

- 1) Civil Proceedings: Pursuant to Section 66.12 of the Wisconsin Statutes, an action for a violation of this Ordinance is deemed a civil action. Accordingly, Chapters 801 to 847 of the Wisconsin Statutes shall apply where applicable to violations of this Ordinance.
- 2) Town Attorney: The Town of Merrimac Attorney may enforce this Ordinance by any means authorized by law.
- 3) Liens: In addition to all other remedies available by law, Wisconsin Statutes, Section 59.97(11) authorized the filing of a forfeiture or penalty with the Sauk County Register of Deeds. The filing shall constitute a lien on the property involved in the violation and shall be removed only upon payment of such forfeiture or penalty. Notice of the imposition of such a lien shall be given to the defendant and prior to the filing of the lien, the defendant shall have ten days to appeal to the courts. Any judgment so filed with the Sauk County Register of Deeds shall note thereon the amount of the forfeiture or penalty and the legal description of the affected property. Upon satisfaction or partial satisfaction of such judgement, notice of such satisfaction or partial satisfaction shall be filed with the Sauk County Register of Deeds.

2.27 Subdivisions

1) Authority

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes, and pursuant to 59.97(3), 144.26(2) and 144.26(8) of the Wisconsin Statutes.

2) Purpose and Intent

The purpose of this ordinance is to promote the public health, safety and general welfare of the Town, and to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger parcels into smaller parcels of land.

3) Severability

If any section, provision or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

4) Repeal

All other ordinances or parts of ordinances of the Town of Merrimac or in conflict with this Ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

5) Definitions

For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

- a) Agency: Town of Merrimac Planning and Zoning Commission
- b) Certified Survey Map: A map of land division, not a subdivision, prepared in accordance with Section 236.34, Wisconsin Statutes, and in full compliance with the applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat.
- c) Development Plan: A general site analysis for a subdivision and its environs identifying and analyzing the natural and cultural features of the area. A development plan is required for Class III subdivisions, and is recommended for all other subdivisions.
- d) Extraterritorial Plat Approval Jurisdiction: The unincorporated area within three (3) miles of the city limits of a city of the first, second or third class, if said city has a subdivision ordinance or official map, or within one and one-half (1 1/2) miles of the corporate limits of a city of the fourth class or a village, if said city or village has a subdivision ordinance or official map.
- e) Land Division: Any division of a parcel of land where the act of division creates a lot, parcel or building site of less than thirty-five (35) contiguous acres.
- f) Lot: A land area of ten (10) acres or less under one (1) ownership, and undivided by street or railroad rights-of-way. Lots identified only for property tax and related purposes shall not be considered individual lots. All calculations of lot area shall be exclusive of any dedications, rights-of-way easements, or reservations.
- g) Town of Merrimac Development Plan: A plan for guiding and shaping the growth or development of the Town of Merrimac.

- h) Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
- 1) Such lands are not adjacent to a natural navigable stream or river.
 - 2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - 3) Such lands are maintained in nonstructural agricultural use.
 - 4) Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 261 Wis. 492 Wis. (1952) and DeGayner and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1974)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.
- i) Official Map: A map indicating the location, width, extent of existing and proposed streets, highways, parks and playgrounds adopted by a municipality in Sauk County in accordance with Section 62.23 of the Wisconsin Statutes.
- j) Parcel: Contiguous lands under the control of a subdivider(s) not separated by streets, highways or railroad rights-of-way.
- k) Plat: A map of a subdivision.
- l) Shoreland Area: All lands lying within one thousand (1,000) feet of the normal, high-water elevation of navigable lakes, ponds, or flowages, or within one thousand (1,000) feet of the high-water mark of glacial potholes; all lands lying within three hundred (300) feet of the normal, high-water mark of navigable streams, or within the flood plain thereof, whichever distance is greater. For the purposes of this ordinance, the term "navigable waters" applies to all non-intermittent streams and bodies of water indicated on the 7.5 minute series of the

United States Geological Survey Quadrangles, and any other rivers, streams, lakes, ponds or flowages designated as navigable by the Wisconsin Department of Natural Resources.

- m) Street: A public way or right-of-way for vehicular or pedestrian and vehicular traffic.
 - 1) Interstate Highways: U.S. Interstate Highway 90/94.
 - 2) Arterial Streets and Highways: Streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas. Includes all Federal highways other than the Interstate highway, all state and county highways, and designated township roads.
 - 3) Collector Streets: Streets which provide for moderate speed movement within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
 - 4) Local Streets: Streets designed for low speeds and volumes which provide access from low traffic generating areas to collector and arterial streets.
 - 5) Marginal Access Streets: Streets which are parallel and adjacent to arterial streets and which provide access to abutting properties.
 - 6) Alleys: Streets which provide secondary means of access for vehicular services to the back or side of property otherwise abutting a street.
 - 7) Cul-de-sac Streets: Streets closed at one (1) end with turn-arounds.
 - 8) Dead-end Streets: Streets closed at one (1) end without turn-arounds.
- n) Subdivider: A person, firm, corporation and/or their designated agent initiating the creation of a land division or subdivision.
- o) Subdivision: The division of a lot, parcel, tract or one-quarter (1/4) of one-quarter (1/4) section by the owner thereof or his agent, for the purpose of transfer of ownership or building development, where the act or division creates four (4) or more lots, or where the act of division creates four (4) or more lots by successive division within a

five-year period; or proposed, potential or actual public streets are created.

- 1) Class I Subdivision: A subdivision which consists of fewer than ten (10) lots and includes all contiguous lands under one (1) ownership.
- 2) Class II Subdivision: A subdivision which consists of fewer than twenty-five (25) or more lots.
- 3) Class III Subdivision: A subdivision which consists of twenty-five (25) or more lots.

p) Zoning Administrator: The Town of Merrimac Zoning Administrator.

6) Compliance With Ordinances, Statutes, Regulations and Plans

Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat or a certified survey map in accordance with the requirements of this ordinance and;

- a) The provisions of Chapter 236, and Section 80.08, Wisconsin Statutes.
- b) The rules of the Department of Industry, Labor and Human Relations contained in D.I.L.H.R. 83, Wisconsin Administrative Code for subdivisions not served by public sewer.
- c) The rules of the Division of Highways, Wisconsin State Department of Transportation contained in Hy 33, Wisconsin Administrative Code for subdivisions which abut a state trunk highway or connecting street.
- d) The rules of the Wisconsin Department of Natural Resources contained in N.R. 116, Wisconsin Administrative Code for Flood Plain Management Programs.
- e) County ordinances and regulations.
- f) Master plan or master plan component.
- g) The official map of any municipality or governmental unit having jurisdiction.

h) The rules and by-laws of the State of Wisconsin Department of Regulation and Licensing.

7) Access

No lot, land division or parcel shall be created or sold unless it is accessible to a street. Every lot within a subdivision shall front on a publicly dedicated and improved street for a distance of at least forty (40) feet, provided that the lot width at the building setback line complies with the county zoning regulations. Every lot, parcel or tract not located within a subdivision shall front on a publicly dedicated street for at least forty (40) feet, unless a lesser frontage is approved in writing by the Agency. Lot frontage of less than forty (40) feet may be approved only where existing and potential ownership patterns make a larger frontage impractical or unnecessary.

8) Dedication of Lands for Streets and Public Ways

Whenever a parcel of land to be divided or sold as a subdivision or as a land division contains all or in part, a street, drainageway, or other public way, which has been designated in a master plan defined in this ordinance, or an official map adopted under Section 623.23 of the Wisconsin Statutes, said street or public way may be required to be platted and dedicated in the location and width indicated unless otherwise provided herein. Any street created for the purposes of this Section or Section 22.14 shall be made a part of a plat or certified survey, and dedicated to the public for street purposes. However, the dedication of street right-of-way shall not create a commitment on the part of any public agency to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this ordinance and those of the applicable highway maintenance authority. The width of any dedicated street shall be sixty-six (66) feet, unless a wider right-of-way is requested by the appropriate highway authority, in which case, the wider right-of-way shall be dedicated. Rights-of-way less than sixty-six (66) feet wide are prohibited, except as approved in writing by the Agency and the town upon their finding that a wider right-of-way is unnecessary or impractical to achieve.

9) Dedication of Lands for Parks, Playgrounds or Natural Areas

Whenever a lot is to be created a dedication of lands for park, playground or natural area purposes shall be made, or at the Agency's option a payment in lieu of dedication shall be made. Dedications and payments in lieu of dedication shall be made according to the following procedure:

- a) Dedications: The subdivider shall dedicate an area equal to five percent (5%) of the area shown on any new preliminary plat, final plat or certified survey map for park, playground or natural area purposes, provided that said dedication is acceptable to the Agency. Ownership of lands to be dedicated shall be transferred to Sauk County, or the township or incorporated municipality in which the subdivision is located at the time of approval of the first, final plat of the subdivision by means of a warranty deed free and clear of all encumbrances and restrictions. The unit of government to receive title shall be designated by the Agency.
- b) Payment in lieu of dedication: Where the Agency determines that a dedication of land is inappropriate, they shall require a payment of twenty-five dollars (\$25.00) per lot, payable at the time of approval of all final plats and certified survey maps. Said payments are in addition to any other fees collected, and shall be deposited into a non-lapsing account to be used only for the purposes of land acquisition or improvements to parks, playgrounds or natural areas in Sauk County.
- c) Waiver of dedication and payments in lieu of dedication: The Agency may waive the aforementioned dedication and payment requirements for lots created solely for purposes of transfer of ownership where a residence or farmstead exists at the time the lot is created. the lot is certified as unbuildable on the plat or certified survey map and is to be used only for agricultural or other open space purposes, or the property is to be developed for public transportation or utility purposes.

10) Reservation Of Lands For Parks, Playgrounds, School Sites Or Public Sites

Whenever a lot is to be created which contains all or in part a site for a park, playground, school or other public use designated in an adopted public plan, and the area designated is in excess of the amount of land required to be dedicated in Section 9, the excess amount of land shall be reserved for public acquisition for a period of three (3) years from the date of approval of the final plat, unless extended by mutual agreement between the Agency and the subdivider.

11) Land Suitability

No land shall be divided or subdivided for a use which is held unsuitable by the Agency for reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or to the residents of Sauk County.

- a) Except as provided herein, the Agency shall determine land suitability at the time the preliminary plat, or first required submission, is considered for approval. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or first required submission, the subdivider shall 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:
 - 1) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to flood plain zoning district limits if present, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken.
 - 2) Two (2) copies of a typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - 3) Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.
 - 4) Such other data as may be required.
- b) When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Agency shall transmit to the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources, one (1) set of the information required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modifications, limitations, improvements, or other conditions of the development can overcome the land unsuitability.
- c) In applying the provisions of this section, the Agency shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the subdivider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Agency may affirm, modify or withdraw its determination of unsuitability.

- d) Where a proposed subdivision is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Agency shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.
 - 1) The development shall be in accordance with flood plain management standards of the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources.
 - 2) Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of said Division of Water Regulation and Zoning.
 - 3) Development shall be carried out or assured so as to not have an adverse effect on flood flows or storage capacity standards of said Division of Water Regulation and Zoning.
- e) Unless specifically exempted from this requirement elsewhere in this ordinance, all subdivision proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and/or reports:
 - 1) Describing the probable depth, cost and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.
 - 2) Describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.
- f) The subdivider may, as a part of the pre-application procedures, request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made.

12) Exceptions

The provisions of this ordinance shall not apply to transfer of interests in land by will or pursuant to court order; leases for a term not to exceed ten (10) years, mortgages or easements; or the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are reduced below the minimum sizes required by this ordinance, the county zoning ordinance or other applicable laws or ordinances.

PROCEDURE

13) Pre-Application Procedure

Prior to filing an application for approval of a certified survey or subdivision plat, the subdivider and/or his agent shall consult with the staff of the Agency for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data which may Plan affect the proposed development.

14) Development Procedure

- a) A development plan is to be used for the purpose of generating information and to allow analysis of major developmental proposals. The general physical and cultural characteristics of the land on which development is proposed should be ascertained by the subdivider and the Agency before major resource commitments are made.
- b) A Development Plan, Preliminary Final Plat and Final Plat are required for Class I, II, and II Subdivisions and must be submitted to the Town Planning and Zoning Commission for approval.
- c) A required development plan shall be submitted at least thirty (30) days prior to the submission of a preliminary or final plat. Within the first ten (10) days after submission of the development plan, the Zoning Administrator may request additional relevant information or clarification of the submitted information. The aforementioned thirty (30) day period may, at the Zoning Administrator's option, be extended from the date of receipt of the requested supplemental information. A reproducible developmental plan, together with seven (7) copies, shall be submitted to the Town of Merrimac Zoning Office. A development plan review fee, as established by the Sauk County Board of Supervisors shall also be submitted at the time of submission of the development plan. At a minimum, the review and comment procedure shall consist of:
 - 1) Preparation of a written report by the Zoning Administrator addressing any issues relevant to the development proposal and including any recommendations deemed appropriate. Copies of the Administrator's report shall be forwarded to the subdivider, the Agency, and the Town Board.
 - 2) All parties notified and any other interested parties may review and comment, in writing, or orally, on any development plan submitted and/or the Zoning Administrator's report. All written comments shall be forwarded to the Agency, and all parties who received the Zoning Administrator's report and any other parties

commenting on said report shall be notified in writing of any public meeting at which the Agency will consider or discuss the proposed development plan.

- 3) The Agency shall consider any development plan submitted to it at a minimum of one (1) public meeting. The Agency, after reviewing the development proposal and the resulting reports and comments, shall report their findings concerning the suitability and appropriateness of the development proposal to the subdivider and the Town Board, and include a summary of the report in the minutes of the first regular meeting of the Agency following completion of the report. The Agency report shall not constitute approval or denial of a subdivision plat, nor shall it preclude submission of preliminary or final plats by the subdivider. However, the Agency shall consider the development plan and the comments generated when acting on any subsequent preliminary or final plat.

15. Preliminary Plat Procedure

- a) A preliminary plat shall be required for all Class I, Class II and Class III subdivisions. No final plat shall be approved prior to the approval of required preliminary plat. The application for approval of a preliminary plat shall include all data required by this ordinance accompanied by one (1) reproducible and seven (7) copies of the proposed preliminary plat.
- b) The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider unless a development plan has been filed, in which case, only that portion of the area designated for development in the development plan need be included.
- c) The Agency shall forward copies of each preliminary plat submitted to all units of general purpose local government within one thousand (1,000) feet of the area shown in the preliminary plat; and within sixty (60) days from the date submitted, approve, approve conditionally or reject, the preliminary plat, based on its determination or conformance with the provisions of this ordinance.

16) Final Plat Procedure

Provided that all preliminary procedures have been completed, the subdivider may submit one (1) reproducible and ten (10) copies of the final plat. If the final plat meets the requirements of this ordinance, and other applicable statutes and ordinances, the Agency shall approve the final plat of the subdivision within forty (40) days from the date

submitted. Town agency approval shall be required prior to final county approval, where applicable.

17) Certified Survey Map Procedure

No person, firm or corporation shall divide any land located within unincorporated Sauk County which shall result in a land division, as defined under 22.07(5) of this ordinance without first filing for approval by the Sauk County Planning and Zoning Office and subsequently recording with the Sauk County Register of Deeds a certified survey map which complies fully with Section 236.34 of the Wisconsin Statutes and with all applicable requirements contained within this ordinance.

A certified survey map shall include all lots, parcels or building sites created by the land division and all remnants of the original parcel which are ten (10) acres or less in size.

Sauk County Planning and Zoning shall, within forty (40) calendar days approve, approve conditionally, or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance. Authority to approve certified survey maps is hereby delegated by Sauk County to the Zoning Administrator. The decision of the Zoning Administrator may be appealed to Sauk County, in which case, the forty (40) calendar day approval period shall be extended. The Zoning Administrator shall ensure that any town board having jurisdiction over the land involved has had a copy of the certified survey map for at least ten (10) days. The County Zoning Administrator shall review all comments made by the town agency within said ten (10) day period; failure to so comment shall indicate approval by the town agency.

The certified survey map shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch. The certified survey map shall include:

- a) The name and address of the individual dividing the lands.
- b) The date of the survey.
- c) A metes and bounds description referenced to a line and a corner of the U.S. Public Land Survey, or referenced to an adjoining recorded plat.
- d) The locations, rights-of-way widths and names of existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed land division.

- e) The area(s) of the parcel(s) being created.
- f) The locations of existing property lines, buildings, drives, streams and water courses, lakes, marshes, and other significant features within the parcel(s) being created shall be shown.
- g) Utility easements and access restrictions, where applicable.
- h) The location of an existing on-site sewage disposal system.
- i) The certified survey map shall include the statement on the face of the certified survey map that the parcel(s) created are considered unbuildable until a soil certificate as required by the Department of Industry, Labor and Human Relations is filed in the Planning and Zoning Office. If the parcel has access to a public sanitary sewage system, the surveyor shall note on the face of the certified survey map that the parcel(s) are unbuildable unless a hookup is made to the public sanitary sewer.
- j) When dedication of lands is required, an owner's certification of dedication prepared in accordance with Section 236.34, Wisconsin Statutes; and a governmental jurisdiction certificate of acceptance of the dedication, approved by the full governing body of the accepting jurisdiction.
- k) A certificate of approval for recording in accordance with Agency action.

DATA SUBMISSION REQUIREMENTS

18) Development Plan

A development plan, when required, shall address the broader issues of development and land use in and around any proposed subdivision. The data used to prepare the development plan may be obtained from readily available sources (i.e., U.S.G.S., S.C.S., A.T.C.P., D.N.R., Sauk County Planning and Zoning Office, etc.), rather than from detailed field investigations. However, the developer is expected to prepare a comprehensive presentation of the information required. At a minimum, the area to be included in a development plan shall include all contiguous lands owned, leased, optioned or otherwise under the control of the developer, plus those adjacent areas specified in this section. The following data shall be presented and analyzed in a development plan:

- a) Geographical information: Boundaries of the developer's property, and boundaries of the proposed subdivision, if different; ownership and location of all adjacent properties (excluding public rights-of-ways

and streams less than three hundred (300) feet wide); location and name of all public rights-of-way and publicly owned lands within one thousand (1,000) feet of any property boundary; location, size and ownership of all public utilities within three hundred (300) feet of the property.

- b) Natural features: Soil conditions, including wet areas and rock outcrops; general topography and delineation of all areas with slopes over twelve percent (12%); geology, including approximate depth to bedrock, and ground water resources (depth, quality and quantity); location and names of all streams, lakes and flood plains within one thousand (1,000) feet of the property; vegetative cover on the property and all contiguous properties.
- c) Cultural features: Existing zoning of the property and all contiguous properties; all existing easements on the property; the boundary of any unit of government within one thousand (1,000) feet of the property; location of any airport, solid waste disposal site, sewage treatment facility, water treatment plant, school, cemetery, or other significant cultural feature within one thousand (1,000) feet of the property
- d) Development proposal: Approximate density and type of development; proposed land use(s); approximate lot sizes (minimum, maximum and average); approximate location and size of all streets, public dedications and utilities proposed; proposed filling, grading, lagooning, dredging and/or flood proofing; anticipated timing of the development; where appropriate, the developer may wish to obtain and attach the comments of affected agencies, groups and/or individuals.
- e) Form of presentation: The methods used by the developer to prepare and present the development plan shall be governed by the Agency's need for a clear, concise description of the proposed development.

19. Preliminary Plat

The preliminary plat shall be based upon a survey by a registered land surveyor or engineer and shall be drawn at a scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

- a) Date, graphic scale and north point.
- b) Name of the proposed subdivision.
- c) Name, address and telephone number of the landowner, subdivider and person to be contacted regarding the plat.

- d) Location of the proposed subdivision by legal description and indication on township map(s).
- e) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
- f) Location and names of adjacent subdivisions, parks and cemeteries.
- g) Location, dimensions and names of all existing easements and rights-of-way within or adjacent to the proposed subdivision.
- h) Location, dimensions and names of all proposed streets, rights-of-way and easements within or adjacent to the proposed subdivision.
- i) Location of existing property lines, buildings, drives, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.
- j) Location and approximate high water elevations of all streams and water courses, lakes, marshes and flowages within one thousand (1,000) feet of the proposed subdivision
- k) Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.
- l) Contours at vertical intervals of not more than two (2) feet for a slope less than five percent (5%) and five (5) feet for a slope of five percent (5%) or more.
- m) On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope.
- n) Source and availability of potable water supplies.
- o) Location and approximate dimensions of any sites to be reserved for or dedicated to the public.
- p) Approximate dimensions of all lots, and proposed lot and block numbers.
- q) A draft of any proposed covenants or deed restrictions.

20) Final Plat

The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 of the Wisconsin Statutes, and the provisions of this ordinance.

21) Certified Survey Map

The certified survey map shall comply with the provisions of Section 236.34 of the Wisconsin Statutes and the provisions of this ordinance.

DESIGN STANDARDS

22) Streets

- a) The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the standards of the unit of government having jurisdiction over said street, and the provisions of this ordinance.
- b) The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing or proposed collector and arterial streets.
- c) Local streets shall be laid out so as to discourage their use by through traffic. The Town shall require two access roads and connecting roads between subdivisions.
- d) Where a subdivision abuts or contains an existing or proposed arterial street, the Agency may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- e) The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet.
- f) Where a subdivision borders on or contains a railroad right-of-way, the Agency may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
- g) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

- h) Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the Agency, under conditions approved by said Agency.
- i) Cul-de-sacs shall provide a turn-around with a minimum right-of-way radius of sixty (60) feet. The traveled way within the cul-de-sac shall provide a minimum radius of forty (40) feet.
- j) Dead-end streets shall not be permitted without a suitable turn-around.
- k) In commercial and industrial districts, alleys or other definite and assured provisions shall be made for off-street parking, loading and service access consistent with and adequate for the uses proposed.
- l) Half streets shall be prohibited, except where necessary for continuity of the street system.
- m) Street names:
 - 1) The Agency may disapprove of the name of any street shown on the plat which has already been used elsewhere in the county, or which, because of similarity, may cause confusion.
 - 2) Where a street maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the street.
 - 3) A name which is assigned to a street which is not presently a through street due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
 - 4) Access roads and highways served by them shall have the same street names and designation.
 - 5) Approval of street names on a preliminary plat will not reserve street name, nor shall it be mandatory for the Agency to accept it at the time of final platting.

23) Utility Easements

- a) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines, and shall be designated as "Utility Easement" on the plat or certified survey map.

- b) Prior to approval of any final plat, the subdivider shall provide the Agency with written statements from the utility companies which will serve the proposed subdivision. The statements shall address the adequacy and location of all utility easements.

24) Drainageway Easements

Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided an adequate drainageway easement as required by the Agency. The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

25) Setbacks

Where the lots abut navigable waters, building setback lines for all building and structures, except piers, marinas, boathouses and similar uses, shall be shown on the plat and shall not be less than seventy-five (75) feet from the normal high water line.

26) Blocks

- a) The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control and safety of street traffic, and limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than six hundred (600) feet in length between street lines, unless dictated by exceptional topography or other limiting factors of good design.
- b) Blocks shall have sufficient widths to provide two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- c) Pedestrian ways or cross walks may be required, as deemed appropriate by the Agency.

27. Lots

- a) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The number of lots in a subdivision shall not exceed, on average, one lot per acre.

- b) Every lot or parcel shall front or abut a public street. A minimum frontage of forty (40) feet shall be maintained for all lots, and the lot width measured at the highway setback line shall conform to the requirements of the Sauk County Zoning Ordinance.
- c) Additional width may be required on corner lots to permit adequate building setbacks from side streets.
- d) The use of long, narrow strips of land to provide access to buildable lot areas shall be avoided.

REQUIRED IMPROVEMENTS

28) Survey Monuments

The subdivider shall install survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes, and the standards of the Sauk County Surveyor.

29) Public Water and Sewage Disposal System

- a) Public water supplies and sewage disposal systems shall be utilized whenever possible.
- b) Water and sewage disposal facilities shall be installed and financed according to the requirements of the owner of the utility and applicable state regulations.

30) Private Water and Sewage Disposal Facilities

- a) The subdivider shall assure the suitability and availability of private water and sewage disposal facilities on all lots at the time of subdivision.
- b) Private water and sewage disposal facilities shall comply with all applicable state statutes and Sauk County ordinances.

31) Grading and Surfacing

All streets shall be graded and surfaced in accordance with the plans, specifications and requirements of the Sauk County Highway Department and the Town of Merrimac.

32) Storm Water Drainage Facilities

Storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and that will present no hazard to

life or property shall be installed in accordance with plans and specifications approved by the Agency.

33) Erosion Control

The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Agency may request the subdivider to submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems. The erosion control plan shall be reviewed by the Soil and Water Conservation District to determine the adequacy of the proposed measures. The guidelines, standards and specifications contained within "Minimizing Erosion in Urbanizing Areas" by the U.S. Department of Agriculture, Soil Conservation Service, will provide a framework for the development, review and implementation of the erosion control plan.

34) Installation of Improvements

The improvements specified herein shall be installed and approval of the final plat shall be given only after the work has been completed, or one of the following has been filed, with the appropriate governmental jurisdiction:

- a) A duly completed and executed, continuing surety bond in an amount sufficient to complete the work with surety satisfaction to the appropriate governmental jurisdiction or the Agency.
- b) A certified check, in the amount sufficient to complete the work, drawn on an approved bank and available to the appropriate governmental jurisdiction or the Agency. As the work progresses, the governmental jurisdiction or the Agency may permit the exchange of said check for another check of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within the specified time, the governmental jurisdiction or Agency may use the bond or the certified check to complete the remaining specified work.
- c) Other collateral satisfactory to the appropriate governmental jurisdiction or the Agency in an amount sufficient to complete the work.

VARIANCES AND FEES

35) Variances

- a) Where the Agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.
- b) Any modifications or variance thus granted shall be entered in the minutes of the Agency, setting forth the reasons which, in the judgement of the Agency, justified the modification or variance.

36) Fees

The subdivider shall pay such fees as shall be periodically established by the Town Board.

37) Violations and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wisconsin Statutes.

2.28 Occupancy

No person(s) shall reside in a dwelling that does not have running water, a septic system and electrical services all hooked up and functioning.

2.29 Public Access To Lake Wisconsin

Definition: A Public Access is a parcel of land with frontage on Lake Wisconsin which has been dedicated to the Town for use by the general public.

1) Permitted uses

- a) General passive recreation and picnicing by the public.
- b) Swimming and fishing from the shore.
- c) Erection of one pier per public access site for the use of boats by the public subject to current Town Board Policy.