, master plans and official maps or components of such plan, prepared by State or regional agencies, Vilas County or the Town.

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(5) All applicable local and county ordinances and regulations including, without limitation, zoning, land division, sanitary, building, land disturbance, erosion control and stormwater management ordinances and regulations.

5.08 EXCEPTIONS. The requirements of this chapter do not apply to the following divisions of less than 5 parcels:

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

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

(3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Ch. 236, Wis. Stats., or any other applicable laws or ordinances.

5.09 APPROVAL OF PLATS. (1) PRELIMINARY PLAT REQUIRED. No final plat of a subdivision or replat as defined herein may be recorded prior to its approval by the Committee. This section governs the procedure for review and approval of any division of a lot, parcel or tract of land where:

(a) The act of division creates 5 or more parcels or lots of less than 10 acres each;  
or

(b) Five or more parcels or lots of less than 10 acres each in an area are created by successive divisions within a 5 year period.

(2) PRELIMINARY MEETING. Before filing a preliminary plat application, the subdivider is encouraged to consult with the Committee and the Zoning Deputy for advice regarding general requirements affecting the proposed development. A sketch plan of the proposed subdivision should be submitted, which identifies the boundaries of the property being considered for subdivision, proposed roads and general lot layout, including proposed dedications, physical features including slopes over 15%, wetland areas and general soil conditions. In addition, the sketch plan should indicate any proposed filling, grading, lagooning or dredging and any contiguous property owned or controlled by the subdivider even through only a part of the area is proposed for immediate development. The subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and any existing community facilities.

(3) PRELIMINARY PLAT APPLICATION. At least 14 days prior to the meeting of the Committee at which action is desired, the subdivider shall submit to the Committee 5 copies of a preliminary plat, together with the required filing fee. The preliminary plat shall

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be based upon an exterior boundary survey by a registered land surveyor and include a description of any proposed covenants or restrictions affecting the subdivision. The preliminary plat shall be shown on a map with sufficient scale and accuracy to clearly illustrate the existing conditions of the proposed subdivision and of the adjoining sites, including physical features (slopes over 15%, bodies of water, wetlands and general soil conditions), public access, available community facilities and utilities, easements, road locations and lot widths and depths.

(4) PRELIMINARY PLAT REVIEW. The Committee shall review the proposed preliminary plat to determine its conformance with this section and the laws, ordinances and regulations specified in § \_\_\_\_\_. The Committee may conduct a public hearing on any proposed subdivision. Notice of any such hearing shall be posted at least 10 days prior to the time of such hearing and mailed to the owners of all properties within 1/4 mile of the proposed replat or subdivision. The Committee shall reject, approve or conditionally approve the preliminary plat within 45 days of its submission. The Committee shall approve a proposed plat which meets all of the requirements of this chapter. As a condition of approval, the Committee shall establish that within a reasonable time limit not to exceed 6 months, the subdivider shall meet or enter an agreement to meet all other conditions of approval. One copy of the plat shall be returned to the subdivider, his surveyor or engineer, with the date and action attached thereto; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Committee, failure to complete the action herein required within 90 days of filing of the preliminary plat shall constitute an approval of the preliminary plat.

(5) PRELIMINARY PLAT APPROVAL. Approval or conditional approval of a preliminary plat entitles the final plat to approval, provided the final plat conforms substantially to the preliminary, including any conditions of that approval, and conforms to any applicable local plans and ordinances. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Committee may refuse to approve the final plat regardless of prior action taken on the preliminary plat.

(6) FINAL PLAT. Within 6 months of the approval of the preliminary plat and at least 14 days prior to the meeting of the Committee at which action is desired, the subdivider of lands proposed to be subdivided or replatted shall submit 2 copies of the final plat or replat, together with a written application for approval to the Committee secretary. The final plat may, if permitted by the Committee, include only that portion of

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the approved preliminary plat which the subdivider proposes to record at that time.

(7) FINAL PLAT REVIEW. The Committee shall examine the final plat for conformity with the preliminary plat and any conditions of approval, the requirements of this

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and other applicable ordinances, statutes, administrative rules and regulations or local plans and approve or reject the plat. If approved, the Committee shall establish as a condition of final approval that within a reasonable time limit, not to exceed 6 months, the subdivider shall meet or enter an agreement to meet all requirements and conditions of approval. One copy of the plat shall then be returned to the subdivider, his surveyor or engineer with the date and action attached thereto, and the conditions or requirements of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Committee, failure to complete the action required herein within 45 days of filing the final plat shall constitute an approval of the final plat.

(8) FINAL PLAT APPROVAL. After the final plat has been approved by the Committee and the conditions of approval have been met, the subdivider shall submit the final plat to the Committee and the Committee chair shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.

(9) FINAL PLAT RECORDING AND FILING. The subdivider shall file a certified copy of the final plat with the Clerk within 10 days after it has been recorded. The final plat must be recorded within 6 months of approval or the approval shall lapse.

5.10 MINOR SUBDIVISION REVIEW. (1) CERTIFIED SURVEY MAP REQUIRED. No certified survey map of a minor subdivision as defined herein may be recorded prior to its approval by the Committee. This section governs the procedure for review and approval of any division of a lot, parcel or tract of land by the owner or his agent where:

(a) The act of division creates more than 2 but fewer than 5 parcels, any one of which is 10 acres or less; or

(b) More than 2 but fewer than 5 parcels, any one of which is 10 acres or less, are created by successive divisions within a 5 year period.

(2) CERTIFIED SURVEY MAP APPLICATION. Where a minor subdivision is proposed, the subdivider shall subdivide by use of a certified survey map prepared in accordance with the provisions of §236.34, Wis. Stats. At least 14 days prior to the meeting of the Committee at which action is desired, the subdivider shall submit to the

Committee 5 copies of the proposed certified survey map, together with the required filing fee.

(3) CERTIFIED SURVEY MAP REVIEW. The Committee shall review the proposed certified survey map to determine its conformance with this chapter and the laws, ordinances and regulations specified in §\_\_\_\_. The Committee may conduct a public hearing

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on any proposed subdivision. Notice of any such hearing shall be posted at least 10 days prior to the time of such hearing and mailed to the owners of all properties within 1/4 mile of the exterior boundaries of the lands proposed to be divided by the certified survey map.

(4) CERTIFIED SURVEY MAP APPROVAL. The Committee shall reject, approve or conditionally approve the certified survey map within 45 days of its submission. The Committee shall approve a certified survey map which meets all of the requirements of this chapter. As a condition of approval, the Committee shall establish that within a reasonable time limit not to exceed 6 months, the subdivider shall meet or enter into an agreement to meet all other conditions of approval. One copy of the certified survey map shall be returned to the subdivider, his surveyor or engineer with the date and action attached thereto; if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Committee, failure to complete the action herein required within 90 days of filing shall constitute an approval of the certified survey map. After the certified survey map has been approved by the Committee and the conditions of approval have been met, the Committee chair shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the map returned to the subdivider for recording.

(5) CERTIFIED SURVEY MAP RECORDING AND FILING. The subdivider shall record the certified survey map with the Register of Deeds for Vilas County and shall file a certified copy of the recorded map with the Town Clerk within 10 days after it has been recorded. The certified survey map must be recorded within 6 months of approval or the approval shall lapse.

5.11 CONDOMINIUM PLAT REVIEW. (1) CONDOMINIUM PLAT REVIEW REQUIRED. No condominium plat described below nor any condominium plat amendment may be recorded prior to its approval by the Committee. This section governs the procedure for review and approval of the plats of condominiums proposed to be created pursuant to Ch. 703, Wis. Stats., including conversion condominiums, expandable condominiums and condominium plat amendments, where:

(a) The condominium declaration or condominium plat describe 3 or more condominium units, including any condominium units proposed as a part of an expandable condominium; or

(b) Successive condominium declarations and condominium plats describe 3 or more condominium units on contiguous lands under common ownership within a 5 year period.

(2) CONDOMINIUM PLAT APPLICATION. Where a condominium plat or a condominium plat amendment is proposed, the owner shall, at least 14 days prior to the

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meeting of the Committee at which action is desired, submit to the Committee 5 copies of the proposed condominium plat or amendment to an existing condominium plat, together with the required filing fee.

(3) PRELIMINARY CONDOMINIUM PLAT APPLICATION. In the case of a proposed condominium involving 3 or more units, the owner shall, at least 14 days prior to the meeting of the Committee at which action is desired, submit to the Committee 5 copies of a preliminary condominium plat, together with the required filing fee. The preliminary condominium plat shall be based upon an exterior boundary survey by a registered land surveyor and shall include the following information:

(a) The name of the condominium.

(b) The approximate boundary of the parcel to be dedicated as common area for the condominium complex, including any expansion areas in case of an expandable condominium.

(c) The exact location of all existing buildings and general location of any proposed buildings to be constructed on the property.

(d) Every unit or proposed unit shall be designated on the preliminary condominium plat by consecutive numbers.

(e) Computations shall be shown on the preliminary plat which verify compliance with the applicable zoning and building codes.

(f) Proposed alternate sewage system areas shall be shown. Proof that these proposed areas conform to the requirements of the Vilas County Sanitary Ordinance and Ch. COMM 83, Wis. Adm. Code, shall be shown upon submission of the final condominium plat for approval.

- (g) Roads which provide access to the condominium property.
- (h) Existing easements which affect the condominium property.
- (i) A minimum of 2 off-street parking spaces per unit.
- (j) First floor square footage of each existing structure.
- (k) The area in square feet of the total parcel.
- (l) The lineal footage and area of any lake, pond, stream or other watercourse.

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(m) Physical features (slopes over 15%, bodies of water, wetland areas and general soil conditions).

(4) CONDOMINIUM PLAT REVIEW. The Committee shall review the proposed condominium plat or condominium plat amendment to determine its conformance with this chapter and the laws, ordinances and regulations specified in §5.07. The Committee may conduct a public hearing on any proposed condominium plat. Notice of any such hearing shall be posted at least 10 days prior to the time of such hearing and mailed to the owners of all properties within 1/4 mile of the proposed condominium.

(5) RESORT CONVERSION CONDOMINIUMS. (a) Notwithstanding any contrary provision of any other Town ordinance, residential buildings in resorts licensed as of January 1, 1979, may be converted to condominium units, provided that:

1. The first floor square footage of the existing structures do not exceed 10% of the total land area subject to the condominium declaration.
2. The aggregate number of bedrooms in the resort conversion condominium do not exceed the number authorized on the resort license.

(b) In determining the area of a resort conversion condominium for purposes of this subsection, not more than 20% of any wetlands may be included.

(6) RIPARIAN CONDOMINIUMS. The riparian rights appurtenant to a riparian parcel within a condominium plat shall be assigned to the unit owners subject to their common ownership and control. However, no portion of the bed, waters or surface of any navigable water body may be included within a condominium plat.

(7) CONDOMINIUM PLAT APPROVAL. The Committee shall reject, approve or conditionally approve the condominium plat or condominium plat amendment within

45 days of its submission. The Committee shall approve a condominium plat which meets all of the requirements of this chapter. As a condition of approval, the Committee shall establish that within a reasonable time limit not to exceed 6 months, the owner shall meet or enter into an agreement to meet all other conditions of approval. One copy of the condominium plat shall be returned to the declarant or owner, his surveyor or engineer with the date and action attached thereto. If approved conditionally or rejected, the conditions of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the declarant or owner and the Committee, failure to complete the action herein required within 45 days of filing shall constitute an approval of the condominium plat. After the condominium plat has been approved by the Committee and the conditions of approval have been met, the Committee chair shall cause the certificate inscribed upon the

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condominium plat attesting to such approval to be duly executed and the same returned to the declarant for recording.

(8) CONDOMINIUM PLAT RECORDING AND FILING. The declarant shall record the condominium plat or condominium plat amendment with the Register of Deeds for Vilas County and shall file a certified copy of such plat with the Town Clerk within 10 days after it has been recorded. The condominium plat must be recorded within 6 months of approval or the approval shall lapse.

5.12 FINAL PLATS, CERTIFIED SURVEY MAPS AND CONDOMINIUM PLATS. Each final plat shall comply with the requirements of §236.20, Wis. Stats. Each certified survey map shall comply with the requirements of §236.34, Wis. Stats. Each condominium plat shall comply with the requirements of §703.11, Wis. Stats. In addition, each final plat, certified survey map and condominium plat shall show on its face the following:

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

(2) Setbacks or building lines required by the Committee.

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

(4) Reference to any deed restrictions.

(5) An owner's certificate in substantially the form set forth in §236.21(2), Wis. Stats.

(6) A surveyor's certificate in substantially the form set forth in §236.21(1), Wis. Stats., and including the surveyor's certification that he has complied with all of the provisions of this chapter.

5.13 PUBLIC IMPROVEMENTS. (1) CONTRACT. Before any final plat, replat, certified survey map, condominium plat or condominium plat amendment is inscribed by the Committee chair, the subdivider or owner shall enter a contract with the Town wherein the subdivider or owner agrees to install any required public improvements within a specified time period.

(2) SECURITY REQUIRED. At the time the contract is entered, the subdivider or owner shall file a bond, certificate of deposit, irrevocable letter of credit or certified check

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with the Committee in an amount equal to the estimated cost of the required public improvements as determined by the subdivider's engineer and approved by the Committee.

(a) The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security, the Town must be the beneficiary.

(b) The security deposit shall guarantee that all required public improvements will be completed according to Town specifications by the subdivider or its contractors not later than 18 months from the date the plat is recorded and shall be used, applied or released.

5.14 LAND SUITABILITY. Land which is deemed unsuitable for any proposed development by the Committee for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community shall not be subdivided, replatted or divided by certified survey map. In applying the provisions of this section, the Committee shall in writing recite the particular facts upon which it bases its conclusion that the proposed development is unsuitable and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a public hearing as provided in this chapter. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

5.15 DESIGN STANDARD. (1) ROADS. All roads within any subdivision,

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replat or certified survey map shall be located and constructed in compliance with applicable State and local laws, regulations and ordinances and with the provisions of this subsection.

(a) All roads proposed to be dedicated as Town roads shall meet the specifications for such roads established by the Town Board.

(b) All roads within any subdivision, replat or certified survey map shall be located with due regard to topographical conditions, natural features, existing and proposed roads, utilities, land uses and public convenience and safety.

(c) All lots shall have frontage on a road or easement for roadway purposes.

(d) Roads shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.

(e) Minor roads shall be so laid out as to discourage their use by through traffic.

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(f) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

(g) Where a subdivision abuts or contains an existing or proposed arterial highway, the Committee may require a frontage road, nonaccess reservation along the rear of the property continuous to such highway or such other treatment as may be necessary to insure safe, efficient traffic flow and adequate protection of residential properties.

(h) A tangent at least 100' long shall be required between reverse curves on arterial and collector roads.

(i) Roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.

(j) Permanent dead-end streets or cul-de-sacs shall not be longer than 2,500' and terminate with a turnaround having an outside roadway diameter of at least 66'.

(k) Where possible, lot lines shall be perpendicular to the road and to the tangent at the lot corner on curved streets.

(l) No road or street names shall be used which will duplicate or may be confused with the names of existing streets.

(m) All private roads shall be a minimum width of 18', minimum shoulder width of 2' and a minimum centerline setback of 45' from any dwelling. All private roads serving 10 or more lots shall be paved.

(n) The Committee may require that natural features, including trees, be preserved and that appropriate landscaping be provided.

(2) **UTILITY EASEMENTS.** The Committee may require rear or side lot line utility easements at locations and of widths deemed adequate by the Committee, but in no case less than 10'.

(3) **BUFFERS.** The Committee may require buffers not exceeding the lesser of 75' or 25% of the lot width to protect against incompatible uses of adjoining lots.

(4) **STORM WATER RUNOFF.** The Committee may require that easements or drainageways of widths sufficient to accommodate storm water runoff be provided where a subdivision, replat or certified survey map includes a segment or segments of watercourses, drainageways, channels or streams.

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5.16 **FEES IN LIEU OF DEDICATION.** In lieu of dedication of park space, the subdivider or owner shall, upon approval of a subdivision, minor subdivision or condominium plat, pay a fee of \$100 per lot or condominium unit to be used for the acquisition of future public parks, park equipment, playgrounds and open spaces. Any fee collected pursuant to this section shall be placed in a separate account to be used exclusively for such purposes.

5.17 **VARIANCES.** (1) **STANDARD.** Except the requirement of filing and recording a plat, condominium plat or certified survey map, the Committee may grant variances from the provisions of this chapter upon its finding that:

(a) Because of the unique topography or other conditions of the lands involved, literal application of this chapter would impose a hardship.

(b) The variance will not violate the purposes of this chapter or the provisions of Ch. 236, Wis. Stats.

(2) **HEARING.** Prior to granting any variance under this section, the Committee shall conduct a public hearing. Notice of any such hearing shall be posted at least 10 days prior to the time of such hearing and mailed to the owners of all properties within 1/4 mile of the property for which a variance is requested.

5.18 FEES. (1) The subdivider or owner shall pay the Town all fees as hereinafter required and at the times specified.

(2) Subdivision, replat certified survey, condominium plat and condominium plat amendment review fee:

(a) The subdivider or owner shall pay a fee of \$25 plus \$1 for each lot, condominium unit or parcel within the preliminary plat, certified survey map, preliminary condominium plat or condominium plat amendment at the time the application is filed.

(b) The subdivider or owner shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, preliminary condominium plat, condominium plat, condominium plat amendment or contract, with the drafting of legal documents, and with such inspections as the Committee deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the Town on the basis of submitted invoices. Such fees may be billed monthly or upon completion of the project as determined by the Committee.

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(c) The review fees provided for in this section shall be imposed as special charges allocated to the property proposed to be divided as provided in §66.60(16), Wis. Stats., and any delinquent charge shall be collected as provided therein.

5.25 ENFORCEMENT AND PENALTIES. The provisions of this chapter shall be enforced as provided for in Ch. 236, Wis. Stats. No land use permit shall be issued for construction on any lot created by subdivision, replat or certified survey map until the final plat for subdivision, replat or certified survey map has been recorded. Any person who violates this chapter shall be subject to a fine up to \$200, plus the costs of prosecution, for each day of violation.

5.26 SEVERABILITY. The provisions of this chapter are severable. If any provision of this chapter is invalid or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

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