

## ARTICLE I. Introduction

### § 110-1. Authority and purpose.

A. In accordance with the authority granted by § 236.45, Wis. Stats., and for the purposes listed in § 236.01, 236.45, Wis. Stats., ~~and 2009 Wisconsin Acts 376 and 399~~ the Town Board of the Town of New Glarus, Green County, Wisconsin, does hereby ordain as follows:

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(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of New Glarus.

(2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it may apply whenever it imposes stricter restrictions on land use.

B. The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the Town of New Glarus. The regulations are designed to foster the orderly layout and use of land; to facilitate adequate provision for transportation, water and sewerage systems, parks, playgrounds, schools and educational facilities, and other public necessities; to discourage overcrowding of the land; to protect the Town's agriculture base; to provide for a system of transportation which meets or exceeds minimum standards for public safety; to lessen congestion on Town roads, highways and streets; to secure safety from fire, panic, and other dangers; and to facilitate the further division of large tracts of land into smaller parcels.

C. The regulations are made with reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing for the most appropriate environment for human habitation, protecting farming, agriculture industries and open space, encouraging commerce and industry, providing for the most appropriate use of land in the Town of New Glarus, and providing a fair and equitable opportunity for landowners to develop housing sites consistent with public expectations as put forth in the Survey of 1998.

### § 110-2. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern. However, when the chapter imposes greater restrictions and those restrictions are subsequently invalidated by Wisconsin State Statutes, Wisconsin State Statutes shall prevail as to those limited restrictions without invalidating the remainder of the provisions of this chapter.

### § 110-3. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the Town of New Glarus and shall not be deemed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

### § 110-4. Title.

This chapter shall be known as, referred to, or cited as the "Town of New Glarus Subdivision Ordinance" or "Town of New Glarus Land Division and Subdivision Ordinance."

## ARTICLE II. Definitions

### § 110-5. Definitions.

The following definitions shall be applicable to this chapter:

#### AGRICULTURAL USE

General farming, including dairying, livestock and poultry raising, nurseries, greenhouses, vegetable warehouses or other similar enterprises or uses, except fur farms and farms primarily operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no greenhouse or building for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.

#### ALLEY

A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

**ARTERIAL STREET**

A street which provides for the movement of relatively heavy traffic to, from, and within the Town. It has a secondary function of providing access to abutting land.

**BLOCK**

An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or bodies of water.

**BUILDING ENVELOPE**

The area within which structures are permitted to be built on a lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and any Land Use Plan and Town ordinances adopted by the Town.

**BUILDING INSPECTOR**

Person or persons holding the required state certifications and employed by (or agent for) the Town of New Glarus for the purpose of inspecting and determining compliance with Town, County, State, Extra Territorial Zoning, and Federal rules and regulation pertaining to construction and placement of new, re-modeled, re-located, revised or demolished structures within the Town of New Glarus.

**BUILDABLE PARCEL**

**A parcel of land which meets the requirements of Chapter 110 Articles VII and VIII, Design Standards 110-32, and permits construction of residential, commercial or industrial structures. (Also see Legal Non-Conforming.)**

**CASE NUMBER**

**A chronological number assigned by the Plan Administrator for any land division proposal scheduled for a regular or special meeting of the Plan Commission.**

**CERTIFIED SURVEY**

A map or plan of record of a minor subdivision meeting all the requirements of § 236.34, Wis. Stats., the Green County Land Division Ordinance and this chapter.

**CLUSTER DEVELOPMENT**

A form of residential development that concentrates building sites on parts of the parcel and allows 85% of the parcel to be used for open space. A cluster development shall consist of one or more cluster groups. Each cluster group shall contain a minimum of 3 lots.

**CLUSTER GROUP**

A group of single-family detached dwellings within a cluster development where building sites have at least one common lot boundary.

**COLLECTOR STREET**

A street which collects and distributes internal traffic within an urban area, such as a residential neighborhood, between arterial and local streets.

**COMMERCIAL STRUCTURES**

Buildings that are suitable for trade or commerce; the interchange of goods or commodities.

**CUL-DE-SAC**

A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

**DIVISION OF LAND/LAND DIVISION**

Any action which creates a subdivision by plat, certified survey, metes and bounds description or which makes substandard an original parcel.

**EASEMENT**

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

**EXISTING PARCEL**

The total contiguous acreage which exists under single ownership at the time of approval of the Land Use Plan. (October 13, 1997). Certified survey maps recorded prior to October 13, 1997, are excluded from existing parcel.

**FILING DATE**

**The date the land developer first completes formal filing with the Plan Commission, the date of the meeting, where the case number is published on an agenda. This application date is not less than 60 days after the preliminary plat is submitted to the Town Clerk.**

**FRONTAGE STREET**

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

**GREENWAY**

An open area of land, the primary purpose of which is to carry stormwater on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use: including but not limited to vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater retention basins, and park development.

**IMPROVEMENT, PUBLIC**

Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

**INDUSTRIAL STRUCTURES**

Buildings suitable for housing or accommodating industry with productive labor

**LAND DIVISION**

See definition for "division of land/land division."

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Contracts entered into between private parties or between private parties and public bodies pursuant to § 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a certified survey or subdivision for the benefit of the public or property owners and to provide mutual protection against the undesirable aspects of development which would tend to impair the stability of property values.

**REMNANT PROPERTY**

Property remaining after lots and open space are defined. Uses shall be the same as open space uses.

**REPLAT**

The process of changing, or a map or plat which changes, the boundaries of a recorded plat or a part thereof. The legal dividing 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.

**RESIDENTIAL STRUCTURES**

Buildings suitable for residence; a place of abode meeting all current codes.

**SANITARY DISTRICT COMMISSION**

A board established under § 60.74, Wis. Stats.

**SHORELANDS**

Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

**SUBDIVIDER/LAND DIVIDER**

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land in accordance with Land Division definition above.

**SUBDIVISION, MAJOR**

Any land division that has a potential for nine (9) or more building sites. Note: any existing parcel of 120 acres or more.

**SUBDIVISION, MINOR**

The division of land by the owner or land divider resulting in the creation of not more than eight parcels or building sites. Note: any existing parcel division of less than 120 acres.

**TECHNICAL REVIEW COMMITTEE**

A committee appointed by the Town Board to assist in preliminary site suitability review for land divisions.

**TOWN**

The Town of New Glarus, Green County, Wisconsin.

**WETLANDS**

An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [See § 23.32(1), Wis. Stats.]

**WISCONSIN ADMINISTRATIVE CODE AND REGISTER**

The rules of the administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

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**ARTICLE III. General Provisions**

**§ 110-6. Compliance required; jurisdiction; minor subdivisions; building permits.**

A. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a land division or a replat as defined herein; no such land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

(1) The provisions of Chs. 82, 236, Wis. Stats. ~~and 2009 Wisconsin Acts 376 and 399.~~

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(2) The rules of the ~~Department of Commerce~~ Wisconsin Economic Development Corporation- WEDC contained in the Wisconsin Administrative Code and Register for land divisions not served by public sewer.

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(3) The rules of the ~~Department of Agriculture, Trade and Consumer Protection~~ Safety and Professional Services, SPS-383 contained in the Wisconsin Administrative Code and Register for land divisions not served by public sewer.

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(4) The rules of the Department of Transportation contained in the Wisconsin Administrative Code and Register for subdivisions which abut a state trunk highway or connecting ~~street~~ highway.

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(5) The rules of the Department of Natural Resources, NR116 contained in the Wisconsin Administrative Code and Register for the floodplain management program.

(6) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.

(7) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.

(8) The Town of New Glarus Land Use Plan and the Amended Town of New Glarus Land Use Plan dated ~~August 20, 1999~~ **(add date we finish)** and subsequent revisions.

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(9) Applicable provisions of the Green County Code of Ordinances.

(10) All applicable rules contained in the Wisconsin Administrative Code and Register not listed in this Subsection A.

(11) Must notify drainage district see Appendix E.

B. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of New Glarus. The provisions of this chapter, as they apply to minor subdivisions, shall not apply to:

(1) Transfers of interest 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 buildable lots are not thereby created and meet other applicable laws or ordinances. A public hearing is not required for a neighbor exchange.

C. Minor subdivisions. Any minor subdivision of land other than a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats.

D. Building permits. The Town of New Glarus shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a major subdivision, minor subdivision, metes and bounds legal description or replat originally submitted to the Town of New Glarus on or after the effective date of this chapter until the applicant has complied with all of the provisions and requirements of this chapter.

#### § 110-7. Land suitability; protection of existing flora and areas of special interest.

A. Suitability.

(1) No land division shall be allowed for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, unsuitable soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of future residents of the community. The Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial or industrial use and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

(2) Except as provided herein, the Town Board shall preferably determine land suitability at the time of the preliminary consultation, following review and recommendation by the Technical Review Committee. The Technical Review Committee may include, but is not limited to the Building Inspector, Plan Administrator and other technical experts. The land divider shall furnish such maps, data and information as may be requested by the Town or necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or certified survey, the land divider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

(a) Two copies of an aerial photograph or two maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to the floodplain zoning limits, if present, channel or stream fill limits and elevations, and floodproofing measures taken or proposed to be taken.

(b) Two copies of a typical valley cross section showing the channel or stream, the floodplain adjoining each side of the channel or stream, cross-sectional area to be occupied by the proposed development and high-water information.

(c) Two copies of a profile showing the slope of the bottom of the channel or the flow line of the stream.

(d) Such other data as may be requested or required.

(3) When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Town Board may transmit to the Department of Natural Resources information provided by the land divider and may request that the Department provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed.

(4) Where a proposed land division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the applicable county ordinances shall apply.

B. Existing flora. The land divider shall make every reasonable effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails.

C. Additional considerations.

(1) The land divider shall make every effort to preserve and protect:

(a) Areas of archaeological and/or historical interest, including but not limited to those areas designated by the State Historical Society. See Appendix A.

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(b) Areas of geological interest, including but not limited to those areas designated by the State Geological and Natural History Survey. See Appendix B.

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(2) In addition, the suitability of land for private sewage systems shall be determined in accordance with the appropriate provisions of the Wisconsin Statutes and Wisconsin Administrative Code and Register.

#### § 110-8. Guidelines for reviewing land divisions.

The following criteria shall be applied by the Plan Commission and Town Board when reviewing land divisions. Nothing in this chapter shall prevent the Town Board from developing and applying such additional guidelines and review criteria that the Town Board, in its sole discretion, determines appropriate.

A. Land divisions should be consistent with the goals, objectives and development standards set forth in the Town of New Glarus Land Use Plan and the Amended Town of New Glarus Land Use Plan dated ~~August 20, 1999.~~ (add date we finish) and subsequent revisions.

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B. Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties.

C. Land divisions should be planned and designed to maintain the rural character of the Town of New Glarus.

D. Land divisions should be planned and designed to protect environmentally sensitive sites.

E. Land divisions should be planned and designed to minimize the disruption of groves of existing mature vegetation, particularly native canopy trees.

F. Land divisions should be planned and designed to be sensitive to historic and archaeological sites on both the parcel being divided and on adjoining and nearby properties.

G. Land divisions should be planned and designed to minimize the disruption of its vistas. (See Building and Location Guides.)

H. The preferred locations for building envelopes are woodland fringes, at the edges of open fields and within new tree plantations where the aesthetic and visual impact of new structures will be minimized.

I. Building envelopes shall be located in such a manner as to make such structures as inconspicuous as possible. Such building envelopes shall be located to minimize the aesthetic and visual impact of new structures. (See Building and Location Guides.)

J. Building envelopes shall consider setback requirements, if any, including but not limited to public road rights-of-way, recreational trail easements and dedicated recreational trails.

K. Where feasible in the judgment of the Town Board and Town Engineer, utility lines serving land divisions shall be placed underground in order to maintain the rural character of the area and preserve views and vistas. Where placement of underground utility lines is not feasible, easements for overhead utilities shall be located within land divisions in such a manner as to minimize their visual impact.

#### § 110-9. Hillside protection.

No land division for residential, commercial or industrial purposes shall be approved which would result in, or authorize a use or disturbance of land, including construction of private roads and driveways, on hillsides with a slope of 20% or more, unless the land divider has submitted and the Town Engineer and the Town Board have approved construction plans and specifications, including an erosion control plan. For purposes of this section, 20% means a vertical elevation differential of 10 feet in 50 horizontal feet, the horizontal distance being measured perpendicular to the slope.

#### § 110-10. Fees.

A. General. The land divider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

B. Engineering fees. The land divider shall pay a fee equal to the actual cost to the Town for all engineering and technical assistance work incurred by the Town in connection with the Technical Review Committee, preliminary plat, final plat or certified survey map, including inspections required by the Town. The land divider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town and any other governmental agency.

C. Legal fees. The land divider shall pay a fee equal to the actual cost to the Town for all legal fees and costs incurred by the Town in connection with the preliminary plat, final plat or certified survey map, including conferences, review and preparation of documents, and consultations with the land divider or the Town.

D. Administrative fees. The land divider shall pay a fee equal to the cost of any administrative or fiscal work, publication and special meeting costs which may be incurred or undertaken by the Town in connection with the preliminary plat, final plat or certified survey map.

E. Preliminary plat, certified survey, metes and bound and final plat review fees. Fees for Town review of preliminary plats, final plats, replats, special meetings, certified survey maps and metes and bound descriptions shall be established by resolution of the Town Board.

F. Escrow account for Town Review. At the time of filing with the Town Clerk a preliminary plat or certified survey map, the land divider shall deposit with the Town Clerk an escrow fund amount as established by the Town Board. As required at the sole discretion of the Town Board, funds may be drawn against such escrow accounts for the payment of engineering, legal, administrative and other costs incurred by the Town in reviewing the proposed land division. Moneys not required for such engineering, legal, administrative and other costs shall be returned to the land divider within 180 days of final acceptance of all improvements required by the Town. If Town costs exceed the initial amount deposited in the escrow account, the Town shall require the land divider to deposit an additional amount in the escrow account. Such additional deposit in the escrow account shall be determined by the Town Board.

### ARTICLE IV. Plat Review and Approval

#### § 110-11. Preliminary consultation.

A. Before filing a preliminary plat, the land divider shall consult with the Plan Commission. Before consulting with the Plan Commission, the land divider shall consult with the Plan Administrator who may refer the land divider to consult with the Building Inspector and/or the Technical Review Committee. The land divider shall inform the Town Clerk in a letter of submission of the impending land division and shall request information on meeting dates, agenda deadlines and filing requirements. Such information shall be obtained from the Town Clerk. See Appendix C for forms.

B. The land divider shall, at the time of preliminary consultation, submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. In addition, the land divider shall submit a preliminary community impact statement.

C. The preliminary consultation is intended to inform the land divider of the purpose and objectives of these regulations, the Town Land Use Plan and duly adopted plan implementation devices of the Town and otherwise to assist the land divider in planning the proposed development. The preliminary consultation is also designed to provide the Plan Commission with information regarding the potential impact of the contemplated land division.

D. During the preliminary consultation, the Plan Commission and the land divider may reach mutual conclusions regarding the general program and objectives of the proposed development and its potential impact and effects on the neighborhood and community.

E. The Plan Commission may, at this preliminary consultation, require a second meeting with the land divider at which the land divider will provide any additional information the Plan Commission requests prior to the preliminary plat submission by the land divider.

F. If the land divider owns 120 acres or more of an existing parcel, then the Plan Commission and the land divider shall discuss potential for a major subdivision.

**§ 110-12. Submission of preliminary plat for minor and major subdivisions.**

A. Submission. Before submitting a final plat for approval, the land divider shall prepare a preliminary plat and a letter of application submission. The land divider shall submit five copies of the preliminary plat and letter of application submission. The letter of application submission shall include a written description of the proposed land division. The preliminary plat shall be prepared in accordance with the provisions and requirements of this chapter, and the land divider shall file submit the copies of the preliminary plat and letter of application submission with the Town Clerk. The Town Clerk shall distribute the filed submitted information to the Plan Commission members and schedule the initial review of the preliminary plat by the Plan Commission within a minimum of 60 90 days of receipt of the application submission and preliminary plat. Refer to Article V for technical requirements.

(1) All items and documents required by this section must be submitted to the Town Clerk before the time requirements for review of land divisions will legally commence. The land divider shall, following Technical Review and preliminary consultation with the Plan Commission, submit five copies of the preliminary plat and an accompanying letter of submission. These shall be submitted after other state and local agencies as required by state statutes, Wisconsin Administrative Code and Register, Green County ordinances or Town of New Glarus ordinances, have reviewed and approved or denied the preliminary plat.

(2) The Town Clerk shall submit a copy of the preliminary plat to the Town Engineer and Attorney for review and comment. The Town Engineer and Attorney shall prepare and submit to the Plan Commission a written report regarding the review of the preliminary plat. The report shall include observations and recommendations regarding the preliminary plat.

B. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that the surveyor has fully complied with all provisions of this chapter.

C. Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:

(1) Use statement. A statement of the proposed use of the lots, stating the type of residential buildings, with the number of proposed dwelling units, and types of business or industry so as to reveal the effect of the development on traffic, fire hazards, police services and congestion of population;

(2) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions;

(3) Area plan. Where the land divider owns property adjacent to the property which is being proposed for the land division, the land divider shall submit a concept plan for the remainder of the property so as to show the possible relationships between the proposed land division and future land divisions; all land divisions must be shown to be compatible with and to be consistent with existing or potential adjacent land divisions; and

(4) Adjacent land divisions. A record of any adjacent land divisions made within the last five years.

(5) Aerial view of property, topographic map of site(s), drawing of property showing the location of proposed driveways, building envelopes, open space, septic fields and underground utilities.

(6) If land division is within the Village of New Glarus ETZ the following plans need to be identified: municipal sewer

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~~and water which could be included in a municipal sanitary district, Electrical, telephone, natural gas (as available) and Wj-Fj which could be included in a municipal utility district. See Appendix D, CDA planning area Map.~~

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D. Soil testing. The land divider shall provide a preliminary soils report, listing the types of soils in the proposed land division, their effect on the land division and a proposed soil testing and investigation program. A Soil Conservation Service map would meet the requirements of this subsection. Pursuant to the public policy concerns prescribed in § 110-7, the Town Board may require that borings and soundings be made in specific areas to ascertain subsurface soil, rock and water conditions, including depth of bedrock and depth to the groundwater.

E. Environmental assessment and evaluation. The purpose of the environmental assessment and evaluation is to provide the basis for an orderly, systematic review of the effects of the proposed land division upon the community environment in accordance with the principles and procedures of § 236.45(1), Wis. Stats. The goals of the community are to eliminate pollution and siltation or reduce them to acceptable standards; preserve open space and parks for recreation; provide adequately for stormwater control; maintain scenic beauty and aesthetic surroundings; administer to the economic and cultural needs of the citizens; and provide for the effective and efficient flow of goods and services. The Town Board shall review, as part of the analysis and evaluation of the preliminary plat, any environmental assessment reports, together with such supporting data and information as the Town Board may require for determining the suitability of the proposed land division and subsequent development.

F. Referral to other agencies.

~~(1) The land divider shall, within five days after filing of the preliminary plat and letter of application, transmit copies of the preliminary plat to other state and local agencies as required by state statutes, Wisconsin Administrative Code, Green County ordinances or Town of New Clarus ordinances and such other copies as may be required to be transmitted. The land divider shall, following Technical Review and preliminary consultation with the Plan Commission, submit copies of the preliminary plat and a letter of submission to other state and local agencies as required by state statutes, Wisconsin Administrative Code and Register, Green County ordinances or Town of New Clarus ordinances.~~

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(2) Within ~~20~~ 10 days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection F(1) above shall notify the land divider and all approving or objecting authorities of any objection based upon the failure of the plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The land division shall not be approved or deemed approved until all objections have been satisfied. If the objecting agency fails to act within the ~~ten, twenty~~ day limit, it shall be deemed to have no objection to the plat. Sanitary districts within the Town may file objections with the Town Board at any time prior to, and including, the Town Board's public hearing on the land division.

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G. Drafting standards. The land divider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Ch. 236, Wis. Stats., copies of a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of no less detail than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) and easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

### § 110-13. Preliminary plat review and approval.

A. Town Board review; public hearing.

(1) After the preliminary consultation and following an initial review of the preliminary plat by the Plan Commission, the Plan Commission shall submit its written recommendations to the Town Board within 20 days of its review of the preliminary plat. The Town Board shall schedule a public hearing on the preliminary plat. Such public hearing shall be held within 60 days of the initial review of the preliminary plat by the Plan Commission. (Note: An extension of time or a decision to hold the matter in abeyance may only be made by written agreement of the landowner and the Town Board.)

(2) The Town Clerk shall schedule a public hearing on the preliminary plat before the Town Board. The Town Clerk shall give notice of the Town Board's review and public hearing on the preliminary plat by listing it as an agenda item in the Board's posted meeting notice. The applicant shall also be notified in writing. The meeting notice shall include the name of the applicant, the address of the property in question and the requested action. Abutting property owners and property owners within 600 feet of the applicant's total parcel shall receive written notice of the public hearing.



(4) Failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the final plat shall be deemed approved.

(5) After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation filed, the Town Clerk shall cause the certificate inscribed upon the final plat attesting to such approval to be duly executed, and the final plat shall be returned to the land divider for recording with the County Register of Deeds. The County Register of Deeds cannot record the final plat unless it is offered within 12 months after the date of the last approval of the final plat and within 36 months of the first approval.

(6) The land divider shall file eight copies of the final plat with the Town Clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.

C. Partial platting. The final plat may, if permitted by the Town Board in its sole discretion, constitute only a portion of the approve preliminary plat which the land divider proposes to record at that time.

#### § 110-15. Replat.

A. ~~Except as provided in § 70.27(1), Wis. Stats.,~~ When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the land divider or person wishing to replat shall simultaneously vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats. The land divider or person wishing to replat shall then proceed using the procedures for preliminary and final plats contained in this chapter.

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B. The Town Clerk shall schedule a public hearing before the Town Board when a preliminary plat of a replat of lands within the Town is filed and shall cause notices of the proposed replat and public hearing to be mailed to the applicant and to the owners of all properties within the limits of the exterior boundaries of the proposed replat, to all abutting property owners, and to the owners of all properties within 600 feet of the exterior boundaries of the proposed replat.

C. Where lots are more than double the minimum size required for the applicable zoning district, the Town Board may require that such lots be arranged so as to allow the resubdivision of such parcels into normal lots in accordance with the provisions of this chapter.

### ARTICLE V. Technical Requirements for Plats and Certified Surveys

#### § 110-16. Technical requirements for preliminary plats.

A. General. When a land divider proposes to create a major subdivision, the land divider shall provide a preliminary plat prior to submitting a final plat. It shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The preliminary plat shall be based upon a survey by a registered land surveyor, prepared on Mylar or paper of good quality at a scale of no less detail than 100 feet to the inch and shall comply in all respects with the requirements of Ch. 236, Wis. Stats., and this chapter.

B. Plat data. A preliminary plat shall show correctly on its face the following information:

(1) Title under which the proposed subdivision is to be recorded.

(2) Location of the proposed subdivision by government lot, quarter section, township, range, county, and state.

(3) Date, scale, and North point.

(4) Names and addresses of the owner, land divider, and land surveyor preparing the plat.

(5) Entire area contiguous to the proposed plat owned or controlled by the land divider, even though only a portion of such area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

(6) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other significant features within the tract being subdivided or immediately adjacent thereto.

**§ 110-20. Developer's agreement.**

A. Contract. Prior to installation of any required improvements and prior to the meeting at which the final plat or certified survey map is approved, the land divider shall enter into a written contract, termed a "developer's agreement," with the Town requiring the land divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection and approval of construction details by the Town Engineer. Note: There are County and Town provisions that limit the number of residences served by a private road.

B. Financial guarantees.

(1) The developer's agreement shall require the land divider to make an escrow deposit or ~~in lieu thereof, to furnish a performance bond or irrevocable letter of credit.~~ The amount ~~of the deposit and the penal amount of the bond to~~ shall be equal ~~to 1.44~~ 110 % times of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspections and approvals by the Town Engineer.

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(2) The land divider may construct the project in phases as the Town Board approves, said approval not being unreasonably withheld. If the project is to be constructed in phases, the amount of the required financial guarantees shall be applied and complied with on a phase by phase basis.

(3) ~~On request of the land divider, the developer's agreement may provide for completion of all or part of the improvements covered thereby prior to the approval of the land division, and in such event the amount of the deposit, letter of credit or bond shall be reduced in a sum equal to the estimated costs of the improvements so completed prior to approval of the final plat or certified survey map.~~ The land divider shall, upon substantial completion of improvements, maintain a performance bond or letter of credit in the amount of the total cost to complete any public improvements plus 10%. Substantial completion of improvements shall mean; when the binder coat is installed on roads to be dedicated to the Town or when there is no road dedication, when 90% of public improvements are accepted. The land divider will be required to maintain this security up to 12 months from the substantial completion or until the improvements are accepted by the Town.

(4) If the required improvements are not completed within the specified period, all amounts held under performance bond, deposit or letters of credit shall be turned over to the Town of New Glarus and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or land divider.

(5) The Town Board, at its option, may require extension of the bond, deposit or letter of credit period for additional periods not to exceed two years for each additional period.

(6) The time for completion of the required improvements, and the several parts thereof, shall be determined by the Town Board upon recommendation of the Town Engineer. The Town Engineer shall consult with the land divider regarding the establishment of the time for completion of the required improvements. The completion date shall be a component of the developer's agreement. The Town Board may, in its sole discretion, provide such penalties as it deems appropriate to ensure the timely completion of the required improvements.

(7) The land divider shall pay the Town of New Glarus for all costs incurred by the Town for review, approval and inspection of the subdivision. Such costs shall include, but not be limited to, the review, and preparation at the Town Board's sole discretion, of plans and specifications by the Town Engineer; the review, and preparation at the Town Board's sole discretion, of legal documents, plans and specifications by the Town Attorney; as well as all other costs of a similar nature which are related to the review, approval and inspection of the subdivision.

**§ 110-21. Required construction plans; Town review; inspections.**

A. Engineering reports, construction plans, and specifications.

(1) At the time of submission of the final plat, engineering reports, plans and proposed specifications shall be submitted, or, when necessary for a minor subdivision, upon the filing of a certified survey map, construction plans for the required improvements conforming in all respects to the standards established by the Town Engineer and the ordinances of the Town shall be prepared at the land divider's expense by a professional engineer who is registered in the State of Wisconsin, and such plans shall contain the professional engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for his approval prior to

(1) Prior to any occupancy permits being issued on lands adjacent to streets, required street construction in conformance with the developer's agreement shall be completed by the land divider, inspected and approved by the Town Engineer, and accepted by the Town Board.

(2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area, or construction material shortages (i.e., cement or asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.

(3) The land divider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

C. Mailbox Placement on Town Roads and Streets. In order to facilitate the economical delivery of mail and promote public safety, the Town establishes the following standards to govern the placement and construction of mailboxes on Town roads and streets. All mailboxes serving new parcels, and mailboxes constructed to replace existing mailboxes, shall comply with the standards of this section.

(1) Location. The United States Postal Service, USPS may elect to require that all mailboxes be placed on one side of a road, be clustered in one location, or otherwise placed to facilitate the delivery of mail. All new mailboxes shall be constructed at the locations and in the manner directed by the USPS. The USPS has adopted guidelines for the height of mailboxes and the distance the mailbox shall be from the edge of the paved surface of the road. The USPS guidelines are incorporated by reference, including all future amendments. In the event of a conflict with the other provisions of this ordinance, the USPS guidelines shall control. The United States Postal Service, USPS, will determine which side of the street mailboxes will be located. USPS has guidelines for height and distance from the pavement.

(2) No part of the mailbox, including its mounting pole, may be less than 24 inches from the edge of the road pavement. Any part of the mailbox, including mounting pole, must be a minimum of 24" from road pavement. If location is less than 24", the Town will not repair or replace the mailbox if damaged by the snow plow.

(3) All mailboxes shall be located on the right side, as on exit, the property driveway. This section applies only if the mailbox is on the same side of the road as the property owner's driveway. This section does not apply if the USPS has directed that mailboxes be constructed in another location. Mailboxes need to be located on the right side, as you exit, a driveway. This applies if placement of mailboxes on the road, is on property owner's driveway side.

(4) The Town will reimburse property owners for damage or destruction of mailboxes only if the mailbox is located at least 24 inches from the edge of the pavement, and then, only if the Town concludes, in its' discretion, that the damage resulted from lack of due care by the Town. The Town will only reimburse for damage or destruction of mailboxes caused by the Town that comply with this mailbox placement ordinance. This ordinance does not apply to county or state highways.

(5) Mailboxes and their supports shall be constructed of wood, plastic, aluminum or metal pipes or other materials which will break on impact with a motor vehicle. Mailboxes may not be constructed on supports of brick, concrete, heavy wood or other materials which will cause significant damage in the event of a vehicle collision. All mailboxes being installed after the adoption of this ordinance must comply with its' requirements.

(6) This ordinance does not apply to state or county highways, which are managed by the Green County Highway Department.

#### § 110-23. Sanitary sewerage system.

A. Private sewage disposal systems shall comply with the appropriate provisions of the Wisconsin Statutes, the Wisconsin Administrative Code [and Register](#) and Green County ordinances.

B. Public sewerage systems established with sanitary districts or connected to the Village of New Glarus collection and treatment systems shall comply with Town of New Glarus engineering requirements or Village of New Glarus ordinances.

C. Public sanitary sewerage service shall be required at the time of initial development for land divisions meeting the following criteria:

(1) Developments that are located within the Agricultural Transition District (A-T) and are zoned A-T in accordance with the Village of New Glarus Zoning Map as currently approved; and

(2) The land division, or last in a series of land divisions, results in the creation of five or more lots or building sites from the existing parcel as it was configured on October 13, 1997, including lots created via separate land divisions and all residences on the parcel before October 13, 1997.