

TOWN OF TRENTON SUBDIVISION ORDINANCE

ORDINANCE NUMBER 18

The Town Board of the Town of Trenton hereby ordains as follows:

ARTICLE I

General Provisions

Title.

This chapter shall be known as the "Town of Trenton Subdivision Ordinance," hereinafter referred to as "this chapter."

Authority.

The provisions of this chapter are adopted by the Town of Trenton Board of Supervisors pursuant to the authority granted by § 236.45, Wis. Stats.

Purpose and intent.

This article contains standards for selected aspects of land subdivisions. The subdivision of land in the Town of Trenton is also under the concurrent jurisdiction of the Pierce County Subdivision Ordinance. Where the standards of this ordinance are more restrictive than standards of the county ordinance, the more restrictive standards shall apply. Where the county ordinance is more restrictive or where the county ordinance sets standards for aspects of land subdivisions that are not addressed by the standards of this article, the county standards shall apply, except for standards regarding public improvements which are proposed for dedication to the Town, in which case, the Town has sole jurisdiction and the standards of Town ordinances apply.

Where other town ordinances exist that are more restrictive than this ordinance or set standards or requirements related to subdivision activity that are not addressed in this ordinance, the standards or requirements in those ordinances apply.

The purpose and intent of this chapter are to advise and regulate the division of land in the Town of Trenton, Pierce County, Wisconsin, to promote public health, safety, aesthetics and general welfare, and to:

- A. Ensure accurate legal descriptions of subdivided land and adequate records of land titles;
- B. Ensure proper monumenting of subdivided land;
- C. Prevent the overcrowding of land, provide for suitable building sites, and protect the health, safety, prosperity and welfare of the future residents of the proposed subdivision and of the community;
- D. Ensure that the design of the street system will contribute to neighborhood quality, traffic flow and safety;
- E. Provide for adequate light and air; provide for erosion control and the protection of the natural environment, aesthetics and historical sites;
- F. Facilitate sound, orderly development of land by encouraging well-planned and -designed plats with workable design standards;

- G. Secure safety from fire, flooding, and other dangers;
- H. Facilitate adequate provision for transportation, storm water drainage, water and sewer, parks and open space, and other facilities;
- I. Ensure that future development is consistent with adopted town comprehensive or development plans or their components, and official maps;

Land unsuitable for subdivision.

No land shall be subdivided which is determined by the Town Board to be unsuitable for its proposed use by the subdivider, for any of the following reasons:

- 1. Flooding;
- 2. Inadequate drainage;
- 3. Adverse soil or rock formation;
- 4. Severe erosion potential;
- 5. Unfavorable topography;
- 6. Inadequate water supply or sewage capabilities;
- 7. Potential harm to the health, safety or general welfare of the future residents of the subdivision or the community; or
- 8. The imposition of unreasonable costs to remedy severe and avoidable problems that are, with reasonable certainty, likely to result from the subdivision.

In applying the provisions of this section, the Town Plan Commission and Town Board shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed subdivision and shall then allow the subdivider to present evidence regarding such suitability. After reviewing evidence regarding suitability, the Town Plan Commission may affirm, modify or withdraw its determination of unsuitability.

Abrogation and interpretation.

- A. It is not the intent of this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements or permits previously adopted or issued pursuant to laws. After enactment, where it imposes greater restrictions, the provisions of this chapter shall govern.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. After enactment of the ordinance codified in this chapter, where it imposes greater restrictions than state statutes, the provisions of this chapter shall govern.

Severability.

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

When effective.

This ordinance shall be in effect and in force from and after the date of its passage and publication all in accordance with the Wisconsin State Statutes.

Applicability.

The provisions of this chapter shall apply to combining or dividing parcels of land in the Town of Trenton as follows:

- A. The combining of two or more parcels of land shall comply with the requirements of 237-8 Wis. Stats, Combining parcels.
- B. The creation of at least one but not more than four parcels or building sites of 39.5 acres or less in size within a period of five years by the same or successive owners shall comply with the requirements of Article II, Certified Survey Map Land Divisions, in addition to all other applicable provisions.
- C. The creation of five or more parcels or building sites which are 39.5 acres or less in size either through a single division or successive divisions by either the same or subsequent owner(s) within a period of five years shall comply with the requirements of Article III, Plats, in addition to all other applicable provisions.
- D. A condominium plat prepared pursuant to § 703.11, Wis. Stats., and other applicable statutes shall be reviewed by the Town in the same manner as a subdivision plat as set forth in this chapter and comply with the applicable design standards and required improvements of this chapter.
- E. Exceptions. The provisions of this chapter shall not apply to divisions of land of less than five parcels which involve:
 - (1) Transfers of interest in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed 10 years, mortgages or easements;
 - (3) Sale or exchange of land between owners of adjoining property, provided additional lots are not created and provided any new lot configurations meet applicable zoning or other regulations;
 - (4) Cemetery plats created under § 157.07, Wis. Stats.;
 - (5) Assessors plats created under § 70.27, Wis. Stats., but such plats shall comply with § 236.15(1)(a) to (g) and § 236.20(1) and (2)(a) to (e), unless waived under § 236.20(2)(1), Wis. Stats.

Compliance.

Any division or combining of land which is applicable under Applicability shall not be entitled to recording and/or improvements to the land unless such division is in compliance with all the requirements of this chapter. All approved certified survey maps and plats shall be filed for recording with the Register of Deeds of Pierce County prior to transferring ownership of any parcels created by a land division.

Compliance with other Town Ordinances.

The subdivider must comply with all other applicable town ordinances, including, but not limited to, the Town road ordinance and driveway ordinance.

Combining parcels.

A certified survey map shall be required for the combining of two or more parcels into one to four parcels when the resulting parcel(s) is 39.5 acres or less in size. The certified survey map shall be reviewed and comply with the requirements of § 236.34, Wis Stats., and shall be filed for recording with the Register of Deeds of Pierce County. If the combining of lots results in five or more lots of 39.5 acres or less in size, the plotting procedure of Article III is required.

Town Receipt of Subdivision Application, Names and address of adjacent landowners.

For purposes of computing deadlines under this ordinance, an application for any Town Board action under this chapter (concept, certified survey map, preliminary plat, and final plat) shall be deemed to have been validly submitted to the Town when a written application, signed by the applicant and property owner or an authorized representative and accompanied by the applicable Town application and all required materials and fees, have been personally delivered to the Town Clerk, and the application has been acknowledged by the Plan Commission at its regular monthly meeting following the delivery of materials to the designated Town personnel. At the time an application is delivered to the Clerk, the applicant shall also provide all information and written materials required to allow the Town Clerk to notify all adjoining landowners of what subdivision activity is being proposed. Adjoining landowners shall include owners of land across any roadways from the proposed land division.

Fees.

- A. Application Fee. At the time of filing for Concept Review, or, if Concept Review is waived with respect to a Certified Survey Map, at the time of filing a Certified Survey Map for approval, the subdivider shall pay to the Town the application fee in an amount established by resolution of the Town Board from time to time and on file in the office of the Town Clerk.

- B. Payment of Town Fees and Expenses. The subdivider and/or owner shall be responsible for paying all of the Town’s professional fees and expenses related to the developers agreement and review of the proposed subdivision or certified survey map, including but not limited to surveying, engineering, inspection, and attorneys fees incurred in review of the proposed subdivision and preparation and enforcement of the developers agreement. The Town Board may by resolution establish a deposit schedule for such review fees and require the subdivider or the property owner to maintain an amount on deposit with the Town sufficient to cover the Town’s estimate of its costs for professional review of the subdivision application. If such amount is not kept on file, the Town shall not process the certified survey map or the plat any further.

Any fees or costs the Town incurs in reviewing a proposed subdivision that remain unpaid after being billed to the Developer and/or Property Owner, shall be

certified to the County as a special charge for collection along with property taxes pursuant to Wis. Stat. 66.0627.

ARTICLE II, Certified Survey Map Land Divisions

Certified survey map required.

Land divisions which create at least one but not more than four parcels or building sites of 39.5 acres or less in size within a five-year period by one or successive divisions by the same or subsequent owners are considered certified survey map land divisions requiring approval under this section. Approval of a certified survey map shall be required.

- A. Land divisions which create one or two parcels of 39.5 acres or less in size within a five-year period by one or successive divisions by the same or subsequent owners are considered minor certified survey map land divisions.
- B. Land divisions which create three or four parcels of 39.5 acres or less in size within a five-year period by one or successive divisions by the same or subsequent owners are considered major certified survey map land divisions.

Minor certified survey map land division.

- A. Submittal. The certified survey map shall be submitted to the Town of Trenton Board of Supervisors. The certified survey map shall be prepared according to § 236.34, Wis. Stats., and shall show clearly on its face all existing buildings and the date the map was prepared.
- B. Access. The applicant shall submit a statement from the town, county or state agency approving access for each lot.
- C. Soil test. Sufficient soil evaluations shall be submitted to demonstrate that each lot is suitable for a soil absorption wastewater system. The Town of Trenton may accept information from the Soil Survey for Pierce County, Wisconsin, or soil evaluations from adjacent property if appropriate to satisfy this requirement.
- D. Slopes. A separate drawing at the same scale as the certified survey map shall be submitted designating portions of the lot which have greater than 12% slopes and greater than 20% slopes.
- E. Plan Commission Review and Recommendation. The Plan Commission shall review the proposed CSM for compliance with Town codes, ordinances, the Town's comprehensive plan and the County zoning and subdivision ordinance. If, after review, the Town Plan Commission finds that the CSM complies with all applicable ordinances, codes, plans, statutes, and regulations, the Plan Commission may recommend the CSM for Town Board approval. If the CSM does not comply with all of the above, the Plan Commission may recommend that the Town Board disapprove or approve the CSM with conditions.
- F. Town Board Action; Failure to Act.

- a. Town Board Action. Within 90 days of the Town's receipt of the certified survey map, or any extension thereof, the Town Board shall approve, approve with conditions or disapprove the certified survey map or preliminary plat.
- b. Conditions of approval. The Town Board may impose conditions upon its approval of any subdivision application, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to the required compliance of the subdivision with the standards of this chapter, other town ordinances, Pierce County ordinances or Chapter 236 of the Wisconsin Statutes.
- c. Disapproval. When the Town Board determines to disapprove a subdivision it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a written statement of the reasons for rejection within 10 days
- d. Extension of time periods. The time periods provided for in this chapter may be extended by the Town Board upon determination by the Board that additional information is required. The Town Clerk shall promptly notify the County Planning and Zoning Office of any such extension.
- e. Failure to act within time period. The failure of the Town Board to act within the time periods specified shall be deemed an approval of the application, unless said time period had been extended as provided herein. Upon written request by the applicant, the Town Clerk shall issue a letter or execute a certificate of approval following an approval under this subsection.

Major certified survey map land division.

- A. Submittal of preliminary map. A preliminary certified survey map shall be prepared according to § 236.34, Wis. Stats., and include all information required for preliminary plat applications (2) through (4), except two-foot contour intervals may be omitted in place of showing slopes of 12% and greater as certified by a registered land surveyor. The Town of Trenton shall be authorized to reject any application deemed incomplete.
- B. Plan Commission Preliminary Review and Recommendation. The Plan Commission shall review the proposed CSM for compliance with Town codes, ordinances, the Town's comprehensive plan and the County zoning and subdivision ordinance. If, after review, the Town Plan Commission finds that the CSM or preliminary plat complies with all applicable ordinances, codes, plans, statutes, and regulations, the Plan Commission may recommend the CSM for Town Board approval. If the CSM does not comply with all of the above, the Plan Commission may recommend that the Town Board disapprove or approve the CSM with conditions.
- C. Plan Commission Final Review and Recommendation. The Plan Commission shall recommend the final plat for Town Board approval if it substantially conforms to the approved preliminary CSM and any conditions of that approval.
- D. Town Board Action; Failure to Act.

- a. Town Board Action. Within 90 days of the Town's receipt of the certified survey map, or any extension thereof, the Town Board shall approve, approve with conditions or disapprove the certified survey map.
- b. Conditions of approval. The Town Board may impose conditions upon its approval of any subdivision application, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to the required compliance of the subdivision with the standards of this chapter, other town ordinances, Pierce County ordinances or Chapter 236 of the Wisconsin Statutes.
- c. Disapproval. When the Town Board determines to disapprove a subdivision it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a written statement of the reasons for rejection within 10 days
- d. Extension of time periods. The time periods provided for in this chapter may be extended by the Town Board upon determination by the Board that additional information is required. The Town Clerk shall promptly notify the County Planning and Zoning Office of any such extension.
- e. Failure to act within time period. The failure of the Town Board to act within the time periods specified shall be deemed an approval of the application, unless said time period had been extended as provided herein. Upon written request by the applicant, the Town Clerk shall issue a letter or execute a certificate of approval following an approval under this subsection.

Certified survey map land divisions involving dedication of land.

Certified survey map land divisions which involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Town of Trenton shall not approve such certified survey map land divisions until approval of the applicable governmental entity(ies) has been obtained.

Recording.

Certified survey maps shall be recorded as provided in § 236.34(2), Wis. Stats.

**ARTICLE III
Plats**

Conformance with procedures.

Land divisions which create five or more parcels or building sites which are 39.5 acres or less in size either through a single division or successive divisions by either the same or subsequent owner(s) within a period of five years shall follow the procedures contained in this article.

Concept approval.

Prior to filing a preliminary plat for approval, the applicant shall consult with the Town of Trenton Plan Commission for assistance and to become informed of the purpose and objectives of these regulations and shall meet with the Town of Trenton Plan Commission to present a concept plan for review and approval.

- A. Submittal. The applicant shall provide ten copies of a concept plan drawn to a reasonable scale depicting the proposed general lot layout, exterior boundary, roadways, known easements, wetlands, floodplain, existing land use of the tract and adjacent lands, and slopes in excess of 12% and in excess of 20%, and any additional information required by the Town of Trenton which is deemed relevant to the proposed plat. The concept plan shall be submitted to the Town of Trenton at least 20 calendar days prior to the meeting at which it is to be considered. The Town of Trenton shall be authorized to reject any application deemed incomplete.
- B. Review and approval. The Plan Commission shall review the proposed concept plan as to conformance with town plans, ordinances, purposes and the suitability of the land for subdivision. The Committee shall approve, conditionally approve or reject the concept plan and shall state in writing any conditions of approval or reasons for rejection. The purpose of Concept Review is for the Plan Commission and Town Board to Provide feed-back to the subdivider on the proposed land division. The subdivider/owner obtains no vested rights in a concept submittal and any comments by the Town Engineer, Plan Commission and Town Board during the Concept Review are not binding on the Town.

Procedure for approval of preliminary plat.

- A. Submittal. After concept plan approval the applicant shall submit to the Town of Trenton Plan Commission, at least 20 calendar days prior to the meeting at which it is to be considered, the following:
 - (1) A signed application form requesting review and approval of a preliminary plat. The Town of Trenton shall be authorized to reject any application deemed incomplete.
 - (2) Ten copies of the preliminary plat plus any additional copies as may be required for other reviewing agencies. The plat shall be based upon a survey prepared by a registered land surveyor on reproducible material and shall show the following information unless waived in whole or in part in writing by the Town:
 - (a) All requirements of § 236.20, Wis. Stats.
 - (b) The names and addresses of the owner and registered surveyor preparing the plat and date of preparation.
 - (c) An eight-and-one-half-inch-by-eleven-inch reproducible copy of the proposed plat.
 - (d) The location and names of adjacent platted lands and the owners of adjoining parcels of unplatted land, including the use and zoning of adjacent land.
 - (e) Contours at vertical intervals of not more than two feet, with slopes of 12% or greater and 20% or greater delineated.

- (3) Accompanying information shall include:
 - (a) Erosion control and stormwater plans. Stormwater management and erosion control devices shall be designed to permit the unimpeded flow of natural watercourses, to ensure the drainage of all points along public and private roads and driveways and to provide positive drainage away from on-site sewage disposal facilities. In designing storm water management and erosion control devices, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess runoff onto adjacent property. Stormwater shall be managed so as to drain from an area proposed for subdivision in the same quantity and velocity after the area has been subdivided and built out as it drained from the land being subdivided when it was in an undeveloped state. Drainage easements of widths sufficient to accommodate anticipated storm water run-off shall be provided and shown on the plat.
 - (b) Areas of filling, grading, lagooning or dredging.
 - (c) Sufficient soil tests to establish the suitability of soil absorption wastewater systems for each lot.
 - (d) Any restrictive covenants related to the proposed land division.
 - (e) A statement and location of any improvements proposed to be provided by the applicant.
 - (f) A statement from appropriate town, county or state agency approving access connections onto existing road system.
- (4) Any additional information required by the Town of Trenton. Any cost involved in producing and reviewing such additional information shall be the responsibility of the applicant.
- (5) A review fee established by the Town Board of Supervisors. Review fees required by other reviewing agencies shall be submitted to those agencies.
- (6) The applicant also shall submit the original drawing of the preliminary plat to the appropriate state plat review agency, in accordance with § 236.12(6), Wis. Stats.
- (7) Erosion control bond. Applicant shall submit a bond or irrevocable letter of credit for erosion control work. The amount of the bond shall be 200% of the estimated cost of installing and maintaining erosion control for all project improvements. The additional amount is to compensate the Town if necessary for any administrative expenses and repair work which may be necessary should the applicant fail to install and maintain measures correctly.

B. Requirements.

- (1) The preliminary plat shall comply with the approved concept plan, and any other adopted town plans and ordinances.
- (2) The preliminary plat shall comply with the requirements of Article IV, Design Standards, and Article V, Improvements.
- (3) Land subject to hazards of life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or

unless adequate safeguards against such hazards are provided by the subdivision plan.

C. Review and decision.

- (1) After reviewing the preliminary plat and data for compliance with this chapter, the Town of Trenton Board of Supervisors shall either approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection.
- (2) Failure of the Board to act within 90 calendar days of submittal of the preliminary plat shall constitute an approval of the preliminary plat, unless such time is extended by agreement with the applicant.
- (3) Approval of the preliminary plat shall entitle the applicant to final approval of the layout shown by such plat if the final plat is submitted within 24 months of the date of approval of the preliminary plat and conforms to such layout and conditions attached to the approved preliminary plat.

Procedure for approval of final plat.

A. Submittal. The applicant shall submit the following:

- (1) Ten copies of the final plat shall be submitted to the Town of Trenton by the applicant. The final plat may constitute only that portion of the approved preliminary plat which the applicant proposes to record at that time. Final plats shall conform to the approved preliminary plat, and to the requirements of Chapter 236, Wis. Stats., including § 236.20, Wis. Stats., but contours do not have to be shown.
- (2) The applicant shall also submit the original drawing of the final plat to the appropriate state plat review agency, in accordance with § 236.12(6), Wis. Stats. Such plats shall comply fully with the requirements of Chapter 236, Wis. Stats.
- (3) Submission for Subsections A(2) and (3) of this section shall be made at the same time as copies are submitted to the county, and the applicant shall provide the county with a written statement of the date that required materials were sent to all appropriate agencies.
- (4) Road construction. Roads shall be constructed consistent with Article IV Design Standards and any applicable Developers Agreement.

B. Requirements.

- (1) The final plat shall be prepared by a registered land surveyor and shall comply with the requirements of § 236.20, Wis. Stats., and any other information as required by the Town of Trenton during preliminary plat approval.
- (2) The final plat shall show on its face all lands reserved for future public dedication or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use, maintenance and ownership must also be provided with the plat.
- (3) Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats.

- C. Final plat review and approval.
- (1) Required Submittals within 24 months of Preliminary Plat Approval. To be considered and treated as a final plat, ten (10) copies of the final plat shall be submitted to the Town Plan Commission within twenty-four (24) months of preliminary plat approval. If it is not submitted within 24 months the Town Board may refuse to approve the final plat. The final plat shall be filed with the Town Clerk by 5:00 P.M. on the Tuesday two weeks before the Plan Commission meeting. The final plat shall substantially conform to the preliminary plat, and to the requirements of all applicable ordinances and State laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided in §236.12, Wis. Stats.
 - (2) Certification of unpaid taxes or assessments. The applicant shall supply the Town Board with a County Treasurer's certification of any unpaid taxes or assessments. The Town Treasurer shall not sign the final plat if any taxes or assessments remain unpaid.
 - (3) Plan Commission Review and Recommendation. The Plan Commission shall recommend the final plat for Town Board approval if it substantially conforms to the approved preliminary plat and any conditions of that approval.
 - (4) Town Board Action; Failure to Act.
 - a. Town Board Action. Within 60 days of the Town's receipt of the final plat within 60 days of its receipt of a preliminary plat, or any extension thereof, the Town Board shall approve, approve with conditions or disapprove the final plat.
 - b. Conditions of approval. The Town Board may impose conditions upon its approval of any subdivision application, provided that such conditions shall be stated in writing and given to the applicant and shall be limited to the required compliance of the subdivision with the standards of this chapter, other town ordinances, Pierce County ordinances or Chapter 236 of the Wisconsin Statutes.
 - c. Disapproval. When the Town Board determines to disapprove a subdivision it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a written statement of the reasons for rejection within 10 days
 - d. Extension of time periods. The time periods provided for in this chapter may be extended by agreement between the Town Board and the applicant, upon determination by the Board that additional information is required. The Town Clerk shall promptly notify the County Planning and Zoning Office of any such extension.
 - e. Failure to act within time period. The failure of the Town Board to act within the time periods specified shall be deemed an approval

of the application, unless said time period had been extended as provided herein. Upon written request by the applicant, the Town Clerk shall issue a letter or execute a certificate of approval following an approval under this subsection.

- (5) Appeals. Any person aggrieved by an objection to a plat or certified survey map or by a failure to approve a plat or certified survey map may appeal therefrom to a court of competent jurisdiction within thirty (30) days of notification of the rejection of the plat as provided in W.S.A. §236.13(5).

Recording.

Within 6 months of the date of the last approval of the final plat, the plat shall be filed by the applicant for recording with the Register of Deeds of Pierce County in accordance with § 236.25, Wis. Stats. Failure to record the plat within 6 months days shall nullify the approval of the final plat.

Replat.

Any replat of a recorded plat or part thereof shall be done in accordance with § 236.36, Wis. Stats.

Procedure for dedication.

- A. Streets, drainageways, other public ways. Any part of a street, drainageway, or other public way which is indicated on the plat shall conform to the arrangement, width and location indicated, and shall be dedicated for such use, subject to acceptance thereof by the town, or other public agency or commission.
- B. Land on water's edge. Dedications of public access on navigable lakes and streams as required by the state shall be as required in § 236.16, Wis. Stats. At the option of the Town of Trenton, such required dedications may count toward the area of any dedication required by the Town in Subsection A of this section.

ARTICLE IV, Design Standards

Road and access standards.

1. The road system, shall be designed by a registered professional engineer licensed in the State of Wisconsin to meet the following objectives: to permit the safe, efficient and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography; and to present an attractive appearance. A completed road engineering study shall be submitted to the Town Clerk or designated Town official(s) with the preliminary plat or certified survey map for both minor and major subdivisions. The Town Board may require the construction of service roads or shared access roads serving multiple building sites to minimize congestion of driveway intersections with planned or existing public roads. Any part of a street, drainage way or other public way which is shown on a plat or certified survey map and also indicated on the comprehensive plan of the Town or

any plan component shall conform to the arrangement, width and location indicated in any such plan or plan component.

All roads serving three or more lots shall be built to Town standards and offered for dedication to the Town.

2. All roads and driveways shall comply with the requirements of all applicable Town of Trenton ordinances, including the town road ordinance.
3. Road dedication. The Town will accept only roads complying with all requirements of this chapter and all other applicable town and county ordinances or state statutes. Dedications, which are to be accepted by the town, shall be accomplished pursuant to the provisions of W.S.A. ss. 236.10(3) and 236.29.
 - (a) Dedications will not be done when there is snow cover on the road right-of-way area.
 - (b) As part of the road dedication process, the Town shall do a final visual inspection of the roadway.
4. As a condition of subdivision, the Town Board may require the subdivider to prepare and record a joint driveway maintenance agreement for lots that are served by joint driveways.
5. All the roads and streets, which are not to be dedicated to the Town because they serve two or fewer lots, shall be identified on the face of the plat or certified survey map as private roads or streets. The Town Board shall also require that the plat or certified survey map contain a statement warning lot purchasers that the town does not maintain or plow such nondedicated roadways.
6. Disclaimer Required. No person shall sell any lot that abuts on a road that has not been accepted as a public road unless the seller informs the purchaser in writing that the said road is not a public road and not required to be maintained or plowed by the Town or County.
7. Inspections.
 - (a) Roads shall be inspected during the following designated phases of construction:
 - [1] At start;
 - [2] During subgrade construction;
 - [3] During subbase construction and after final subbase phase;
 - [4] During base construction and after final base phase; and
 - [5] During blacktop and after shouldering.
 - (b) Inspections are required for each of the above phases and, and, at the Town Board's discretion may be done by the Town

Chairperson, the County Highway Commissioner or a designated professional working under the Commissioner's direction, or a registered professional engineer licensed in the State of Wisconsin hired by the Town, or a designated professional working under the engineer's direction. The cost of inspections, including the cost of any consultants or professionals the Town hires, shall be paid by the subdivider.

- (c) Inspection Report. The person performing the inspection shall submit a written signed inspection report describing the results of the inspection. Any deficiencies reported in the inspection report shall be corrected before proceeding to the next phase of construction. The Town Board will not accept any construction completed without receiving proper written approval for each completed phase.
- (d) Erosion control measures shall be inspected throughout construction period and after until the site is stabilized.

8. Acceptance by the Town.

- (a) The Town Board shall not accept the road as a public town road unless the written signed inspection reports state that the road has been constructed in substantial compliance with the approved plans and all Town road standards. The Town shall not be obligated to accept any road as a public town road, if the road as constructed does not comply with the approved road construction plans. Before the Town accepts the road, it may require the road to be reconstructed in compliance with the plans, with all costs to be paid by the developer.

Any substantial deviations from the approved plans shall be cause for the Town not to accept the roadway or to require reconstruction to achieve substantial compliance at the whole cost of the developer.

On or before the Town Board accepts the road, the subdivider shall provide the Town with a copy of the as-built plans for the road. The Town Board can withhold acceptance of the road until the subdivider provides such as-built plans.

Easements.

The Town Board may require easements of width which the Board deems adequate for electric power and communication facilities, storm and sanitary sewers, streets, roads, trees and gas, water or other utility lines. Where such easements are specifically located in the area being subdivided, they shall be so placed as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat or certified survey map filed by reference to the intended use.

Blocks.

When blocks are utilized, the following shall apply:

- A. The length, width and shape of blocks shall be appropriate to the need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography.
- B. Width. Blocks shall generally have sufficient width to provide for two tiers of lots of appropriate depth, except one tier of lots is sufficient where blocks abut a lake or stream, plat boundary, or an arterial street.
- C. Within blocks, pedestrian rights-of-way of at least 15 feet in width may be required by the Town to provide improved circulation or access to schools, playgrounds, parks, shopping centers, waterways, and other community facilities.
- D. Blocks adjoining arterial streets shall be so oriented that the long dimension of the block shall front on the arterial street in order to create as few intersections as possible along the arterial street.

Lots.

- A. Minimum lot size shall be one acre, exclusive of land in any rights-of-way or easements.
- B. Corner lots shall have sufficient width in order to permit appropriate building setback from both streets.
- C. Every lot in a land division shall front or abut on a public or private street for a distance of at least 100 feet unless a rule exception is granted by the Town.
- D. Double frontage lots shall be disallowed, except where lots abut an existing or proposed arterial street or where necessary to overcome specified disadvantages of topography and orientation. The Town may require a planting screen easement of at least 10 feet in width contained in a nonaccess reservation along the property line abutting such arterial street or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Every lot that is intended for building purposes shall contain at least one acre of net area with slopes less than 20%, of which 1/2 acre shall be less than 12% slopes. Net area shall exclude rights-of-way, easements, wetlands and floodplain. Lots which are not to be used for building purposes shall be designated as outlots and have deed restrictions prohibiting building on such lots.
- F. Lot width at the building setback line and at the building construction line shall be 100 feet.
- G. Set Backs from a Town road shall be 75 feet from the center line of the road or 42 feet from the edge of the right of way, whichever is greater. Side setback: 15 feet; Rear setback: 15 feet
- H. No lot shall be divided by a public or private road.

Open Space.

All subdivision layouts shall be developed in proper relation to existing planned or proposed roads and in harmony with the pre-subdivision topography, surface water,

vegetative cover and other natural features, in a manner that will promote the most advantageous and beneficial development of adjoining areas whether for residential or for open space, recreational or agricultural purposes, so that changes in land use due to subdivision are compatible with existing adjacent land uses and/or make use of open space to provide a buffer between different uses.

ARTICLE V Improvements

Construction of Improvements and Town Engineer Approval.

The subdivider shall be responsible for installing all improvements shown on the Plat or Certified Survey Map regardless of whether the improvements will be dedicated to the Town or remain private. The subdivider shall install all required street and utility improvements before/after final approval of any plat or certified survey map. The adequacy of any facilities or improvements and the proper installation thereof shall be subject to the approval of the Town or any engineer or other professional hired by the Town to inspect the improvements or facilities. The subdivider shall pay all costs and expenses the Town incurs in hiring of such engineer or other professional.

No building permits shall be issued for lots in the subdivision or certified survey map until all improvements are installed, inspected, and approved by the Town, and for dedicated public improvements, have been accepted by the Town.

Financial Guaranty.

Before commencing construction of public or private improvements called for in the plat or CSM may be commenced, the subdivider shall file with the Town Treasurer an irrevocable letter of credit satisfactory to the Town naming the Town as beneficiary in the minimum amount of 125% of the estimated costs of public and private improvements in the plat or certified survey map. The letter of credit shall be reduced to thirty per cent of the original amount of the letter of credit after the improvements have been inspected and approved by the Town and, if dedicated to the public, have been accepted by the Town. Said letter of credit shall remain in place for one year after any public roads or other public improvements have been accepted by the Town and have been through one freeze-thaw cycle. The subdivider shall bear all costs of the engineer's and the Town attorney's fees for review of the financial guaranty.

Developers Agreement Required.

1. As a condition of approval of a Certified Survey Map, the Town may require Developers Agreements between the Developer, Property Owner (if different from the Developer) and the Town. The Town shall require a Developers Agreement as a condition of approval of any preliminary or final plat. The Developers Agreement shall be in the format specified by the Town Attorney and shall be reviewed by the Town Attorney before signature by the parties.

2. The Developer Agreement shall:

- a. Identify all individuals or business entities holding an ownership interest in the subject property or holding an interest under an executed purchase agreement at the time the developer agreement is executed. The developer agreement shall also be executed and acknowledged by current and known future mortgagees, and shall be binding on the successors and assigns of the named developers, owners and mortgagees.
- b. Contain a full and accurate description of the area being subdivided.
- c. Address all exceptions to design standards being sought or being granted by the Town and affecting the area being subdivided.
- d. Require, as a condition of certified survey map or preliminary or final plat approval, as determined by the Town Board, that an irrevocable letter of credit in the minimum amount of 125% of the estimated cost of public and private improvements in the subdivision or certified survey map and otherwise satisfactory to the Town be posted with and in favor of the Town before construction of public or private improvements called for in the plat or CSM may be commenced. The developer agreement shall address whether and when the said irrevocable letter of credit can be released and shall further require the developer to take all steps necessary to maintain the letter of credit in the Town's possession and not to allow it to expire.
- e. Disclose and confirm relevant details regarding the developer's obligations, insurances, warranties, continuing maintenance requirements and responsibilities and other contracts and agreements affecting the subject property.
- f. Where any platted area in a subdivision or CSM will serve as open or buffer space and be jointly maintained and controlled by the owners of the platted lots or where private roads, erosion control or storm water management devices, or other private improvements will be installed in the area being subdivided that will require ongoing maintenance, the developer agreement shall require that a homeowners association be created with membership on an equal basis of all platted lots not commonly owned that association bylaws be developed and that a restrictive covenant or other perpetual, binding legal device be employed that will create, administer and enforce the collective responsibilities of the individual members of the said homeowners association concerning commonly held areas and/or private roads, erosion control or storm water management devices, or other private improvements serving the subdivision. The restrictive covenants, homeowners association bylaws shall provide that no change to the maintenance responsibilities of the

homeowners association as described above shall be effective without Town Board approval.

- g. Contain information regarding the nature, extent, design, construction, quantity, location and other relevant characteristics, in such detail as requested by the Town, concerning all planned public or private infrastructure or improvements including, but not limited to, sanitary sewer service, water service, public or private ways and roads, suggested speed limits, cul-de-sacs, intersections and road connection, storm water and erosion control measures, conservation easements, parks, berms, plantings, ponds, streams, paths, lighting, monumentation, outbuildings and all other public or private improvements that may be proposed by a developer or required by then existing state, county or Town statutes, regulations or ordinances.
- h. Address the timing of joint driveway paving, shall require shared maintenance agreements concerning shared driveways and shall address the control and removal of debris and rubbish during initial construction on lots being created.
- I. Shall refer to or include as exhibits the following information:
 - (1) Preliminary plat;
 - (2) Final plat, to be added once approved and recorded;
 - (3) Road design and construction plans;
 - (4) Stormwater calculations and plans;
 - (5) Irrevocable letter of credit (photocopy);
 - (6) Construction schedule with cost estimates for all earth moving and public improvements, to be replaced by the developer with accepted bid amounts as soon as available;
 - (7) Homeowner's association articles of incorporation and bylaws, where required;
 - (8) Homeowners association and any other restrictive covenants, where required;
 - (9) Copies of the documents officially creating any developer business entity that holds or will hold title to the property while the plat or CSM lots are initially developed and/or built;
 - (10) Conservation easements, where required;
 - (11) Other project-related information as required by the Town.

Certificates of Insurance

- a. The developer agreement shall require the developer to pay all of the Towns professional fees and expenses related to the developer agreement and review of the proposed subdivision or certified survey map, including but not limited to surveying, engineering, inspection, and attorneys fees

incurred in review of the proposed subdivision and preparation and enforcement of the developers agreement.

- b. The developer agreement may provide that no building permits shall be issued for lots in the subdivision or certified survey map until all improvements are installed and accepted by the Town.
- c. The developer agreement shall provide that the developer may not sell, transfer or lease any of the property within the subdivision or certified survey map until all of the improvements called for in the developer agreement have been fully and faithfully completed in accordance with the provisions of the developers agreement, and final plat approval has been granted, unless: 1) the Town consents, in writing; or 2) the certified survey map or final plat has been approved and the developer has deposited the necessary financial security with the Town and/or County to guarantee the installation of all improvements called for in the developers agreement.
- m. The developer agreement may also address items not included in this ordinance or otherwise expressly required by law but that are nonetheless mutually agreeable to the developer and the Town and which promote the public health, safety and welfare of the residents and taxpayers of the Town of Trenton. A developer's refusal to agree to such items if requested by the Town shall not serve as the sole basis for rejection of a plat or certified survey map by the Town.

When Developer Agreements Shall Be Executed And Delivered To The Town.

- a. For a major subdivision, the developer agreement shall be executed and delivered to the Town Board before preliminary plat approval.
- b. For certified survey maps, the developer agreement shall be executed and delivered to the Town Board before Town Board final approval of the said certified survey map.
- c. Failure to execute and deliver a developer agreement to the Town within 90 days of the time of valid submission of an application to the Town Board for CSM or preliminary plat approval shall be grounds for rejection of the said application by the Town unless the time is extended by written agreement with the developer.

Waiver of Developer Agreement requirement.

- A. The Town Board may, but is not required to, waive the requirement of a developer agreement in a situation where:

- (1) The application for subdivision of land complies with the Town's master plan, with all applicable local and county ordinances and state law, and no variances or rezoning will be required;
- (2) No significant public or private improvements, facilities or dedication of facilities or areas for public use or common private use among the lot owners will be required by the Town as a result of the development being proposed; and
- (3) No utilities will be significantly altered.

B. The Town Board shall have sole discretion in determining whether to waive the requirement of a developer agreement. It shall consider the recommendation of the Plan Commission in making this decision.

Homeowners Association.

For all subdivisions which include non-dedicated open space, stormwater management or erosion control devices, or other improvements or facilities, excluding joint driveways, that serve more than one lot in the subdivision such open space, devices and improvements shall be owned by an incorporated Homeowners Association with membership in such Association required of each buildable lot in the subdivision. Each lot shall hold membership in such a manner that one lot has one vote. Homeowners Associations shall hold title to all non-dedicated open space, storm water and erosion control devices, and other devices and/or improvements, and shall be responsible for improvements to and maintenance of such open space, devices and improvements. If any member lot owner so requests and the said Homeowners Association agrees erosion control and storm water management devices or naturally occurring surface waters and shore lands located on private land in the subdivision shall also be managed, maintained and improved by the Homeowners Association.

If the Homeowners Association fails to properly manage, maintain, and improve the above described open space, stormwater management/erosion control devices or other improvements, the Town shall have the authority, but not the obligation, to perform the required management/maintenance and assess the cost against all lots in the subdivision as a special charge under Wis. Stat. 66.0627.

Sanitary sewer systems.

Every unsewered subdivision must comply with Com 83 of the Wisconsin Administrative Code.

**ARTICLE VI
Administration and Enforcement**

Administration.

The administration and enforcement of the provision of this chapter shall be the responsibility of the Town of Trenton Board of Supervisors upon review and recommendation by the Plan Commission.

Notice to Adjacent Landowners.

The Town Clerk shall notify adjacent landowners in writing about the proposed subdivision activity and the date of the Town Plan Commission meeting at which the application will first be considered. This notification shall be given at least Two weeks before the Plan Commission meeting.

Expert Assistance.

The Town Board may hire a consultant(s) (such as the Town Engineer, County Highway Commissioner, Town Attorney, etc.) to review the subdivision application, certified survey map/plat, and site, if necessary, and to prepare the developer agreement. The cost of the consultant and all costs incurred in the approval and development of the proposed subdivision shall be deemed for the benefit of the property and shall be paid for by the owner of the property proposed for subdivision and/or the developer. If the costs are not paid, the Town shall stop reviewing the application and shall have the authority to certify any unpaid costs against the property proposed for subdivision for collection along with taxes, pursuant to Wis. Stat. 66.0627 .

Waivers.

- A. The Town Board shall hear requests for waivers from the literal provisions of this chapter in instances where strict enforcement would cause undue or unnecessary hardship because of circumstances unique to the individual property under consideration and only when it is demonstrated that the waiver would be in keeping with the spirit and intent of this chapter. The Town Board may not grant as a waiver any use that is not a permitted use or a special use under the terms of any applicable zoning ordinances.

- B. In addition to the requirements above, in granting a waiver the Town Board shall make one or more of the following findings:
 - (1) That because of the particular physical surrounding, shape or topographical conditions of the specified parcel of land involved a particular hardship for the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were carried out.
 - (2) That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or buildings in the same zoning classification.
 - (3) That the purpose of the waiver is not based exclusively upon a desire to increase the value of the income potential of the parcel of land.
 - (4) That granting of the waiver is necessary for the preservation and enjoyment of substantial property rights of the applicant and the alleged difficulty or hardship caused by this chapter has not been created by any person having an interest in the parcel of land.
 - (5) That granting of such waiver will not, under the circumstances of this particular case, materially adversely affect the health and safety of persons residing or working in the neighborhood of the property of the applicant

and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.

- (6) That granting of such waiver will serve to eliminate redundancies in submittals also required by Pierce County as part of their approval process.

- C. The requirement of filing and recording a plat or certified survey map for subdivision shall not be waived.

Appeals.

Any persons aggrieved by an objection to a plat or failure to approve a plat or certified survey map may appeal therefrom in the following manner:

- A. Actions of the Town of Trenton Board of Supervisors shall be appealed as provided in § 236.13(5), Wis. Stats.

Violations and penalties.

A. Any buildings hereafter erected, moved or otherwise placed on lots created in violation of the provisions of this chapter by any person, including building contractors or their agents, shall be deemed unlawful structures. The Town Attorney may bring an action to enjoin, remove or vacate any building or structure on lots violating this chapter.

B. Any activity which fails to meet the requirements of this Ordinance or that violates state statutes shall be a violation of the Ordinance regardless of knowledge of or intent to violate, and shall subject the party or parties responsible for non-compliance to an action for an injunction requiring that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken and/or a forfeiture of not less than \$100.00 plus actual costs of prosecution. Each day during which such violation exists is a separate offense. In addition, the Town Board may order an assessor's plat pursuant to the provision of Section 70.27 of the Wisconsin Statutes at the expense of the subdivider whenever the conditions specified in that section are found to exist. No building permits shall be issued concerning any lot created in violation of any requirement of this ordinance.

All provisions of §§ 236.30, 236.31, 236.32 and 236.335, Wis. Stats., are hereby incorporated by reference and any penalty set forth in such sections shall be imposed as a daily forfeiture payable to the Town Treasurer.

Amendments.

The Town of Trenton Board of Supervisors may from time to time amend the regulations imposed by this chapter. The Town of Trenton Board of Supervisors shall hold a public hearing on all proposed amendments as required by § 236.45, Wis. Stats.

ARTICLE VII

Definitions and Word Usage

Word usage.

For purposes of this chapter, words used in the present tense include the future; singular number includes the plural number; and the plural number includes the singular number. The word "shall" is intended to be mandatory.

Definitions.

For purposes of this chapter, the following definitions shall be used:

ALLEY -- A public or private right-of-way which provides secondary access to abutting properties.

ARTERIAL STREET -- A street used, or intended to be used, primarily for fast or heavy through traffic, including freeways, expressways, as well as standard arterial streets, highways and parkways.

BLOCK -- A group of lots existing within well-defined and fixed boundaries, bounded on at least one side by a street, bounded on the other sides by other streets, natural or man-made barriers, or unplatted land, and having an assigned number, letter or other name through which it may be identified.

BUILDING CONSTRUCTION LINE -- The shortest line between lot lines which extends through the building site.

BUILDING SETBACK LINE -- A line marking the minimum allowable horizontal distance that a building or structure may be built from a road.

CERTIFIED SURVEY MAP -- A map prepared in accordance with § 236.34, Wis. Stats.

CERTIFIED SURVEY MAP LAND DIVISION -- The creation of at least one but not more than four parcels or building sites of 39.5 acres or less in size either through a single division or successive divisions by either the same or subsequent owner(s) within a period of five years.

COLLECTOR STREET -- A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

COMMITTEE -- The Pierce County Land Management Committee.

CONCEPT PLAN -- A map showing the salient features of a plat and proposed development areas and surrounding conditions submitted to the Land Management Committee for purposes of initial consideration.

COUNTY -- Pierce County, including any agency, department or committee thereof.

CUL-DE-SAC -- A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

FINAL PLAT -- The map or plan of record of a subdivision plat and any accompanying material.

JOINT OR SHARED DRIVEWAY -- A driveway providing a shared access to two adjoining parcels or lots to the point where the driveway divides into two separate driveways.

LAND DIVISION -- The act or process of dividing land into two or more parcels or building sites. See also certified survey map land divisions and plats.

LOT -- Designated parcel, tract or area of land established by plat, land division or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT, CORNER -- A lot abutting on two or more streets at their intersection.

LOT, DOUBLE-FRONTAGE -- A lot, other than a corner lot, with frontage on more than one street.

MINOR STREET -- A street used, or intended to be used, primarily for access to abutting properties.

ORDINARY HIGH-WATER MARK -- The landwardmost line along the bank of a shore of navigable water up to which the presence and action of surface water is so continuous as to leave a distinct mark on the bank. Such distinct mark may be the result of erosion, cobble deposition, water staining, destruction of terrestrial vegetation, total or virtual absence of terrestrial vegetation, and/or other easily recognized characteristics.

OUTLOT -- A parcel of land not to be used for building purposes, so designated on the plat.

PLAT -- The creation of five or more parcels or building sites which are 39.5 acres or less in size either through a single division or successive divisions by either the same or subsequent owner(s) within a period of five years.

PRELIMINARY PLAT -- A map showing the salient features of a plat submitted to the Land Management Committee for purposes of preliminary consideration.

PRIVATE ROAD -- A vehicle accessway not owned or maintained by a unit of government serving three or more lots or building sites, the use of which is restricted to the owners of the lots or building sites served.

PUBLIC ROAD -- Roads within the Town that have been accepted by the Town as public roads and are maintained solely by the Town, and does not include federal highways, state or county highways and existing private access roads.

REPLAT -- The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof.

SETBACK -- The minimum horizontal distance from a road center line, high-water mark, or other lot line to the structure or use.

STREET -- A way for vehicular traffic that provides vehicular access to lots, not including access driveways within lots.

SUBDIVISION:

A. A division of land resulting in a certified survey map land division or a plat for county purposes.

B. A division of land as defined in § 236.02(12), is. Stats., for state plat review purposes.

SURETY BOND -- A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if such contract or obligation is unfulfilled by the subdivider.

TOWN -- The Town of Trenton

TOWN PLANNING AGENCY -- The Town Plan Commission.

TOWN OF TRENTON

By:

Richard Bunce, Town Chair

Attest:

Steve Thoms, Town Clerk

Public Hearing 9-10-2008
Date Adopted 9-10-2008
Date Published 9-24-2008