

# Town of Sheridan

Dunn County, Wisconsin

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## Land Division Ordinance

Ordinance 16

Written 07/11/2006

Revised 4/25/2007

Adopted this the \_\_\_ day of \_\_\_\_\_ in the year of 200\_

TOWN OF SHERIDAN

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David Bartlett, Chairman

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Gary Allram, Supervisor

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Peter Score, Supervisor

Attest

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# Gerald Miller, Clerk

Dated: \_\_\_\_\_

## Statement of Objectives

**This ordinance is to insure compliance with plans set forth in the Comprehensive Land Use Plan (CLUP) of Sheridan Township.**

**This ordinance also requires adherence to Dunn County Code of Ordinances Chapter 16 as a minimum and further restrictions and/or conditions here in contained.**

## CONTENTS

### CHAPTER 1: GENERAL PROVISIONS Page

1. TITLE 3
2. REQUIREMENTS 3
3. PURPOSE 3
4. STATUTORY AUTHORIZATION 3
5. JURISDICTION 3
6. APPLICABILITY AND COMPLIANCE 4
7. CONDOMINIUM PLATS 5
8. ABROGATION AND GREATER RESTRICTIONS 5
9. INTERPRETATION 5
10. SEVERABILITY 5
11. DISCLAIMER 6

### CHAPTER 2: ENFORCEMENT

1. VIOLATION 7
2. PENALTIES 7
3. APPEALS 7
4. MODIFICATIONS 8
5. FEES 9
6. DEFINITIONS 9

## **CHAPTER 3: APPLICATION AND PLAN PROVISIONS**

**3.1 PRE-APPLICATION CONFERENCE 11**

**3.2 CONCEPT PLAN 11**

**3.3 CONCEPT MAP and INVENTORY 11**

**3.4 PRE-APPLICATION REVIEW 12**

**3.5 MINOR SUBDIVISION 12**

**3.6 MINOR SUBDIVISION SUBMITTALS 13**

**3.7 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR  
REJECTION 16**

**3.8 FINAL REVIEW PROCEDURES 17**

**3.9 FEES 19**

**3.10 MAJOR SUBDIVISION 19**

**3.11 MAJOR SUBDIVISION SUBMITTALS 19**

**3.12 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR  
REJECTION 20**

**3.13 FINAL REVIEW PROCEDURES 20**

**3.14 FEES 20**

## **CHAPTER 4: REQUIREMENTS FOR DESIGN IMPROVEMENTS**

**4.1 LAND SUITABILITY 20**

**4.2 DEVELOPMENT YIELD 21**

**4.3 PERFORMANCE STANDARDS 21**

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## **CHAPTER 1: GENERAL PROVISIONS**

### **1. TITLE**

These regulations shall be officially known, cited, and referred to as the Land Division Ordinance of the Town of Sheridan, Wisconsin. (Herein after “ordinance”)

### **2. REQUIREMENTS**

All applicants will at minimum meet requirements of Chapter 16 Subdivision Ordinance of Dunn County, and/or requirements herein contained.

### **3. PURPOSE**

This ordinance is adopted for the following purposes:

1. To guide future growth and development of the community consistent with the Conservation Land Use Plan.
2. To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
3. To guide preservation of rural character through the permanent preservation of meaningful open space and sensitive natural resources.
4. To guide preservation of scenic views by minimizing views of new development from existing roads.
5. To guide preservation of agricultural land by concentrating housing on lands having less agricultural impact.
6. To encourage a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
7. To encourage buffering between residential and non- residential uses.
8. To guide the protection and restoration of environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
9. To guide preservation of significant archaeological sites, historic buildings and their settings.
10. To meet the demand for housing in a rural setting.
11. Eliminate the creation of “land locked” parcels.

### **4. STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authority contained in section 236.45 of the Wisconsin Statutes.

## 5. JURISDICTION

Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Sheridan, Dunn County, Wisconsin. The ordinance does not apply to:

1. Transfers of interest in land shall be by or pursuant to court order.
2. Cemetery plats under section 157.07 of the Wisconsin Statutes.
3. 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 not reduced below the minimum sizes required by other applicable laws or ordinances.
4. Assessors' plats made under section 70.27 of the Wisconsin Statutes, but such assessors' plats shall comply with sections 236.15 (1)(a)-(g) and 236.20 (1), (2)(a)-(c), of the Wisconsin Statutes. Unless waived under section 236.20 (2) (L).

## 6. APPLICABILITY AND COMPLIANCE

The land division standards in this ordinance apply to all divisions of land by a subdivider where the division creates at least one (1) new parcel or building site. The number of new parcels or building sites that can be created shall be consistent with the applicable zoning ordinance for the parent parcel. The overall development density for the parent parcel is the same as would be allowed for a conventional subdivision in the existing zoning district except for those conservation subdivisions which qualify for a development bonus under Chapter 4.2 (2) of this ordinance. The provisions of this ordinance apply to residential development within the following districts R1, R2, A1, A2, A3 and RH established in the Dunn County Zoning Ordinance. Conservation subdivisions shall not be permitted in the following districts RC, C, SR and I established in the Dunn County Zoning Ordinance.

1. No person shall divide any land under the provisions of this ordinance without compliance with all requirements of this ordinance and the following:
  1. The provision of Wis. Stats. Ch 236 and Wis. Stats. 80.08.
  2. The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut a State Trunk Highway or connecting street.
  3. The rules of the Wisconsin Department of Natural Resources contained in Chapter 118 of the Wisconsin Administrative Code, for shore land, shore land-wetland, and floodplain management.
  4. The comprehensive plan adopted by the Township of Sheridan.
  5. All applicable local county regulations, including zoning, sanitary, building and official mapping ordinances.
  6. All applicable rules contained in the Wisconsin Administrative Code.

2. **SPECIAL EXCEPTIONS.** Special exceptions do not require compliance with this ordinance and do not require a recommendation from the Plan Commission. However, special exceptions do require compliance with platting and submittal requirements of Chapter 236 of the Wisconsin Statutes and do require a Town Board signature block and Town Board approval. The subdivider shall file five (5) copies of the CSM or plat along with any other special exception materials with the Town Clerk at least thirty (30) days prior to the meeting of the Town Board at which action is desired. Special exceptions include the following;
  1. Reconfiguring lots in existing subdivisions provided additional lots are not created and the lots are not reduced below the minimum sizes required by other applicable laws and ordinances.
  2. The lot created which contains the existing dwelling.
  3. The lot created which is to remain under ownership of the subdivider.
  4. Single (1) lot subdivision, which is one (1) acre, or less in area, excluding road right of Way.

## 7. **CONDOMINIUM PLATS**

A condominium plat prepared under Chapter 703 of the Wisconsin Statutes shall be reviewed by the Town of Sheridan in the same manner as a land division, subdivision/development or a conservation subdivision/development as set forth in this ordinance and shall comply with the applicable design standards and required improvements of this ordinance.

### 1. **ABROGATION AND GREATER RESTRICTIONS**

#### 1. **PUBLIC PROVISIONS.**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision, which is more restrictive or imposes higher standards shall control.

#### 2. **PRIVATE PROVISIONS.**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

## 9. **INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the Township to promote the purposes for which they are adopted.

## 10. **SEVERABILITY**

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application, which is judged to be invalid.

### 1. **DISCLAIMER**

#### 1. **MULTIPLE JURISDICTIONS.**

All persons reviewing the provisions of this ordinance should be aware that the Township is one of a number of governmental bodies that may have jurisdiction over proposed subdivisions or development. The Town cannot make any representations on behalf of any other governmental body. No land division may be made unless all approvals have been given.

#### 2. **BINDING ACTS.**

No statement or actions by any official, employee, agent or committee of the town should be construed or taken as a binding act except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting or by the Town electorate at a duly constituted Annual or Special Meeting. This includes but is not limited to, interpretation of this ordinance.

#### 3. **COMPLIANCE ASSURANCE.**

The Town expressly states that it has no responsibility whatsoever for assuring that land and/or building sites sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the town Board.

#### 4. **CLASSIFICATION OF LAND DIVISIONS**

Land divisions, unless excluded under Section 16.2.01, shall be created by a property survey defined as any land surveying which includes as one of its principal purposes, describing, monumenting, locating the boundary lines of or mapping one or more parcels of land. The term includes the restoration, perpetuation or reestablishment of a U.S. Public Survey corner. Land divisions are classified under this ordinance as either:

- (1) Minor Subdivision
- (2) County Plat
- (3) Major Subdivision

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## **CHAPTER 2: ENFORCEMENT, VIOLATIONS, and PENALTIES.**

### **1. VIOLATION.**

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or state law, and no person shall be issued a building permit by the Town of Sheridan authorizing the building on or improvement of any land division within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirements of this chapter have been fully met. The Town Board may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable state law.

### **2. PENALTIES.**

Penalties for violation of this ordinance shall be as follows:

1. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense. Recordation improperly made has penalties provided in section 236.30 of the Wisconsin Statutes.
2. Conveyance of lots in unrecorded plats has penalties provided for in section 236.31 of the Wisconsin Statutes.
3. Monument disturbed or not placed have penalties as provided for in section 236.32 of the Wisconsin Statutes.
4. The Township as a remedy at the expense of the subdivider when successive divisions create a subdivision may order assessor's plat made under section 70.27 of the Wisconsin Statutes.

### 2.2.1 CIVIL PENALTIES

The civil remedies provided by Sections 236.30 and 236.31 of the Wisconsin

Statutes shall be available to the Town Board.

### 3. APPEALS.

Any person aggrieved by an objection to a Certified Survey Map (CSM) or plat or a failure to approve a CSM or plat under this ordinance may appeal, as provided in sections 236.13(5) and 62.23(7)(e) 10, 14, and 15, of the Wisconsin Statutes, within thirty (30) days of the notification of the rejection of the CSM or plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the CSM or plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

### 4. MODIFICATIONS

#### 1. AUTHORITY APPLICATION.

Where, in the judgment of the Town Board it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such modification or waiver shall be made in writing by the subdivider at the time when the preliminary map or plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, and other additional data that may aid the Town Board in the analysis of the proposed project.

## 2. CONDITIONS FOR GRANTING.

The Town Board shall not grant modifications or waivers to this ordinance unless it makes findings based upon the evidence presented in each specific case that:

1. The granting of the modification shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.
3. Because of particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship, or self-imposed hardship, if the strict letter of this ordinance were carried out.
4. Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by similar properties in the vicinity.

### 1. GRANTING BY TOWN OF SHERIDAN BOARD

1. The Town Board, if it approves of the modification to this ordinance, shall do so by motion or resolution.
2. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the Township consistent with the Town of Sheridan comprehensive plan or this ordinance.
3. Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.
4. A majority vote of the entire membership of the Town Board shall be required to grant any modifications of this ordinance, and the reasons shall be entered in the minutes.

### 5. **FEES.** Refer Sheridan Township Fee Schedule (revised 4/25/2007)

1. **DEFINITIONS.** The following definitions shall be observed and applied, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular form. The word "shall" is mandatory and the word "may" is permissive.

1. **COMMON OPEN SPACE OR GREEN SPACE.** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by the

residents of the development. In major subdivisions common open space shall meet one of the requirements under Chapter 6 of this ordinance. In minor subdivisions creating less than five (5) lots common open space can be part of individual residential lots. Common open space shall be substantially free of structures, but may contain historic structures and archaeological sites, and/or such recreational facilities for residents as indicated on the approved development plan.

2. **CONDOMINIUM.** A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building style or type.
3. **CONSERVATION EASEMENT.** The grant of a property right or interest from the property to a unit of government or nonprofit conservation organization or community organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
4. **CONSERVATION SUBDIVISION.** Compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible characterize a housing development in a rural setting that.
5. **GROSS ACREAGE.** The total area of a parcel excluding the area of the perimeter street rights-of-way to the center of the street.
6. **HOMEOWNERS ASSOCIATION.** A community association, incorporated or not incorporated, combining individual home ownership with the shared use or ownership of common property or facilities.
7. **NONPROFIT CONSERVATION ORGANIZATION.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
8. **PARENT PARCEL.** This ordinance shall apply to the act of division of a lot, parcel, or tract existing on the effective date of this ordinance or prior ordinances by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels or tracts of less than a rectangular half of a government protracted quarter-quarter section or a government lot.
9. **SUBDIVISION** parent parcel division.
10. **SUBDIVIDER.** Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a land division.

### **CHAPTER 3: APPLICATION AND PLAN PROVISIONS**

1. **PRE-APPLICATION CONFERENCE.** Before submitting an application for a land division, minor or major subdivision, the subdivider shall schedule an appointment and meet with the Plan Commission to discuss the purpose and objectives of this ordinance, the Town of Sheridan Comprehensive Plan and other adopted plan implementation devices. In so doing, both subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the community. The conference shall also provide the subdivider with a better understanding of required procedures and help to determine what additional information may be required from the subdivider pursuant to this ordinance.
  
2. **CONCEPT PLAN.** The subdivider shall submit five (5) copies of a series of maps and descriptive inventory information to the Plan Commission at least thirty (30) days prior to the scheduled meeting. Mapping for pre-application conference can be done in any combination of features as long as individual map components can be determined and as a minimum contain the following:

1. **CONCEPT MAP and INVENTORY.**

1. **CONCEPT MAP** The concept map should fully and clearly represent the proposed subdivision. This information may be presented on an aerial photograph at a scale no smaller than one (1) inch = four hundred (400) feet, include all areas in and within one hundred (100) feet of the proposed subdivision and as a minimum contain the following:
  1. The general outlines and past land use, of all buildings and structures.
  2. Identify, delineate and define all encumbrances, such as easements or covenants.
  3. Approximate location of natural features such as drainage patterns, water bodies, groundwater recharge areas, floodplains and wetlands.
  4. Approximate location and general layout of existing and proposed roads and property boundaries.
  5. Approximate location of existing land cover on the site, according to general cover type (pasture, woodland, etc.).
  6. Location of known critical habitat areas for rare, threatened or endangered species.
  7. Location of unique geological resources, such as rock outcrops and glacial features.
  8. Additional Information. The Town of Sheridan reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.

2. **CONCEPT INVENTORY ANALYSIS** The subdivider shall submit concept inventory analysis of all areas in and within one hundred (100) feet of the proposed subdivision and include at least the following:
  1. The history of cultivated areas, brown fields, waste sites, and waste disposal practices.
  2. Cultural resources: brief description of historic character of buildings structures, historically important landscapes, and archaeological features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites and burial sites.
  3. Natural resources: brief description and comments on the general health and condition of the vegetation for each land cover type (pasture, woodland, etc.).
  4. Additional Information. The Town of Sheridan reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.

#### 4. **PRE-APPLICATION REVIEW**

Within 30 days following the pre- application conference, the Plan Commission shall provide a written report informing the subdivider of any additions, changes, or corrections to the concept plan submitted as part of the pre-application.

#### 1. **MINOR SUBDIVISION**

1. **GENERAL.** Subdivisions, which create less than five (5) parcels or building sites of less than forty (40) acres by successive divisions from the same parent parcel within a period of five (5) years, shall follow the procedures contained in this section.
2. **PROCESSING A MINOR SUBDIVISION APPLICATION**
  1. The Town Clerk shall, within five (5) normal workdays after submittal of a subdivision application, transmit copies of the application, maps and other review materials to the Town Board and Plan Commission. The Plan Commission shall review the subdivision application for completeness and notify the Town Clerk of any missing items. The Town Clerk shall notify the subdivider by first class mail of any missing items and shall prepare an affidavit of the mailing.
  2. The Plan Commission shall coordinate and establish the application review processing timeline with the Town Clerk.
  3. The subdivider or designee shall attend both the Plan Commission meeting and the Town Board meeting where such subdivision is listed as an agenda item. Subdivider or designee shall make a presentation of the subdivision for consideration. Failure of the subdivider or designee to attend either meeting may be used as grounds to recommend denial of the subdivision application.

## 6. **MINOR SUBDIVISION SUBMITTALS**

The subdivider shall submit ten (10) copies of a series of maps and descriptive information to the Plan Commission at least thirty (30) days prior to the scheduled meeting and as a minimum contain the following:

### 1. **DEVELOPMENT YIELD ANALYSIS.**

The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the county zoning ordinance, consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance and compare it to the number of dwelling units proposed. Land that is undeveloped because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis. The Plan Commission may waive submittal of a Development Yield Analysis for a subdivision creating one (1) lot or building site.

### 2. **PROJECT AND DEVELOPMENT INFORMATION.**

The subdivider shall submit the following:

1. Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
2. Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
3. Date of preparation

### 3. **MAP OF EXISTING SITE CONDITIONS. (revised 4/25/2007)**

The Map of Existing Site Conditions for the proposed Certified Survey Map (CSM) or plat shall be prepared at a convenient scale no smaller than one (1) inch = four hundred (400 feet) and shall include all areas in and within one hundred (100) feet of

the proposed subdivision. More than one (1) sheet may be used to present the information required in this section and shall include the following;

1. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
2. Show the type, width and condition of street improvements; railroad or major utility rights-of-way; Location, width, and names of all existing platted streets and rights- of-ways to parks and other public open spaces; location and widths of existing snowmobile trails or other recreational trails; and permanent buildings and structures.
3. Location, widths and names of all existing public and private easements.
4. Identify by name and ownership boundary lines of all adjoining lands.
5. Topographic data including contours at intervals of not more than two (2) feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 NGVD 29 or the North American Datum of 1988 NAVD 88 or future adjustments to NAVD 88 as defined by the National Geodetic Survey. Location, description and elevation of a minimum of two (2) benchmarks based off of such datum shall be noted on the proposed CSM or plat. If the proposed CSM or plat creates a lot(s) greater than one (1) acre the Plan Commission may reduce the topographic area to include the area within and to a minimum distance of fifty (50) feet beyond the limits of disturbance of the proposed building site. With respect to, only, minor subdivisions and at the request of the subdivider the Plan Commission may waive the topographic requirements and allow the subdivider to submit United States Geodetic Survey (USGS) information or an approved equal.
6. Location of significant natural resource features on the site i.e. wetlands, floodplains, watercourses, existing wooded areas, stand alone trees with a caliper of twenty-four (24) inches measured four (4) feet off of the ground, slopes greater than 20%, drainage ways, habitat for rare, threatened, and endangered species, and other natural resource features.
7. Location of burial sites categorized under Wis. Stat. 157.70, Indian Mounds, national and state register listed properties, and locally designated historic properties.
8. Location of existing soil classifications including hydric soils, depth to bedrock, depth to water table, suitability for road fill and suitability for highway location.
9. Legal description of the property.
10. Location of existing zoning classifications.
11. Provide graphic scale, north arrow, name address and phone number of person(s) responsible for preparing Map of Existing Site Conditions and date of preparation.
12. Minimum front, side, and rear yard building setbacks for all lots within the proposed CSM or plat.
13. Indication of the use of any lot within and beyond the proposed CSM or plat.
14. Location and size of all proposed and existing sanitary lines and water mains, proposed community sewer and water system, or individual on-site septic system and potable water sources.

15. Location and size of all proposed and existing storm sewer (lines, drains, inlets, manholes), culverts, retention/detention ponds, swales, infiltration practices and areas, and other storm water facilities.
16. Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
17. Water storage for fire fighting, common retention pond or lake with a minimum of 25,000 gallons pre dwelling or suitable alternative.
18. Maintenance plans for restoration and or long-term management of the conservation easement and open space areas.
19. Total acreage of the proposed CSM or plat.
20. The Town reserves the right to require additional information if deemed necessary by the Town Board or Plan Commission.

#### 4. PRELIMINARY MAP or PLAT.

The Preliminary Map or Plat shall be prepared by a licensed land surveyor at a convenient scale no smaller than one (1) inch = four hundred (400 feet). More than one (1) sheet may be used to present the information required in this section and shall include the following:

1. Exact length and bearing of the centerline of all streets.
2. Exact street width along the line of any obliquely intersecting street.
3. Exact location and description of utility and drainage easements.
4. All lands reserved for future public acquisition or reserved for the common use of property owners within the CSM or plat, including public access to navigable waterways.
5. Railroad right-of way within and abutting the plat.
6. Restrictions relating to access along public ways.
7. Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final CSM or plat.
8. Legal instruments detailing the ownership of the common open space, as required in Chapter 6, which shall be filed with the final CSM or plat.
9. Preliminary CSM or plat shall meet all the surveying and monumenting requirements of section 236.15 of the Wisconsin Statutes.
10. Where the CSM or plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by Dunn County, the CSM or plat shall be tied directly to two (2) of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Dunn County plane coordinates of the monument marking the relocated section or quarter corner to which the CSM or plat is tied shall be indicated on the CSM or plat.

11. Certificates. The CSM or plat shall provide all the certificates required by section 236.21 of the Wisconsin Statutes. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.

## 5. PRELIMINARY CONSTRUCTION PLANS.

The Preliminary Construction Plans shall be prepared, at a convenient scale, by a licensed engineer. All roads and streets shall be designed according to the Town of Sheridan Road Standards. The Plan Commission may waive submittal of the preliminary construction plans if the proposed CSM or plat is not creating, extending or modifying a street or road. More than one (1) sheet may be used to present the information required in this section and shall include the following:

1. Preliminary Plan and Profile. Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
2. Preliminary Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage patterns, and storm water facilities as per Chapter 4.3 (2) (1). The plan shall show the location and extent of grading activities in and within one hundred (100) feet of the proposed subdivided area, overall area of the site in acres, total impervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees within the CSM or plat to be preserved, with a diameter of twenty four (24) inches or more measured four (4) feet above ground level and measures for protecting such trees, shall be shown on the plan. The Plan Commission may allow the preliminary grading and erosion control plan to be prepared by a non-licensed individual(s) for a subdivision creating one (1) lot or building site and disturbing less than ten thousand (10,000) square feet.
3. Preliminary location of sewage disposal, water supply, storm water management, and flood control devices, systems and or areas. The Plan Commission may allow the preliminary location of such systems, devices and or areas to be prepared by a non-licensed individual(s) for a subdivision creating one (1) lot or building site and disturbing less than ten thousand (10,000) square feet

## 6. ADDITIONAL INFORMATION

1. The Town Board may require a proposed subdivision layout of all or part of contiguously owned land even though the division is not planned at the time.
2. The Town Board reserves the right to require additional information if deemed necessary by the Plan Commission or Town Board.

**1. PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR REJECTION**

**1. PLAN COMMISSION RECOMMENDATION.**

The Plan Commission shall after negotiations with the subdivider on changes and the kind and extent of public improvements that shall be required, review the preliminary CSM or plat, and other relevant information for conformance with this ordinance, the Town of Sheridan Comprehensive Plan and all other laws, ordinances, rules, regulations and plans. The Plan Commission shall recommend to the Town Board rejection, approval, or conditional approval of the preliminary CSM or plat and said CSM or plat be reviewed by the Town Board as the final CSM or plat. The Plan Commission may recommend rejection if there is incomplete or inadequate information.

**2. REFERRALS OF PRELIMINARY CSM or PLAT.**

If the subdivision results in a state or county subdivision as defined in either Wisconsin Statutes 236.02 (12) or the Dunn County Subdivision Regulations, respectively, the sub divider shall also submit the original drawing of the preliminary CSM or plat to the appropriate agency for review, in accordance with Chapter 236.12 (6), Wis. Stats.

**3. NOTIFICATION.**

The Town Clerk shall give notice of the Town Board's review on the CSM or plat by listing it as a Town Board agenda item in the meeting notice published in the official local government newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action.

**4. RESULTS OF APPROVAL.**

Approval of a preliminary CSM or plat shall be valid as per Wisconsin Statutes 236.349(2)(b) Approval or conditional approval of a preliminary CSM or plat shall not constitute automatic approval. The preliminary CSM or plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final CSM or plat, which shall be subject to further consideration by the Town Board at the time of its submission.

**1. FINAL REVIEW PROCEDURES**

1. FINAL APPLICATION.

The subdivider shall prepare a final application and shall file five (5) copies of the final application and all other submittals with the Town Clerk at least thirty (30) days prior to the meeting of the Town Board at which action is desired. The owner or subdivider shall file the final application not later than submittal requirements of Wisconsin Statutes 236.34(2) (b). The subdivider or subdivider's agent shall also submit at this time a current certified abstract of title or such other evidence as the Town Board may require showing ownership or control.

2. FINAL CERTIFIED SURVEY MAP (CSM) OR PLAT.

The subdivider may seek final approval following approval or conditional approval of the preliminary CSM or plat. Final CSM or plat shall be prepared by a licensed surveyor and shall correctly show, in addition to the information required for Sec. 236.20 and/or Sec. 236.34 of the Wisconsin Statutes, the Dunn County Comprehensive Ordinances and the requirements under chapter 3.5(4) of this ordinance. The final CSM requires a signature box for recording purposes.

3. FINAL CONSTRUCTION PLANS.

If required as per chapter 3.6(5) of this ordinance then, simultaneously with the filing of the final CSM or plat, the owner shall file with the Town Clerk five (5) copies of the final construction plans and specifications of public improvements. The final construction plans shall be prepared, at a convenient scale, by a licensed engineer. All roads and streets shall be designed according to the Town of Sheridan Road Standards More than one (1) sheet may be used to present the information required in this section and shall include the following;

1. Final Plan and Profile. Indicating the existing and proposed street centerline alignment, profile grades; ditch grades and the location, slope and size of all drainage structures. Pursuant to private road ordinance.
2. Final Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage patterns, and storm water facilities as per Chapter 4.3 (2) (1). The plan shall show the location and extent of grading activities in and within one hundred (100) feet of the proposed subdivided area, overall area of the site in acres, total impervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees within the proposed CSM or plat with a diameter of 24 inches or more measured four (4) feet ground level, and measures for their protection shall be shown on the final grading and erosion control plan. The Town Board may allow the final grading and erosion control plan to be prepared by a non-licensed individual(s) for a

subdivision creating one (1) lot or building site and disturbing less than ten thousand (10,000) square feet.

3. Provision for sewage disposal, water supply, storm water management, and flood control.

4. ADDITIONAL INFORMATION

Requirements are found under Chapter 3.2 of this ordinance.

5. REFERRALS OF FINAL CSM or PLAT

Requirements are found under Chapter 3.6(2) of this ordinance.

6. NOTIFICATION.

Requirements are found under Chapter 3.6(3) of this ordinance.

7. AMENDMENT.

If the subdivider desires to amend the final CSM or plat as approved, the

subdivider may resubmit the amended CSM or plat, which shall be done in accordance with Chapter 3 of this ordinance except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new application, in which case it shall be refiled.

8. TOWN OF SHERIDAN BOARD REVIEW.

The Board shall, approve or reject such CSM or plat. The Town Clerk shall mail one (1) copy of the final CSM or plat to the subdivider with the date and action endorsed thereon; and if approved, conditionally approved or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting. The Town Clerk shall also send a letter setting forth the conditions of approval or the reasons for rejection. One (1) copy of the final CSM or plat shall be filed in the Town records. If the Town Board fails to act within ninety (90) days of the filing of the subdivision application, without a written extension, requested by the subdivider, and no unsatisfied objections having been filed, the CSM or plat shall be deemed approved.

9. **OFFICIAL RECORDING.**

After the final CSM or plat has been approved by the Town Board and any required improvements either installed or a contract and sureties ensuring their installation is filed, the Town Board shall cause the certificate inscribed upon the original CSM or plat attesting to such approval to be duly executed and the CSM or plat returned to the subdivider for recording with the County Register of Deeds along with all conservation easements and deed restrictions. The final CSM or plat shall be recorded as per 236.34 (2)(b). The Register of Deeds cannot record the CSM or plat unless it is offered within the time specified in Wisconsin statutes 236.34(b)(2).

1. **FEES.** (revised 4/25/2007)

1. **APPLICATION REVIEW FEE.**

All subdivision applications shall be accompanied by an application review fee established by the Town Board as set forth in the Town of Sheridan Fee schedule.

2. **ADDITIONAL COSTS.**

The subdivider shall be responsible for reimbursing the Town of Sheridan for engineering, inspection, legal, and administrative costs incurred by the Town in reviewing minor subdivisions.

1. **MAJOR SUBDIVISION**

1. **PRE-APPLICATION, CONCEPT PLAN, MAP and INVENTORY**

Refer to Sections 3.1, 3.1, and 3.3 of the ordinance.

2. **GENERAL.**

Subdivisions, which create five (5) or more lots or building sites which are less than forty (40) acres in size by successive divisions from the same parent parcel within a period of five (5) years, shall follow the procedures contained in this section.

3. **PROCESSING A MAJOR SUBDIVISION APPLICATION.**

Processing requirements are found under Chapter 3.5 (2) of this ordinance.

11. **MAJOR SUBDIVISION SUBMITTALS** Refer to Section 3.6
12. **PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR REJECTION** Refer to Section 3.7
13. **FINAL REVIEW PROCEDURES** Refer Section 3.8
  
14. **FEES.** Refer Section 3.9

## **CHAPTER 4: REQUIREMENTS FOR DESIGN IMPROVEMENTS**

### **1. LAND SUITABILITY.**

No land shall be developed if identified as being environmentally sensitive. Areas determined to be environmentally sensitive may be included as common open space but shall not be included in the development yield analysis in Chapter 3.6 (1). The Plan Commission shall have the ability to specify which areas may be preserved. These lands shall be identified as out lots or other designation that indicates the land is not available for development. Areas identified as being environmentally sensitive include, but are not limited to:

1. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or any other public or private entity.
2. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a seventy-five (75)-foot buffer.
3. All areas within seventy-five (75) feet of the ordinary high water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources Water Management Specialists.
4. All areas having slopes greater than twenty (20) percent.
5. Burial sites and Indian mounds.

6. Drainage ways that contain running water during spring runoff or during storm events including a twenty-five (25) foot buffer from the edge of the drainage way.

## **2. DEVELOPMENT YIELD.**

The number of residential units for a parcel shall be determined in accordance with the following:

1. The development yield analysis in Chapter 3.6 (1) shall establish the base development yield for the parcel.
2. The base development yield may be increased if the development complies with one or more of the following standards:
  1. Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (insurance, taxes, maintenance, enforcement, etc.).
  2. Providing for access by the general public to open space, trails, parks or other recreational facilities, excluding golf courses.
  3. Providing affordable housing, to include a minimum of twenty-five (25) percent of all units that would be affordable to moderate income households, as defined by the U.S. Department of Housing and Urban Development.
  4. Reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.
  5. Providing for shared sewage and water facilities.
  6. Providing additional open space in ten (10) percent increments. Each ten (10) percent increase would qualify as a separate development yield bonus.
3. Each standard provides a development yield bonus of five (5) percent in addition to the base development yield. The maximum bonus permitted is twenty (20) percent.

## **1. PERFORMANCE STANDARDS**

### **1. GENERAL CONSIDERATIONS.**

All subdivisions shall identify a conservation theme or themes and shall be identified at the time of the pre-application conference. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, view shed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the ability to specify which areas may be preserved.

### **2. RESIDENTIAL LOT REQUIREMENTS.**

1. Existing farmsteads to be preserved shall have a driveway as part of the preservation of scenic and historic rural character.

2. Lots shall be configured to minimize the amount of road length required for the subdivision.
  3. Development envelopes shall be configured to minimize loss of woodlands.
  4. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the useable area remaining for such agricultural uses with a thirty (30) foot buffer between agricultural uses and residential structures.
  5. All lots within a neighborhood shall have access to the green space either by abutment to or from a road in the development.
  6. Lots shall be oriented around one or more of the following:
    - i. A central green or square.
    - ii. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
  7. Development envelopes, to the greatest extent practical, should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
  8. A thirty (30) foot native vegetation buffer shall be maintained around open water areas, unless a specific beach or grassed area is identified.
  9. Storm water management “Best Management Practices” (BMPs)
    - i. Minimize the use of curb and gutter and maximize the use of open swales.
    - ii. Roof downspouts should drain to porous surfaces.
    - iii. Post development peak discharges during the one hundred (100)-year storm event shall be no greater than the pre-developed peak discharges during the two (2)-year storm event.
    - iv. The development shall capture eighty (80) percent of the sediment/pollutants from the two (2) year storm event.
    - v. Landscape plantings should be used to increase infiltration and decrease runoff.
    - vi. Natural open drainage systems shall be preserved.
3. **RESIDENTIAL CLUSTER SITING STANDARDS**
1. All residential lots and dwellings shall be grouped into clusters.
  2. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
  3. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Wisconsin Department of Natural Resources.
  4. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local and regional recreational trails.
  5. **Residential clusters should be sited to achieve the following goals, to the extent practicable.**
    - i. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
    - ii. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
    - iii. Utilize central septic system eliminating potential site ground water contamination.
    - iv. Prevent downstream impacts due to runoff through adequate on site storm water management practices.

- v. Protect scenic views of open land from adjacent roads.
  - vi. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
6. Landscaping around the cluster may be necessary to reduce or minimize off site views of residences.