

**Subdivision/Land Division Ordinance 2017 – 1**  
**(Replaces Subdivision Ordinance 2013 – 5)**  
**Town of Prairie Lake**

STATE OF WISCONSIN     )  
  )  
TOWN OF PRAIRIE LAKE    )  
  )  
BARRON COUNTY            )

**SECTION 1 – TITLE/PURPOSE**

The Title of this Ordinance is the Town of Prairie Lake Subdivision/Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Prairie Lake, 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 Prairie Lake.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of Prairie Lake.
- D. Encouraging the most appropriate use of the land throughout the Town of Prairie Lake.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Prairie Lake.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Prairie Lake.
- G. Providing the best possible environment for human habitation in the Town of Prairie Lake.
- H. Enforcing the goals and policies set forth in the Town Comprehensive Plan or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Prairie Lake.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Prairie Lake.
- K. Securing safety from fire, flooding, and other dangers in the Town of Prairie Lake.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Prairie Lake.
- M. Conserving the value of agricultural soils in the Town of Prairie Lake.
- N. Providing for the conservation of the agriculturally important lands in the Town of Prairie Lake by minimizing conflicting land uses.
- O. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Prairie Lake.

- P. Regulate the development of condominium projects.
- Q. Ensure accurate legal descriptions.
- R. Providing for administration and enforcement of this Ordinance by the Town Board.

**SECTION 2 – AUTHORITY**

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Prairie Lake, to §§ 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 formal written recommendation of this Ordinance dated February 9, 2017, from the Town Planning Agency under §§ 61.35, 62.23 and 236.45(2) Wis Stats., which for the Town of Prairie Lake is the Town of Prairie Lake Plan Commission.

**SECTION 3 - ADOPTION OF ORDINANCE**

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 Prairie Lake. Pursuant to § 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.

**SECTION 4 – DEFINITIONS**

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in § 91.01(1) Wis Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; harvesting of maple sap; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming' placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- B. Block is a parcel of land bounded on at least 1 side by a public street or public road and on the other side by natural or manmade barriers or unplatted land.
- C. Certified survey or Certified Survey Map means a certified survey with the map of a minor land division of less than ½ of a ¼ ¼ section prepared in accordance with § 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. All minor land divisions of less than ½ of a ¼ ¼ section require a Certified Survey Map by a registered land surveyor.
- D. Cluster development means 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 or conservation; and
  - 2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Prairie Lake.

- E. Condominium means 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.
- F. Conservation Easement as provided in § 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 § 157.70(1)(b) Wis Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- G. Conservation Subdivision means 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 to the greatest extent possible.
- H. Deed restriction means 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 division or development of the undeveloped land.
- I. Developer's Agreement means 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 developer's 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.
- J. Final Plat means 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 smaller parcels.
- K. Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.
- L. Land division means the separation of a single lot or parcel into 2 or more lots or parcels where at least one of the lots or parcels being created is  $\frac{1}{2}$  of a  $\frac{1}{4}$   $\frac{1}{4}$  or smaller.
- M. Land Use Plan means the Town of Prairie Lake Comprehensive Plan, adopted under § 66.1001 Wis Stats.
- N. Lot means a parcel of contiguous land, having a described boundary abutting or having access via an approved easement to a public street or other approved way and having at least the minimum area required for a parcel in the zone in which such lot is located.
- O. Minor Land Division means any division of land other than a statutory subdivision as defined herein of less than  $\frac{1}{2}$  of a  $\frac{1}{4}$   $\frac{1}{4}$  section in size. Any residual parcel resulting from any division of land shall be included in the minor land division. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12.
- P. Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, Barron County or the Town of Prairie Lake.

- Q. Navigable Waters means any body of water, which is navigable under the laws of the State.
- R. Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- S. Parcel is a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.
- T. Plat is a map of a subdivision or a land division.
- U. Preliminary plat is a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- V. Public improvement means all roads, paths, trails, parks, utilities, drainage ways, culverts, ditches, street lighting, signs, vegetation, final grading and erosion control required by laws, codes, ordinances or the Town Board necessary for the land division.
- W Replat means the process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.
- X. Restrictive Covenant means 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.
- Y. Sketch Map means a conceptual layout of a proposed development on a planimetric map or ortho rectified aerial photography, which is submitted with the land division application.
- Z. Statutory Subdivision means the division of a lot, parcel or tract of land as defined by § 236.02(12) Wis Stats. therein, by the owner, subdivider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) lots less than 1.5 acres in five (5) years or where the land division creates more than five (5) parcels or building sites of any size within five (5) years.
- AA. Town means the Town of Prairie Lake, Barron County, Wisconsin.
- BB. Town Board means the Board of supervisors for the Town of Prairie Lake, Barron County, Wisconsin and includes designees of the board authorized to act for the board.
- CC. Town Clerk means the clerk of the Town of Prairie Lake, Barron County, Wisconsin.
- DD. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Prairie Lake under § 66.1001 Wis Stats., including any subsequent amendments.
- EE. Town Plan Commission means the Town of Prairie Lake Plan Commission appointed by the Town Board of the Town of Prairie Lake, Barron County, Wisconsin.
- FF. Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- GG. Wis Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

## **SECTION 5 – EXEMPTIONS**

- A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Prairie Lake into less than 5 parcels, shall not apply to any of the following:
  - 1. Transfers in interest in land by will or pursuant to court order.
  - 2. Leases for a term of not more than 10 years, mortgages, or easements.
  - 3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size of 1 acre.
  
- B. All of the following specific uses and activities are exempt from this ordinance:
  - 1. Cemetery plats made under § 157.07 Wis Stats.
  - 2. Assessor's plats made under § 70.27 Wis Stats.

## **SECTION 6 – COVERAGE/COMPLIANCE**

- A. This Ordinance applies to all lands in the Town of Prairie Lake. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
  
- B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Prairie Lake 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 or Minor Land Division, 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.
  - 3. The Town of Prairie Lake Comprehensive Plan adopted under § 66.1001 Wis Stats., or other Town Land Use Plan or any component thereof.
  - 4. The applicable Town of Prairie Lake, County of Barron zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
  - 5. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
  - 6. All applicable State and local sanitary codes.
  - 7. All of the following potentially applicable Town of Prairie Lake Ordinances: Mobile Home Ordinance; Condominium Ordinance; Multiple Zoning Classifications Ordinance; Campground Ordinance; Required Review of all Land Divisions Ordinance; Licensing Livestock Facilities Ordinance.
  - 8. 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 land divider abuts on a state or county trunk highway or connecting road or street.
  - 9. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to § 62.23, Wis Stats., and any other applicable Town of Prairie Lake, Barron County, or extraterritorial authority ordinances and regulations.
  
- C. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division plat approvals and Certified Survey map approvals and prior to any

person commencing any form of construction or installation of any building in the Town of Prairie Lake.

- D. Any parcel in the Town of Prairie Lake, which shall be divided by a land division regardless of the lot size or number of lots created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Barron County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- E. Any parcel in the Town of Prairie Lake, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with § 59.692, § 281.31, § 236.45 Wis Stats., Chapter 703 Wis Stats., and any appropriate State Administrative Code provisions.
- F. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded.
- G. Any outlot created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.
- H. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Prairie Lake in violation of this Ordinance or the Wisconsin Statutes.
- I. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Prairie Lake, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
- J. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
- K. All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with § 236.21 and § 236.25 Wis Stats.
- L. No persons shall make, record, or replat of any land division, except as provided under § 70.27(1) Wis Stats. if it alters acres dedicated to the public without proper Court action to vacate such plat, map, or part thereof.
- M. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of § 703 Wis Stats. and the following:
  - 1. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Prairie Lake and/or County zoning district in which it is located.
  - 2. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects

the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

3. Review and Approval: The Town of Prairie Lake shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of Prairie Lake Comprehensive Plan.

- N. Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

## **SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS**

- A. Only parcels presently bisected or divided by a public road, a public street, a public trail or navigable waters may be considered for lots or outlots in the divided state so described upon special dispensation by the approving body to hear reasons for the configuration.
- B. No land shall be issued a land division approval if the Town Board of the Town of Prairie Lake determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing surrounding agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
- C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Prairie Lake.
- D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, undue costs and inefficiencies in the provision of Town of Prairie Lake governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Prairie Lake, or likely to cause a public nuisance in the Town of Prairie Lake. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- F. No person shall be issued any land division approval by the Town of Prairie Lake who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Prairie Lake.
- G. No person shall sell any parcel of land in the Town of Prairie Lake if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Prairie Lake or the County of Barron.

- H. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.
- I. No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities: Barron County Board of Adjustment
- J. No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue of a land division lie within the public right-of-way.
- K. No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or Certified Survey Map area meet the requirements established in writing by the Town Board.
- L. No person shall be issued a final land division approval by the Town Board unless any proposed Town of Prairie Lake roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Board of the Town of Prairie Lake.
- M. No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses have been made, as required by the Town Board at no cost to the Town of Prairie Lake, or such fees are, in lieu of such dedication, as established by the Town Board, shall have been paid by the land divider to the Town Treasurer of the Town of Prairie Lake.
- N. The Town of Prairie Lake shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.

**SECTION 8 –CLUSTER DEVELOPMENT**

In order to further the goals and policies of the Town Comprehensive Plan, master plan, or land use plan, assuming all other provisions of this ordinance are met, the Town Board will favor plans for land divisions that provide for a cluster development or conservation subdivision. At the discretion of the Town Board, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans that include the cluster development or conservation subdivision.

**SECTION 9 – APPLICATION AND SKETCH MAP SUBMITTAL**

- A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of Prairie Lake that will create a land division, including a Cluster Development, Statutory Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall, prior to any submittal of any Preliminary Plat or map information, submit to the Town Clerk a Land Division Application, which may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments:
  - 1. The name and address of the owner of the property and the land divider.
  - 2. The location and size of the property and the type of land division that is to be requested.



3. The names and addresses of all adjacent landowners.
  4. A statement of intended use.
  5. The name and address of the surveyor who will be doing the survey work.
  6. The present use of the land.
  7. The number and size of projected parcels, lots, or outlots upon a final land division.
  8. Existing zoning and other land use controls on and adjacent to the proposed land division.
  9. The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of Prairie Lake. (This provision does 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 the Town Board must approve such change.)
- B. With any initial Land Division Application the land divider shall submit to the Town Clerk a sketch map at a scale of 1 inch = 200 feet or other appropriate scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2 x 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:
1. A north arrow, the date, the scale, and a reference to a section corner.
  2. The approximate dimensions and areas of the parcels, lots, outlots, and easements.
  3. The location and type of existing and proposed buildings and structures and uses, including any Cluster Development or Conservation Subdivision areas.
  4. The location of drainage ditches, water wells, sewerage systems, storm water retention basins and other features pertinent to the land division.
  5. The location of existing and proposed roads, highways, developments, navigable waters, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
  6. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
  7. The location of any slopes of 12% or greater.
  8. The setback of building lines required by any approving agency.
  9. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on, or adjacent, to the land.
- C. The Town Clerk or designee shall review for completion the initial Land Division Application and sketch map for completeness, including payment of applicable application fees, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the land divider by certified mail if the application is determined by the Town Clerk or designee to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and sketch map to the Town Plan Commission.
- D. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Plan Commission meeting to review and consider the complete or incomplete Application and any preliminary approvals for land division no later than ten (10) days prior to the date of the meeting.
- E. The land divider or the land divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents, and sketch map to the Town Plan Commission for its consideration. Failure of the land divider or designee to attend the meeting or provide a complete Application may be used as grounds for the Town Plan Commission to recommend denial of any later requested approvals for the land division.

## SECTION 10 – SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

- A. Prior to the submittal of the Statutory Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application noted in Section 9. The Statutory Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the Town Plan Commission and the Town Board for conformance and consistency with § 236.11 Wis Stats., § 236.12 Wis Stats., and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Prairie Lake Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Statutory Subdivision.
- B. A Statutory Subdivision Preliminary Plat shall be required for all proposed Statutory Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:
1. Title or name under which the proposed statutory subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
  2. Property location of the proposed statutory subdivision by: government lot, quarter-section, township, range, County, and State;
  3. A sketch showing the general location of the statutory subdivision within the U.S. Public Land Survey section;
  4. Date, Graphic Scale, and North Arrow;
  5. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
  6. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application;
  7. Exact length and bearing of the exterior boundaries of the proposed Statutory Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
  8. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
  9. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
  10. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
  11. Location and names of all adjacent Statutory Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
  12. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto;

13. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
  14. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
  15. Dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers;
  16. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
  17. Radii of all curves;
  18. Existing zoning on and adjacent to the proposed Statutory Subdivision;
  19. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Statutory Subdivision in relation to the access;
  20. Any proposed lake and stream improvements or relocation;
  21. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
  22. The surveyor or engineer preparing the Statutory Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Statutory Subdivision and physical features and that he/she has fully complied with the provisions of this Ordinance;
  23. The Town of Prairie Lake, 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 Statutory Subdivision or otherwise entail an erosion and storm water hazard, may require the land divider to provide erosion and sediment control and storm water management plans per Administrative Code NR 151.
  24. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the land divider intends to regulate land use in the proposed statutory subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of Prairie Lake Town Board or designee as to form;
  25. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement.
  26. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Prairie Lake. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Statutory Subdivision preliminary plat;
  27. The school district in which the development is located should be noted on the face of the preliminary plat.
- C. Unless the timeline is extended by agreement with the land divider, the Town Plan Commission will review and forward to the Town Board its recommendation and the Town Board shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Statutory Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Statutory Subdivision plat as proposed. One (1) copy of the Statutory Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action

endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of Prairie Lake Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Statutory Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Prairie Lake records.

- D. In the event of a rejection of the proposed Statutory Subdivision Preliminary Plat by the Town Board, the Town Board shall recite, in writing, the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division Application or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
- E. If the Town Board denies two consecutive Statutory Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Statutory Subdivision approval of that parcel will be accepted, received, or considered by the Town Plan Commission within 3 months of the second denial.
- F. The Town Board may delegate by Resolution its proposed Statutory Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

#### **SECTION 11 – FINAL PLAT APPROVAL**

- A. The Statutory Subdivision Final Plat shall comply fully with §§ 236.11, 236.12, 236.20, 236.21, and 236.25 Wis Stats., in its Statutory Subdivision final plat.
- B. The Town of Prairie Lake requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- C. Prior to any request for any Statutory Subdivision Final Plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a Resolution from the Town of Prairie Lake specifically stating that the Town of Prairie Lake accepts from the land divider all lands shown on the plat as dedicated to the Town of Prairie Lake for the public, including street or road dedications.
- D. Prior to any request for the final Statutory Subdivision approval and recording of the Statutory Subdivision plat, the land divider shall seek and obtain a Resolution from the Town specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Prairie Lake under § 236.293 Wis Stats. and by any Developer's Agreement and Developer's Schedule. The Town Board may, by resolution, later waive these restrictions or conditions.
- E. The Town Board may delegate by Resolution its Final Statutory Subdivision plat approval to the Town Plan Commission.

- F. The Town Board or its designee shall approve or reject the Statutory Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in § 236.11(2) Wis Stats.
- G. A copy of the approved Statutory Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording.

## **SECTION 12 – CERTIFIED SURVEY MAP**

- A. Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application noted in Section Nine (9). A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions that create any parcels, lots or outlots less than  $\frac{1}{2}$  of a  $\frac{1}{4}$   $\frac{1}{4}$  section in area and any other land divisions noted in § 236.34 Wis Stats. All required Certified Survey Maps shall comply in all respects with § 236.10 Wis Stats., § 236.34 Wis Stats., where applicable, and State survey standards. The Town of Prairie Lake shall comply with the ninety (90) day requirement in § 236.34 Wis Stats. for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- B. The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by § 236.34(lm) Wis Stats., all of the following:
  - 1. All existing buildings, fences, water courses, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
  - 2. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board.
  - 3. The area of parcels, outlots, and lots in acres.
  - 4. The date of the map.
  - 5. The graphic scale of the map and north arrow.
  - 6. The entire area contiguous to the plat owned or controlled by the owner or land divider.
  - 7. Any floodplain limits.
- C. The Certified Survey Map shall include in its certification, in addition to the information required by § 236.34 Wis Stats. all of the following:
  - 1. A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this ordinance.
  - 2. The owner's name, address, and signature.
  - 3. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- D. The Certified Survey Map is entitled to final approval by the Town Board, or the Town Plan Commission if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with all of the following:
  - 1. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
  - 2. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.

3. The adopted Town Comprehensive Plans or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
4. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

## **SECTION 13 – DESIGN STANDARDS**

Any Minor Land division or Statutory Subdivision shall meet the following design standards:

### **A. Street and Road Standards.**

1. The land divider shall dedicate land for streets and roads in the Town of Prairie Lake as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of Prairie Lake. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
2. All parcels, outlots, or lots shall have frontage on a public street or public road.
3. Street and road locations shall be consistent with any applicable Town of Prairie Lake road plan and Town of Prairie Lake Comprehensive Plan officially adopted by the Town Board. Town road right-of-way widths, radii of curvature, and grades shall conform to the Town road standards in §82.50 Wis Stats.
4. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
5. Minor public streets and roads shall be so laid out so as to discourage their use by through traffic.
6. The number of intersections of minor public streets and 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 may require a frontage road, non-access reservation along the rear 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.
7. A tangent at least 200 feet long shall be required between reverse curves on arterial and collector public streets and roads.
8. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
9. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the land division in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a land division, the remaining half of the street shall be dedicated by the land divider of the adjoining land.
10. Permanent dead-end streets, roads, or cul-de-sacs shall not be longer than 1000 feet, shall have a minimum width of 66 feet, and terminate with a turn-around having an outside roadway diameter of at least 200 feet and a street or road property line of 66 feet.
11. Where possible, parcel, outlot, and lot lines shall be perpendicular to the public street or public road line, and to the tangent at the lot corner on curved public roads or public streets.
12. Alleys shall have a minimum roadway width of 20 feet. Alleys shall not be permitted in residential areas.

### **B Block and Lot Design and Improvements.**

1. The lengths, widths, and shapes of blocks shall be determined by the following:
  - a. Building site needs.

- b. Town of Prairie Lake parcel, outlot, lot size, and dimensional requirements. The minimum parcel, outlot, and lot size requirements are: 1 acre.
  - c. Needs for convenient access, circulation, control, and safety of street traffic.
  - d. Limitations and opportunities of topography.
  - e. Block lengths shall normally not exceed 2000 feet, or be less than 1000 feet in length, except cul-de-sacs and permanent dead-end public road or public streets, unless waived specifically by Resolution by the Town Board.
2. To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require for all land division that walkways be provided, either along public streets and public roads, or through the center of blocks.
  3. Double frontage lots for all land division plat or Certified Survey Maps shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
  4. Electricity, sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of Prairie Lake shall be provided for each lot in accordance with specifications approved by the Town Board.
  5. A procedure to use or remove excavated soils shall be defined.

#### **SECTION 14 – MINOR LAND DIVISION**

Any division of land less than 1/2 of a ¼ ¼ section in size, other than a Statutory Subdivision as defined herein, shall be surveyed and a Certified Survey Map shall be prepared and recorded as provided in § 236.34 Wis Stats.

- A. Prior to the preparation of the Map, the land divider shall submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section Nine (9) for a completeness determination by the Town Clerk or designee. It shall be reviewed by the Town Plan Commission for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats., the Town of Prairie Lake Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Plan Commission the land divider may proceed to have drawn a Certified Survey Map in accordance with § 236.34 Wis Stats. The land divider shall be required to dedicate any road right-of-way the Town of Prairie Lake or the County deems necessary and shall be required to build the highway to the appropriate Highway Standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- C. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis Stats. and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.

- D. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Board. Within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the land divider or his or her agent, the Town Board shall approve, approve on condition or reject the proposed Certified Survey Map as required in Section 12. If the Minor Land Division and Certified Survey Map are approved, a Resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
- E. Any Minor Subdivision shall meet the design standards noted in Section 13.

#### **SECTION 15 – EASEMENTS**

- A. For any land division the Town Board shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 20 feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.
- C. 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.
- D. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;

#### **SECTION 16 – COSTS OF APPLICATION REVIEW**

- A. All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Prairie Lake fee schedule.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Prairie Lake for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Prairie Lake in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

#### **SECTION 17 – VARIANCES**

- A. The Town Board may grant and the Town Plan Commission may recommend variances because of exceptional or undue hardship from the provisions of this Ordinance, after a public hearing with a Class I notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Town Plan Commission and the Town Board in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236Wis Stats., and that because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the land divider.
- B. The requirement of filing and recording the land division plat shall not be waived by the Town Board.



**SECTION 18 – VIOLATIONS**

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
  - 1. Recordation improperly made carries penalties as provided in § 236.30, Wis Stats.
  - 2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in § 236.31, Wis Stats.
  - 3. Monuments disturbed or not placed carries penalties as provided in § 236.32 Wis Stats.
  
- B. No person shall sell land in the Town of Prairie Lake 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.
  
- C. The provisions of the Town of Prairie Lake Citation Ordinance shall apply.

**SECTION 19 – EFFECTIVE DATE**

This ordinance is effective upon publication. The Town Clerk shall properly post or publish this ordinance as required under §60.80 *Wis Stats*.

Adopted March 14, 2017.

Filed March 14, 2017  
in the Office of the Town Clerk

\_\_\_\_\_  
Karn Moe, Clerk

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Dale Lehner, Chairman

\_\_\_\_\_  
Janice Rustong, Supervisor

\_\_\_\_\_  
Wayne Brenholt, Supervisor