

STATE OF WISCONSIN
Town of Red Cedar
Dunn County

Ordinance No. 2017 - 2

Town of Red Cedar Land and Subdivision/Plat Ordinance

SECTION 1 – TITLE/PURPOSE

The Title of this Ordinance is the Town of Red Cedar Land and Subdivision/Plat Ordinance (“Ordinance”). The purpose of this Ordinance is to regulate and control the division / development of land within the limits of the Town of Red Cedar, Dunn County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town of Red Cedar.
- B. Supplementing County, State, and Federal land division / development controls to implement any Town Comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of Red Cedar.
- D. Encouraging the most appropriate use of the land throughout the Town of Red Cedar.
- E. Minimizing the public impact resulting from the division / development of large tracts into smaller parcels of land in the Town of Red Cedar.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Red Cedar.
- G. Providing the best possible environment for human habitation in the Town of Red Cedar.
- H. Enforcing the goals and policies set forth in any Town Comprehensive Plan, master 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 Red Cedar.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Red Cedar.
- K. Securing safety from fire, flooding, and other dangers in the Town of Red Cedar.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Red Cedar.
- M. Conserving the value of prime agricultural soils in the Town of Red Cedar. Providing for the conservation of the agriculturally important lands in the Town of Red Cedar by minimizing conflicting land uses.
- N. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Red Cedar.

- O. Regulating the development of subdivision/plat projects.
- P. Insuring accurate legal descriptions.
- Q. 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 Red Cedar, to ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Red Cedar is the Town of Red Cedar Plan Commission.

SECTION 3 - ADOPTION OF ORDINANCE

- A. 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/developments and certified surveys in the Town of Red Cedar. Pursuant to s. 236.45 (4), Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under Ch. 985, Wis. Stats.
- B. Amend and Restate: The Town of Red Cedar Subdivision Ordinance No. 2008-1013 is amended and restated in whole by this Ordinance. All subsequent land divisions of any kind are governed by this Ordinance.

SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in s. 91.01 (2), Wis. Stats., means any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; and any other use that the department, by rule, identifies as an agricultural use.
- B. Certified Survey or Certified Survey Map means a certified survey with the map of a land division / development of less than 20 acres prepared in accordance with sec. 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 / development plat. All minor land divisions / developments of less than 20 acres require a Certified Survey Map by a registered land survey.
- C. Cluster Development means development from a land division / development 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 / development parcel for present or future agricultural use or conservation; or
 - 2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Red Cedar in accordance with the most current Dunn County Shoreland Zoning Ordinance.

- D. 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.
- E. Conservation Easement as provided in s. 700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- F. Conservation Subdivision means a housing development from land division / development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.
- G. 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.
- H. Developer means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided/proposed to be divided or developed, resulting in a land division / development.
- I. Developer's Agreement means an agreement, by which the Town of Red Cedar and the subdivider agree, in reasonable detail, to all of those matters, which the provisions of these regulations permit to be covered by the developer's agreement.
- J. Final Plat means a map prepared in accordance with requirements of Chapters 236 and 703 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- K. Land division means the division / development of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, when the act of division / development creates two or more parcels or building sites, inclusive of the original remnant parcel, any of which is 20 acres or less in area, by a division / development or by successive divisions/developments of any part of the original property, including any land division / development by or for a Conservation Subdivision, a Cluster Development, a Major Subdivision, a Minor Land division, a Condominium, Condominium Plat, Replat, and Certified Survey Map, and any other land division / development. Any residual parcel resulting from any division / development of land shall be included in the land division / development if said parcel is less than 20 acres in size.
- L. Land Use Plan means the Town of Red Cedar Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town of Red Cedar, including any subsequent amendment.
- M. Lot means a parcel of less than 20 acres which is created by a land division / development, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit. Parcels remaining as a result of the creation of one (1) or more new lots, parcels or tracts within a government protracted quarter-quarter section or a government lot shall be surveyed or if requested, exempt from survey based on the following conditions:

1. The remaining parcel and adjoining lands are twenty (20) acres or greater and under the same ownership;
 2. The owner records a deed restriction on forms furnished, agreeing to survey said remaining parcel upon its independent sale; and
 3. This exemption may be transferred to any subsequent owner meeting the requirements of (1) above.
- N. Major Subdivision means a division of land as defined in Sec. 236.02(12) Wis. Stat., or as defined in the Dunn County, Wisconsin Chapter 16 Subdivision Ordinance, as amended.
- O. Master plan means the plan, concerning issues of land in the town, adopted pursuant to s. 62.23, Wis. stats.
- P. Minor Land Division means any division / development of land other than a Major Subdivision as defined herein of less than 20 acres in size. Any residual parcel resulting from any division / development of land shall be included in the minor land division / development if said parcel is less than 20 acres in size. The minimum land division / development under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12. Parcels remaining as a result of the creation of one (1) or more new lots, parcels or tracts within a government protracted quarter-quarter section or a government lot shall be surveyed or if requested, exempt from survey based on all of the following conditions:
1. The remaining parcel and adjoining lands are twenty (20) acres or greater and under the same ownership;
 2. The owner records a deed restriction on forms furnished, agreeing to survey said remaining parcel upon its independent sale; and
 3. This exemption may be transferred to any subsequent owner meeting the requirements of number 1 above.
- Q. 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, County of Dunn, or the town.
- R. Navigable Waters means any body of water, which is navigable under the laws of the State.
- S. Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- T. Parcel means contiguous lands under the control of a developer not separated by streets, highways, navigable rivers, or railroad rights-of-way.
- U. Project Representative means the person, identified in the land division application, who is to receive all correspondence and notices regarding the application.
- V. Replat means the process of changing the map or plat which changes the boundaries of a recorded Major Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division / development or part thereof. The division / development 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.

- W. 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.
- X. Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.
- Y. Town means the Town of Red Cedar, Dunn County, Wisconsin.
- Z. Town Board means the Board of supervisors for the Town of Red Cedar, Dunn County, Wisconsin and includes designees of the board authorized to act for the board.
- AA. Town Clerk means the clerk of the Town of Red Cedar, Dunn County, Wisconsin.
- BB. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Red Cedar under §66.1001 Wis. Stats.
- CC. Town Plan Commission means the Town of Red Cedar Plan Commission appointed by the Town Chair of the Town of Red Cedar, Dunn County, Wisconsin.
- DD. 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.
- EE. 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 Red Cedar, 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 lot size allowed in the zoning district as defined in the most current Dunn County Zoning Ordinance.
 - 4. Existing parcels affected by the transfer of interest in land acquired on existing right-of-way or for additional right-of-way.
- B. All of the following specific uses and activities are exempt from this ordinance:
 - 1. Cemetery plats made under s. 157.07, Wis. stats.
 - 2. Assessor's plats made under s. 70.27, Wis. stats.
 - 3. Highway Right-of-Way Plats.

SECTION 6 – COVERAGE/COMPLIANCE

- A. This Ordinance applies to all lands in the Town of Red Cedar. The Town Board shall be responsible for administering 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 / development of any land in the Town of Red Cedar subject to the requirements of this Ordinance without full compliance with this Ordinance. And no land division or development of land of any kind, including any Cluster Development, Conservation Subdivision, a Major 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 Dunn County unless the final land division / development, 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 Red Cedar Comprehensive Plan adopted under s. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
 4. The applicable Town of Red Cedar, building code, sanitary code, erosion control regulations, and other land division / development 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 applicable Town of Red Cedar Ordinances, including, but not limited to:
 - (a) 2016-8 Site Plan Review Ordinance;
 - (b) 2016-5 Building Permit Ordinance; and
 - (c) 2015-2 Road and Driveway Ordinance.
 8. All State Department of Transportation and County of Dunn 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 developer 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 sec. 62.23, stats., and any other applicable Town of Red Cedar, County, or extraterritorial authority ordinances and regulations.
- C. Permit fees shall be as set in the Town Fee Schedule.
- D. No land shall be divided nor shall any land division / development occur if any parcel, lot, or outlot created by the land division / development is smaller than the minimum acreage allowed in the district as defined in the most current Dunn County Zoning Ordinance.
- E. Any parcel in the Town of Red Cedar which shall be divided and cause a land division / development, regardless of the lot, outlot, or parcel, 20 acres or less in size, shall comply with all applicable local, county, and state zoning, shoreland, navigable waters, condos, and subdivision regulations.
- F. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map for any land division / development to be recorded.

- G. Any outlots 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 Red Cedar 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 Red Cedar, except land subject to a land division / development 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 developer. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
- J. All land division / development approvals required by the State Department of Administration or its successor Department for specific land divisions/developments, including any Major Subdivisions, Minor Land Divisions, or Certified Surveys, shall be obtained prior to final approval by the Town Board or its designees.
- K. All land divisions/developments, 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 developer. Final plat approval shall comply for recording with §236.21 and §236.25 Wis. Stats.
- L. No persons shall make, record, or replat any land division / development, 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 developer shall comply in all respects with the requirements of §703.11 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 Red Cedar and/or County zoning district in which it is located.
 - 2. Review and Approval: The Town of Red Cedar 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 Red Cedar 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 / development and the requirements are conflicting, the developer and the land division / development shall comply with the most restrictive requirements.

SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

- A. All parcels, lots, or outlots to be developed under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.

- B. No land shall be issued a land division / development approval if the Town Board of the Town of Red Cedar determines that any proposed land division plat, or Certified Survey Map, will materially interfere with existing 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 / development approval must be determined to be, by the Town of Red Cedar, consistent with the Town Comprehensive Plan, if any, 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 / development 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 / development approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Red Cedar.
- D. No land shall be issued a land division / development approval if it is held unsuitable by the Town Board for its proposed use by 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, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Red Cedar 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 Red Cedar, or likely to cause a public nuisance in the Town of Red Cedar. The Town Plan Commission may require any proposed developer to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division / development plat approval by the Town of Red Cedar until the appropriate application fees have been paid to the Town Clerk.
- F. No person shall be issued any land division / development plat approval by the Town of Red Cedar who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Red Cedar.
- G. No person shall sell any parcel of land, lot, or outlot in the Town of Red Cedar 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 Red Cedar or the County of Dunn.
- H. No person shall be issued a preliminary plat, land division/development approval by the Town of Red Cedar which contains any public improvements to be dedicated to the Town until the developer executes Developer's Agreement with the Town which includes at a minimum adequate financial assurance acceptable to the Town, such as a performance bond or a letter of credit, in an amount of 120 percent of the estimated total cost of the public improvements, to insure that the developer will complete the public improvements within a time established by the Town of Red Cedar. Such public improvements must meet all Town, County and State statutes, ordinances and regulations, such as but not limited to road standards, driveway access, and stormwater drainage.
- I. No person shall be issued a final land division / development approval by the Town of Red Cedar until the developer makes or installs all public improvements deemed necessary by the Town.

- J. The Town of Red Cedar shall not be responsible, with respect to any final land division / development 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 / developments 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 – PRELIMINARY MEETING, APPLICATION AND SKETCH MAP SUBMITTAL

- A. Prior to submitting any preliminary development plan, plat or certified survey map to the Town, the applicant shall meet with Town Clerk to discuss requirements and procedures, and to determine if a meeting with the Town Chair or other town representatives is necessary to identify issues that may arise when the matter first goes before the plan commission.
- B. Any developer who divides or proposes to divide for land division / development purposes land located in the Town of Red Cedar that will create a land division / development, including a Cluster Development, Major Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division / development 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 names, addresses, phone numbers, and email addresses of the owner of the property and the developer.
 - 2. The location (address and legal description) and size of the property and the type of land division / development 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 / development.
 - 8. Existing zoning and other land use controls on and adjacent to the proposed land division / development.
 - 9. The estimated timetable for final development and requested timeline by the developer for final approvals from the Town of Red Cedar.

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 of Red Cedar must approve such change.

- C. With any initial land division application, the Project Representative 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 existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 5. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
 6. The location of any slopes of 20% or greater.
 7. The setback of building lines required by any approving agency.
 8. 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.
- D. The Town Clerk shall review for completion the initial land division application and sketch map for completeness, including payment of applicable application fees, within ten (10) business days of receipt. The Town Clerk shall thereafter notify the Project Representative in writing if the application is determined by the Town Clerk 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) business days after filing, transmit the copies of any complete or incomplete land division application and sketch map to the Town Board or the Town Plan Commission if so designated by the Town Board.
- E. The Town Clerk shall send to the Project Representative a notice and agenda of the scheduled date of the Town Board or Town Plan Commission for the appropriate meeting to review and consider the complete or incomplete Application and any preliminary approvals for land division / development no later than ten (10) days prior to the date of the meeting.
- F. The Project Representative, developer or the developer's designee shall attend the meeting and present the proposed land division, preliminary plat or map documents, and sketch map to the Town Board or Town Plan Commission, if so designated by the Town Board, for its consideration. Failure of the Project Representative, developer or designee to attend the meeting or provide a complete Application may be used as grounds for the Town Board or Town Plan Commission to recommend denial of any later requested approvals for the land division / development.

SECTION 10 – MAJOR LAND DIVISION (SUBDIVISION/PLAT) PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

- A. Prior to the submittal of the Major Subdivision Preliminary Plat or other Preliminary plat document, the Project Representative shall have submitted the land division application noted in Section 9. The Major Subdivision Preliminary Plat, sketch map, and other relevant document information, including the land division application, shall be reviewed by the Town Board or Town Plan Commission 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 Red Cedar 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 Major Subdivision. Appropriate notices shall be provided as noted in §236.11(2) Wis. Stats.
- B. A Major Subdivision Preliminary Plat shall be required for all proposed Major Subdivisions and shall be based upon a survey by a Professional 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 Major Subdivision/Plat is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 2. Property location of the proposed Major Subdivision/Plat by: government lot, quarter-section, township, range, County, and State;
 3. A sketch showing the general location of the Major Subdivision within the U.S. Public Land Survey section;
 4. Date, Graphic Scale, and North Arrow;
 5. Names, addresses, email addresses, and telephone numbers of the owner, developer, and land surveyor preparing the plat;
 6. The entire area contiguous to the proposed plat owned or controlled by the developer 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 Major Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
 8. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on current National Geodetic Vertical Datum (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
 9. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to current mean sea level;
 10. 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;

11. Ordinary high water marks. If the ordinary high water mark is “approximated,” the location shall be a point on the bank to which the presence and action of the water is so continuous as to leave a distinct mark. Such “approximate” ordinary high water marks must be labeled “for reference only.”
12. 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;
13. Location, width, and names of all proposed streets, roads, highways, and public rights- of-way such as alleys and easements;
14. 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 rights-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 that easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
15. 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 current mean sea level.
16. Approximate radii of all curves;
17. Location and names of any adjacent Major 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;
18. 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. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;
19. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
20. Approximate dimensions of all lots, outlots, and parcels, together with proposed lots, outlots, parcels, and block numbers;
21. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood parks, 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;
22. Land dedicated to the public on subdivision plats must be clearly marked “Dedicated to the Public,” including roads and streets.

23. Existing zoning on and adjacent to the proposed Major Subdivision;
 24. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Major Subdivision in relation to the access;
 25. Any proposed lake and stream improvements or relocation;
 26. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
 27. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies.
 28. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
 29. Any wildlife habitat areas in addition to threatened or endangered species;
 30. Characteristics of vegetation;
 31. Historic and cultural features;
 32. Scenic vistas;
 33. The surveyor or engineer preparing the Major Subdivision Preliminary Plat shall certify on the face of the plat that it is a correct representation of the proposed Major Subdivision and physical features and that he has fully complied with the provisions of this Ordinance;
 34. The Town Board shall require submission of a draft of protective covenants, if proposed, when the developer intends to regulate land use in the proposed Major Subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of Red Cedar attorney as to form;
 35. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Red Cedar. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Major Subdivision preliminary plat.
- C. Unless the timeline is extended by agreement with the developer, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Major Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Major Subdivision plat as proposed. One (1) copy of the Major Subdivision Preliminary Plat shall thereupon be returned to the Project Representative with the date and action endorsed thereon.
- D. 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 Project Representative. 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 Red Cedar Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Major

Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Red Cedar records.

- E. In the event of a rejection of the proposed Major Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission 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 / development. The Town Plan Commission shall afford the Project Representative or developer an opportunity to review any Town Board 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.
- F. If either the Town Board or the Town Plan Commission denies two consecutive Major Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Major Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 90 days of the second denial.
- G. The Town Board may delegate by Resolution its proposed Major Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

SECTION 11 – FINAL PLAT APPROVAL

- A. The Major Subdivision Final Plat shall comply fully with ss. 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. stats.
- B. The Town of Red Cedar requires one of the following for examination in order to ascertain that all parties in interest have signed the owner's certificate on any plat: an updated abstract of title certified to date of submission, a policy of title insurance, or a certificate of title from an abstract company.
- C. The Project Representative shall provide a copy of the approved Major Subdivision Final Plat as recorded in the Register of Deeds Office to the Town Clerk within five (5) days of the recording.
- D. Prior to any request for the final Major Subdivision approval and recording of the Major Subdivision plat, the Project Representative shall seek and obtain a Resolution from the Town of specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Red Cedar under s. 236.293, Wis. Stats and by any Developer's Agreement and Developer's Schedule. The Town Board, by resolution, may later waive these restrictions or conditions.
- E. The Town Board may, by Resolution, delegate its Final Major Subdivision plat approval authority to the Town Plan Commission.
- F. The Town Board or its designee shall approve or reject the Major Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing.

SECTION 12 – CERTIFIED SURVEY MAP REQUIREMENTS

- A. Prior to submittal of any Preliminary map or any Certified Survey Map, the Project Representative 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 /

developments that create any parcels, lots or outlots less than 20 acres in area and any other land divisions / developments noted in §236.34 Wis. Stats. All required Certified Survey Maps shall comply in all respects with §236.10 Wis. Stats, s. 236.34, Wis. stats., where applicable, and State survey standards. The Town of Red Cedar 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 s. 236.34, 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 / development, 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 area of parcels, outlots, and lots in acres.
 3. The date of the map.
 4. The graphic scale of the map and north arrow.
 5. The entire area contiguous to the plat owned or controlled by the owner or developer.
 6. Any floodplain limits.
 7. Public trust information. Any final plat or CSM which includes lots / outlots that go to the water's edge must include the following statement: *"Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1, of the State Constitution."*
- C. The Certified Survey Map shall include in its certification, in addition to the information required by s. 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 or designee, and the 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 being submitted to the Town Clerk and it substantially conforms to 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 developer.
 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 / development or Major Subdivision shall meet the following design standards:

A. Street and Road Standards.

1. The developer shall dedicate land for and to improve streets and roads in the Town of Red Cedar as provided herein. Streets and roads shall be designed and built to the Road Standards set forth in the Town of Red Cedar Road and Driveway Ordinance and conform to any applicable official map ordinances in effect in the Town of Red Cedar. 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 Red Cedar Road and Driveway Ordinance and/or 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 or roads shall be so laid out so as to discourage their use by through traffic.
6. The number of intersections of minor public streets or public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division / development abuts or contains an existing or proposed arterial highway, the Town Board shall 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. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
8. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the land division / development in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a land division / development, the remaining half of the street shall be dedicated by the developer of the adjoining land.
9. Permanent dead-end streets, roads, or cul-de-sacs shall comply with the standards set forth in the Town of Red Cedar Road and Driveway Ordinance.

10. 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.
 11. No public street or public road names shall be used which will duplicate or may be confused with the names of existing streets or roads. Street or road names shall be subject to the approval of the Town Board and conform to the standards set for in the Town of Red Cedar Road and Driveway Ordinance.
 12. Alleys shall have a minimum roadway width of 20 feet.
- B. Block and Lot Design and Improvements.
1. A block is a parcel of land bounded on at least one (1) side by a public street or public road and on the other side by natural or manmade barriers or unplatted land. The lengths, widths, and shapes of blocks shall be determined by the following:
 - a. Building site needs.
 - b. Needs for convenient access, circulation, control, and safety of street traffic.
 - c. Limitations and opportunities of topography.
 - d. Block lengths shall normally not exceed those specifications as outlined in applicable Dunn County Ordinances, 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 / development 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. Sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of Red Cedar shall be provided for each lot in accordance with specifications approved by the Town Board.

SECTION 14 – MINOR LAND DIVISION (CSM)

Any division / development of land less than 20 acres in size, or resulting in any parcels smaller than 20 acres in size, other than a Major 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 submitting the CSM Map to the Planning Commission or Town Board in accordance with Chapter 236, Wis. Stats., the Project Representative may submit a proposed sketch to the Town Clerk, along with the information as noted in Section Nine (9), for a completeness determination by the Town Clerk. It shall be reviewed by the Town Board or 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 Red Cedar 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. The developer shall be required to dedicate any road right-of-way the Town of Red Cedar or the County deems necessary and shall be required to build the highway to the appropriate Town, County and State standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the developer. The financial assurance (e.g., letter of credit) and any Developer's Agreement requirements regarding public improvements, as set out in this Ordinance, are applicable to all Land Divisions and Certified Survey Maps containing any public dedications.
- C. Seven (7) hard copies and one (1) digital copy of the final Certified Survey Map, along with the necessary fees, shall be submitted to the Town Clerk for submission to the Town Plan Commission and/or 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 developer or his or her agent, the Town shall approve, approve on condition, or reject the incomplete 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 / Plan Commission Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
- D. Prior to request for the Final Land Division approval and as a condition of the final approval of the Certified Survey Map, the developer 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.
- E. Any Minor Subdivision shall meet the design standards noted in Section 13.

SECTION 15 – 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 Red Cedar fee schedule.
- B. All reasonable costs incurred by the Town or its agents to properly review each Land Division Application shall be the responsibility of the developer who shall timely pay or reimburse the Town of Red Cedar for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Red Cedar in reviewing the proposed land division plats and maps.
- C. At or prior to submission of any Land Division Application, the developer shall deposit in escrow with the clerk the amount specified in the Town fee schedule. Upon final approval of the final plat or certified survey map, acceptance of all required public improvements and stormwater control measures, any balance in escrow shall be returned to the developer. This shall not release the developer from responsibility nor prohibit the Town from collecting any additional professional expenses subsequently charged to the Town.

SECTION 16 – EXCEPTIONS

- A. The Town Board may grant and the Town Plan Commission may recommend exceptions 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 exception shall be, at minimum, that the exception will not violate the purpose of this Ordinance or provisions of Chapter 236 Wis. 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 developer.

- B. The requirement of filing and recording the land division plat shall not be waived by the Town Board.

SECTION 17 – 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 the forfeiture amounts set forth in the Town of Red Cedar Citation Ordinance and Schedule of Fees, 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 include but are not limited to the following:
 - 1. Recordation improperly made carries penalties as provided in s. 236.30, Wis. stats.
 - 2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in s. 236.31, Wis. stats.
 - 3. Monuments disturbed or not placed carries penalties as provided in s. 236.32, Wis. stats.
- B. No person shall sell land in the Town of Red Cedar 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. Any and all provisions of the Town Citation Ordinance shall apply.
- D. The above remedies are not exclusive; the Town may enforce this Ordinance by any lawful means.

SECTION 18 – EFFECTIVE DATE

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

Adopted this 13th day of March, 2017.

-Pete Prochnow-
Town Board Chairperson

-Debra K. Gottlibson-
Supervisor 1

-Bob Cook-
Supervisor 2

-Dave Leach-
Supervisor 3

-Doug Miller-
Supervisor 4

Attest:

-Cheryl Miller-
Town Clerk – Town Seal

Published: Summary – 03/29/2017 Dunn Co. News