

**TOWN OF KNOWLTON,  
MARATHON COUNTY, WISCONSIN**

**LAND DIVISION AND SUBDIVISION  
ORDINANCE NO. 8-B**

## Index

<b>SECTION 1.0</b>	<b>AUTHORITY AND GENERAL PROVISIONS</b>	
SECTION 1.1	Statutory Authority.....	4
SECTION 1.2	Title .....	4
SECTION 1.3	Purpose.....	4
SECTION 1.4	Abrogation & Greater Restriction .....	6
SECTION 1.5	Interpretation .....	6
SECTION 1.6	Severability .....	6
SECTION 1.7	Administration.....	7
SECTION 1.8	Town Planning & Zoning Commission.....	7
SECTION 1.9	Repeal .....	7
<b>SECTION 2.0</b>	<b>GENERAL PROVISIONS</b>	
SECTION 2.1	Geographic Jurisdiction.....	7
SECTION 2.2	Land Divisions Governed by this Ordinance .....	7
SECTION 2.3	Land Divisions Exceptions .....	7
SECTION 2.4	Classification of Land Divisions.....	8
<b>SECTION 3.0</b>	<b>SUITABILITY STANDARDS</b>	
SECTION 3.1	General .....	9
SECTION 3.2	General Suitability Standards.....	9
SECTION 3.3	Zoning .....	9
<b>SECTION 4.0</b>	<b>SUBDIVISION STANDARDS</b>	
SECTION 4.1	General .....	10
SECTION 4.2	Surface Drainage and Erosion Control.....	10
SECTION 4.3	Public Streets and Roads.....	10
SECTION 4.4	Lots and Blocks.....	14
SECTION 4.5	Lands Near Water's Edge .....	15
<b>SECTION 5.0</b>	<b>SUBDIVISION DESIGN</b>	
SECTION 5.1	Subdivision Design Standards .....	15
<b>SECTION 6.0</b>	<b>CONSERVATION DESIGN</b>	
SECTION 6.1	Conservation Design Standards.....	19
<b>SECTION 7.0</b>	<b>CONDOMINIUMS</b>	
SECTION 7.1	Intent .....	20
SECTION 7.2	Zoning .....	20
SECTION 7.3	Condominium Plats .....	20
SECTION 7.4	Standards.....	20
SECTION 7.5	Units.....	20
SECTION 7.6	Approval.....	20

<b>SECTION 8.0</b>	<b>OWNERSHIP AND MAINTENANCE OF OPENSOURCE</b>	
SECTION 8.1	General .....	20
SECTION 8.2	Ownership Standards.....	21
SECTION 8.3	Maintenance Standards .....	23
<b>SECTION 9.0</b>	<b>DEDICATIONS AND IMPROVEMENTS</b>	
SECTION 9.1	Dedications .....	23
SECTION 9.2	Improvements .....	24
SECTION 9.3	Commencements of Improvements and Construction .....	25
<b>SECTION 10.0</b>	<b>PROCESS AND PROCEEDURES</b>	
SECTION 10.1	General.....	25
SECTION 10.2	Elements of the Preliminary Plan Process.....	26
SECTION 10.3	Certified Survey Maps Submission Process.....	28
<b>SECTION 11.0</b>	<b>RECORDING</b>	
SECTION 11.1	Recording and Conveyance of Lot or Parcels .....	29
<b>SECTION 12.0</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>	
SECTION 12.1	Fees .....	29
SECTION 12.2	Modifications and Appeals.....	30
SECTION 12.3	Replats, Vacations or Altercations in Recorded Plats.....	30
SECTION 12.4	Enforcement .....	30
<b>SECTION 13.0</b>	<b>APPENDIX A</b>	
SECTION 13.1	Interpretive Guidelines.....	31
SECTION 13.2	Definitions .....	32

**TOWN OF KNOWLTON, MARATHON COUNTY, WISCONSIN  
ORDINANCE NO. 8-B**

**AN ORDINANCE HAVING REPEALED ORDINANCE NO. 8 ENTITLED**

“AN ORDINANCE PROVIDING FOR LOT SIZE AND LAYOUT REQUIREMENTS IN PLATTED SUBDIVISIONS” AND REPEALING ORDINANCE NO. 8-A ENTITLED “AN ORDINANCE GOVERNING THE SUBDIVISION AND DIVISION OF LAND IN THE TOWN OF KNOWLTON, MARATHON COUNTY,” AND CREATING ORDINANCE NO. 8-B ENTITLED “TOWN OF KNOWLTON LAND DIVISION AND SUBDIVISION.”

The Town Board of the Town of Knowlton, Marathon County, does hereby ordain that Ordinance No. 8, including amendments, of the town ordinances of the Town of Knowlton, Marathon County, is hereby repealed and recreated to provide as follows:

**SECTION 1.0 AUTHORITY AND GENERAL PROVISIONS**

**SECTION 1.1 STATUTORY AUTHORITY**

These land division and subdivision regulations are adopted and made effective by the Knowlton Town Board on \_\_\_\_\_, 2007. under the authority granted by Chapter 86.07(2), Chapter 236 and Chapter 703 of the Wisconsin Statutes. All applications for subdivision approval, including Certified Survey Maps, Condominium Developments, Preliminary Plats, and Final Plats, as of the effective date, shall be reviewed under these regulations. This ordinance shall be interpreted and enforced by the Knowlton Town Board, Marathon County, Wisconsin.

**SECTION 1.2 TITLE**

This ordinance shall be known as the "Town of Knowlton Land Division and Subdivision Ordinance."

**SECTION 1.3 PURPOSE**

The purpose of this ordinance is to control the division of land, with consideration to preserving the character of the Town and its environment, conserving the value of the land and the value of buildings and improvements placed upon the land. The regulations are intended to encourage the most appropriate use of land, to provide the best possible environment for human habitation, protecting open spaces, and to promote the public health, safety and general welfare, and providing the mechanism to implement the division of land in accordance with the Knowlton Comprehensive Master Plan by:

- (1) Furthering the orderly layout and use of land by establishing reasonable standards of design and procedures for land divisions, subdivision and re-subdivisions, and to ensure proper legal descriptions and monument of subdivided land.
- (2) To promote the public health, safety, convenience and general welfare of the Town by securing safety from fire, flooding, panic and other dangers.

- (3) Providing adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Preventing overcrowding of land and to avoid undue concentration of population by establishing minimum lot sizes to preserve the rural character of the town.
- (5) To prevent the pollution of air, including light pollution, surface water and groundwater, and assure the adequacy of drainage facilities.
- (6) Conserving valuable natural resources such as floodplain areas, wetlands, forests, trees, natural corridors prime agricultural land and soils.
- (7) Facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, other public requirements, and the utilization of alternative energy sources. To ensure that facilities, improvements and services are available concurrent with development and will have a sufficient capacity to serve the proposed land division and that the Town will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the Sub divider to furnish land or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by development.
- (8) To encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (9) To provide for open spaces through the most efficient design and layout of the land in conformance with the density of development as established in the Knowlton Comprehensive Master Plan and the regulations established by applicable zoning ordinances.
- (10) Facilitating further re-subdivision of large tracts into smaller parcels of land, avoiding the problems of associated with inappropriately subdivided lands.
- (11) To ensure that land is subdivided only when the subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest., and not detrimental to the community.
- (12) Providing uniform and accurate maps and boundary descriptions of parcels of land.
- (13) Establishing standards for and access to town roads.
- (14) Lessen congestion in the streets and highways by ensuring that the street system design will not have a negative effect on neighborhood quality, traffic flow and safety.

**SECTION 1.4 ABROGATION & GREATER RESTRICTIONS**

These regulations are adopted by the Town Board of the Town of Knowlton, Marathon County, Wisconsin under the authority granted by Section 236.45 and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes:

- (1) The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, comfort, prosperity and general welfare of the Town of Knowlton.
- (2) This Ordinance shall not repeal, impair or modify private covenants, except that it shall apply whenever it imposes stricter restrictions on land use.
- (3) This Ordinance shall not repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law.
- (4) Subdivisions shall conform to the Knowlton Comprehensive Master Plan to ensure orderly, planned, efficient, and economical development of the Town. All design standards must be met for all land division applications prior to approval and once approved shall not be changed without approval of the Plan Commission or designated by the Town Board.
- (5) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril and land shall not be subdivided until adequate facilities and improvements exist and proper provision has been made for storm water drainage, surface and ground water quality, streets and transportation facilities.
- (6) Land that has been subdivided prior to the effective date of these regulations shall be grandfathered.
- (7) In laying out a subdivision or condominium, the owner shall conform to the provisions of Chapter 236 and 703, Wisconsin Statutes, and all applicable Town regulations. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**SECTION 1.5 INTERPRETATION**

In the Town’s interpretation and application, the provisions of this Ordinance 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.

**SECTION 1.6 SEVERABILITY**

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance.

**SECTION 1.7 ADMINISTRATION**

The administration of the provisions of this ordinance shall be the responsibility of the Town Clerk, Town Planning & Zoning Commission and Town Board.

**SECTION 1.8 TOWN PLANNING & ZONING COMMISSION**

The Town Planning & Zoning Commission was established pursuant to Town Planning Commission Ordinance. The Planning Commission is empowered to conduct such hearings and meetings as necessary in accordance with this ordinance, and to recommend to the Town Board, approval, conditional approval or rejection of applications under the terms as set forth herein.

**SECTION 1.9 REPEAL**

All other ordinances or parts of ordinances of the Town explicitly inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

**SECTION 2.0 GENERAL PROVISIONS**

**SECTION 2.1 GEOGRAPHIC JURISDICTION.**

The provisions of this chapter apply to **ALL LANDS** within the Town of Knowlton. Where a duly adopted county subdivision ordinance is more restrictive than this chapter, the county's greater restrictions shall apply.

**SECTION 2.2 LAND DIVISIONS GOVERNED BY THIS ORDINANCE.**

This ordinance shall apply to:

- (1) The act of division of a lot, parcel or tract which existed on the effective date of this ordinance by the owner thereof or his agent for the purpose of recording or transfer of ownership where the act of division creates one or more new lots, parcels or tracts smaller in area than herein provided.
- (2) Certified survey maps prepared for the purpose of monumenting existing parcels that are metes and bounds or rectangular descriptions.
- (3) This Ordinance is expressly applicable to Condominium Developments within the Town's jurisdiction, pursuant to Wisconsin Statutes, Section 703.27(1). For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision and reviewed in the same fashion by the Town, including the design requirements provided in SECTION 5.0, other than the technical standards in §703.

**SECTION 2.3 LAND DIVISIONS EXCEPTIONS**

This ordinance shall not apply to: [see §236.45(2)]

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (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 this Code or other applicable laws and ordinances, except a certified survey map must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum sizes required by law.

- (4) Assessor's Plats made under Section 70.27, Wisconsin Statutes, but such assessors' plats shall comply with Wisconsin Statutes, Sections 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (c).
- (5) Cemetery plats under Wisconsin Statutes, Section 157.07;
- (6) Creation of parcels which are larger than ten (10) acres by division or as the result of sale thereby creating a remnant.

**SECTION 2.4 CLASSIFICATION OF LAND DIVISIONS.**

Any contiguous parcel or tract which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is bisected by an existing dedicated street or by navigable water. The Town Planning & Zoning Commission shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the Town Board. Land divisions are classified under this ordinance as:

- (1a) Residential. Any parcel created after the effective date of this ordinance, whether by Certified Survey or by subdivision or by condominium, that is or is intended to be used as a residential parcel shall contain no less than two (2) acre exclusive of any right-of-way or easement of 20 feet or wider. In Conservation Design Cluster Developments lot sizes can be reduced to no less than one (1) acre under the yield plan. No construction may commence or be authorized prior to approval of the parcel(s) by the Town Board.
- (2a) Non-residential. Any parcel created for non-residential uses shall comply with the zoning classification at the time of parcel creation.

**(1b) MINOR SUBDIVISIONS**

(a) A minor subdivision shall include the creation of one (1) but not more than four (4) parcels or building sites, counting the remnant lot and the original tract as a parcel or lot, which are two (2) acres or greater in size or the division of a lot or out lot within a recorded subdivision into not more than four (4) parcels or building sites without changing the original exterior boundaries of the lot or out lot within any five (5) year period.

(b) A minor subdivision shall also include the creation of any number of parcels or building sites which are two (2) acres to ten (10) acres in size.

**(2b) STATE SUBDIVISIONS.**

Land division meeting the definition of “state subdivisions” are subject to mandatory State review under Chapter 236, Wisconsin Statutes, as well as, Town review under this ordinance and County review under County ordinances.

**SECTION 3.0. SUITABILITY STANDARDS**

**SECTION 3.1 GENERAL.**

- (1) Section 236.45 of the Wisconsin Statutes authorizes the Town to prohibit the division of lands where such prohibition will carry out the PURPOSES set forth in this ordinance. The town may also regulate the manner of land division in areas where divisions are permitted.
- (2) The suitability standards of this section are in addition to standards set forth in other regulatory ordinances.
- (3) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.

**SECTION 3.2 GENERAL SUITABILITY STANDARDS.**

No land shall be divided upon the recommendation of the Planning Commission and determined by the Town Board to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.

**SECTION 3.3 ZONING.**

- (1) Divisions of lands under this ordinance shall be made in conformance with the provisions of the Marathon County Zoning Ordinance except no lot divided may be smaller than authorized by Section 2.2(3) of this ordinance.

**SECTION 4.0 SUBDIVISION STANDARDS**

**SECTION 4.1 GENERAL.**

Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and streets, topography, surface water, vegetative cover and other natural features. Land divisions shall conform to any town or county development plan, local master plan or element thereof applicable to the lands included.

**SECTION 4.2 SURFACE DRAINAGE AND EROSION CONTROL.**

- (1) Land divisions shall be designed so as to minimize soil erosion and to provide

reasonable management of surface water drainage. The Planning Commission may require engineering studies of erosion potentials and may impose preventive design requirements. The Planning Commission may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and situation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities.

- (2) Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width or construction or both as will be adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

#### **SECTION 4.3 PUBLIC STREETS AND ROADS.**

- (1) Streets - General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

These provisions shall apply to all roads and highways within the jurisdiction of the Ordinance.

- (a) All newly created roads and any widened right-of-way, shall be surveyed by a Registered Land Surveyor and approved by the Town Board.  
That plat shall then be recorded as a Certified Survey Map (CSM) in the Register of Deeds office with full compliance with:  
236.15(1)(a), (b), (f), (g), (h)  
236.15(2) same, except ratio of error shall be 1:5000  
236.16(2)  
236.20(2)(a), (b), (c), (d), (e), (h)  
236.20(2)(l) shall be as per county land division ordinance  
236.20(2)(j), (k)  
236.20(3)(a)  
236.20(3)(b) shall be as per county land division ordinance  
236.21(1)(a), (b), (c), (d)
- (b) Town Road names are subject to approval by the Town Board and the County Planning Department to ensure conformity with the County Geographic Information System (GIS). Before any Minor Subdivision, County Subdivision or State Subdivision can be approved for recording, new town roads shall be named and these names as approved shall appear on the document to be recorded.

- (2) Arrangement.
  - (a) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
  - (b) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
  - (c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
  - (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged only where such use may result in a more desirable layout.
  - (e) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Planning & Zoning Commission and/or Town Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
  - (f) In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian. The layout of business and industrial development shall provide a screen planting or conserved vegetation between residential areas and existing road ways.
- (3) Access to Major Streets. The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Town Planning & Zoning Commission and/or Town Board may require that access to such streets be limited by one of the following means:
  - (a) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with a screen planting or conserved vegetation contained in a non-access reservation along the rear property line;
  - (b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;
  - (c) A marginal access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.
- (4) Width of Streets. Right-of-way and paving widths of all streets shall be determined by

the Town Board but shall not be less than that specified in §86.26 statutes. Town specifications for road or street construction shall be:

- (a) 4 rod (66 feet) wide right-of-way;
- (b) 12 inches of fill sand plus 8 inches 1 ¼" aggregate or crush rock for the base coarse.
- (c) 28 feet driving surface;
- (d) 3 inches blacktop 22 feet wide.

The road base specifications may change in extreme conditions with the recommendation of an engineer at the developers cost.

(5) Cul-de-sacs or Dead End Streets.

- (a) The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
- (b) A cul-de-sac shall not be longer than eight hundred and fifty (850) feet, measured on its centerline. The Town Planning & Zoning Commission and/or Town Board may find a greater length to be justifiable based upon topography or other circumstances beyond the control of the developer.
- (c) The diameter of a permanent cul-de-sac shall be not less than one hundred twenty (120) feet. The roadway within the turn-around shall have the largest diameter practical. The roadway shall generally be within ten (10) feet of the right of way.
- (d) Temporary cul-de-sacs may be required where a roadway will not be immediately completed as a through street. Temporary cul-de-sacs may be reduced to one hundred (100) feet in diameter if a large diameter would effectively reduce the minimum lot size. The town Board may approve turnarounds of smaller diameter or different design on a case by case basis,

(6) Half Streets. Half streets in new subdivisions shall not be permitted.

(7) Street Intersections.

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection to two new streets at an angle of less than seventy (70) degrees shall not be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Town Board.
- (b) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than two hundred twenty-five (225) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.

- (c) Where the grade of any street at the approach of an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than four (4) percent grade a distance of fifty (50) feet measured from the nearest right-of-way line of the intersecting street.
  - (d) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer at the direction of the Town Board, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance and comply with the corner vision triangle requirements.
- (8) Alleys
- (a) Alleys may be required by the Town Board where deemed necessary.
  - (b) The width of alleys shall be not less than twenty-four (24) feet.
  - (c) Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- (9) Easements. Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the Town Planning & Zoning Commission and/or Town Board; such easements shall be at least ten (10) feet wide.
- (10) Every residential lot or parcel created under the terms of this Ordinance shall have a minimum of forty (40) feet of frontage directly on a public street.
- (11) Driveway access to Town Roads. The following standards shall apply when creating parcels which will front on existing or proposed town roads.
- (a) A drive way permit/inspection is required prior to installing, contact the Town Clerk.
  - (b) Whenever possible driveways must enter the road at right angles.
  - (c) Parcel splits will be denied where stopping site distance is a significant problem and another alternative access is available.
  - (d) Driveways are to be a minimum of ten (10) feet from the property line.
  - (e) Driveways are to be a minimum of one hundred (100) feet from the right-of-way of an intersection
  - (f) Driveways should be spaced a minimum of twenty (20) feet apart.
  - (g) Lots with access only to private drives or streets shall not be permitted.
  - (h) Only one access point will be allowed per each one hundred (100) feet of frontage.

- (i) The Town Board has the option of waiving some or all of the driveway location standards when there are obstacles to installation of a driveway as outlined.

**SECTION 4.4 LOTS AND BLOCKS.**

- (1) Residential blocks
  - (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
  - (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand, eight hundred (1,800) feet nor be less than four hundred (400) feet in depth. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand, three hundred and twenty (1,320) feet in length.
  - (c) Pedestrian walkways, not less than three (3) feet or more than ten (10) feet wide, may be required by the Town Planning & Zoning Commission and/or Town Board through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (2) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Town Planning & Zoning Commission and/or Town Board for the prospective use.
- (3) Residential lots. Residential lots to be served by private sewage systems shall comply with Marathon County ordinances and State regulations.
- (4) Business, commercial and industrial properties. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.
- (5) Corner lots. Corner lots for residential use shall have sufficient width to permit full building setback as required in the appropriate zoning regulations.
- (6) Lot frontage. Every lot shall front on or abut a public street.
- (7) Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (8) Re-subdivision of parcels. In case a tract is subdivided into parcels containing five (5) or more acres, such parcels shall be arranged to allow the re-subdivision of any parcels into smaller lots in accordance with the provisions of this ordinance.

- (9) Lot lines. Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.
- (10) Double frontage and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

**SECTION 4.5 LANDS NEAR WATER'S EDGE.**

The lands lying between the meander line, established in accordance with Section §236.20(2)(g) and the waters edge and any otherwise unplattable lands, such as floodways, which lie between a proposed land division and the water's edge shall be included as part of lots, out lots or public dedications in any map or plat abutting a lake or stream. This requirement applies not only to lands proposed to be divided, but also to all lands under option to the sub-divider or in which he holds an interest and which abut a lake or stream as provided in Section 236.16(4) of the Wisconsin Statutes. Lands located below the ordinary high water mark of any navigable water shall not be included in the total area of any lot or parcel created under the terms of this ordinance. See OAG-88-78.

**SECTION 5.0 SUBDIVISION DESIGN**

**SECTION 5.1 SUBDIVISION DESIGN STANDARDS**

- (1) Intent. It is the intent of this section to adhere to the use of a subdivision design that would limit the residential parcels and preserve open space/agricultural land by the use of a plan that will maintain a rural/farm/woodland atmosphere while protecting the natural surroundings.
- (2) Design Standards
  - (a) The number of development lots permitted shall be determined by preparing a preliminary plat showing a general layout that would conform to lot area and dimensions for the zoning district in which the development is proposed. This plan must show wetlands, floodplains, hydric soils, slopes exceeding 25%, rock outcrops, proposed and existing roads or any other natural or artificial feature that would make that part of the site un-developable.
  - (b) At least ten (10) percent of the entire development shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the Town, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots.
  - (c) The permanent open space shall be useable by all the subdivision residents or the community and may be developed as a park, playground or as a natural

indigenous habitat for passive recreation, such as for trails.

(3) Design and Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Town Board as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Town Board shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

- (a) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town Board for essential infrastructure or active or passive recreation amenities).
- (b) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
- (c) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby woodlot).
- (d) Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters, including creeks, streams, lakes and ponds.
- (e) Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

- (f) Leaves scenic views and vistas unblocked for uninterrupted, particularly as seen from public thoroughfares. For example, in open agricultural landscapes, a deep “no-build, no plant” buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of “foreground meadows,” with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.
- (g) Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- (h) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Fish and Wildlife Service and/or by the Wisconsin Department of Natural Resources.
- (i) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, earthworks, and burial grounds.
- (j) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establish buffer zones along the scenic, corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
- (k) Landscapes common areas (such as community greens), and both sides of new streets with native specie shade trees and shrubs with high wildlife conservation value. Deciduous shade trees may be planted at forty-foot intervals on both sides of each street, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located at the edge of the right-of-way, within a planting strip of not less than five feet in width.
- (l) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- (m) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- (n) Provides open space that is reasonable contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the

greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations). Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the town's comprehensive plan.

- (o) Lighting. Lighting design shall take into account surrounding properties and shall minimize the visual impact of the artificial lighting on those properties to the extent possible to maintain the rural night sky. All lightning on any properties within the Subdivision shall comply with applicable ordinances, all lighting shall be shielded lighting and full cut-off luminary.

## **SECTION 6.0 CONSERVATION DESIGN**

### **SECTION 6.1 CONSERVATION DESIGN STANDARDS**

- (1) Intent. It is the intent of this section to adhere to the use of what is now non-traditional subdivision design that would cluster the residential parcels and preserve open space/agricultural land by the use of restrictive covenants, deed restrictions and/or other binding criteria. In so doing, the overall density as required by zoning is maintained without sprawling the home sites over a large area.
- (2) Design Standards
  - (a) The number of development lots permitted shall be determined by preparing a Yield Plan similar to a preliminary plat showing a general layout that would conform to lot area and dimensions for the zoning district in which the development is proposed. This plan must show wetlands, floodplains, hydric soils, slopes exceeding 25%, rock outcrops, proposed and existing roads or any other natural or artificial feature that would make that part of the site un-developable. No more than 10% of these un-developable areas shall be included in calculating yield.
  - (b) The number of lots in a conservation design subdivision may be increased above the yield plan by one lot for each whole 20 acres in the proposed development.
  - (c) The minimum area for an individually owned development lot shall not be less than one (1) acre. Fifty percent or more of the developable land area shall be designated as undivided permanent open space.
  - (d) All the land which is not divided into development land shall be designated as permanent open space, not to be further subdivided, and protected through

conservation easement held by the Town, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division.

- (e) Storm water detention basins and other non-structural uses may be included as part of the minimum required open space.

(3) Design and Evaluation Criteria

Follow Criteria in SECTION 5.1 SUBDIVISION DESIGN STANDARDS subsection (3) Design and Evaluation Criteria.

**SECTION 7.0 CONDOMINIUMS**

**SECTION 7.1 INTENT**

It is the intent of this section to regulate condominiums as they relate to zoning and for the division of land for the purpose of establishing a condominium plat.

**SECTION 7.2 ZONING**

Land divided for the establishment of a condominium plat shall meet the requirements of the Zoning Ordinance as approved or adopted by the Town of Knowlton.

**SECTION 7.3 CONDOMINIUM PLATS**

Condominium declaration and plat shall be submitted to the Town of Knowlton Plan Commission for review pursuant to §703.115, Wisconsin Statutes.

**SECTION 7.4 STANDARDS**

Condominium declaration and plats shall meet the requirements of Section 703 and 236 of the Wisconsin Statutes, and to the extent applicable, shall comply with the terms of this ordinance.

**SECTION 7.5 UNITS**

- (1) Unlike subdivision of lots and blocks, units are applied to condominium plats. Units shall be fully described as provided by section 703.12 of the Wisconsin Statutes.
- (2) Units within single, multi-unit or multi-story structures shall be shown and described on the plat.

**SECTION 7.6 APPROVAL**

As a condition of approval of condominium plats, the Town Board may consider all provisions outlined in Chapter 703 of the Wisconsin Statutes and this ordinance prior to granting approval for the recording of the instruments specified. The Town shall have ten

(10) working days after submission for its review. If the review is not completed within ten (10) days the instrument is approved for recording.

**SECTION 8.0 OWNERSHIP AND MAINTENANCE OF OPEN SPACE**

**SECTION 8.1 GENERAL**

Different ownership and management options apply to the permanently protected open space created through the development process. The open space shall remain undivided and may be owned and managed by a homeowners' association, the town, or a recognized land trust or conservancy. A public land dedication, of at least 10% of the total parcel size, is required by the town. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

**SECTION 8.2 OWNERSHIP STANDARDS**

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Town.

- (1) Offer of Dedication. The Town shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Town may, but shall not be required to accept undivided open space provided: (1) such land is accessible to the residents of the town; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (3) the Town agrees to and has access to maintain such lands. Where the Town accepts dedication of common open space that contains improvements, the Town may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
- (2) Homeowners' Association. The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:
  - (a) The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
  - (b) The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
  - (c) Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to homeowners shall be identified.

- (d) The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the town on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
  - (e) The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined with the association bylaws.
  - (f) In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by the town, notice of such action shall be given to all property owners within the development.
  - (g) The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.
  - (h) The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
    - 1. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during the growing seasons);
    - 2. That the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance; and
    - 3. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the town, at the election of the developer and/or homeowners' association, as the case may be.
  - (i) The lease shall be subject to the approval of the board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements so entered upon shall be recorded with the County Register of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the town.
- (3) Condominiums. The undivided open space and associated facilities may be controlled through the use of condominium declaration, approved by the Town. Such agreements shall be in conformance with the state's condominium laws. All undivided open space land shall be held as a "common element."
- (4) Dedication of Easements. The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by condominium or homeowners' association, provided: (1) such land is accessible to Town residents; (2) there is no cost of

acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and (3) a satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the Town.

- (5) Transfer of Easements to a Private Conservation Organization. With the permission of the Town, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
  - (a) The organization is acceptable to the Town, and is a bona fide conservation organization with perpetual existence;
  - (b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
  - (c) A maintenance agreement acceptable to the Board is entered into by the developer and the organization.

### **SECTION 8.3 MAINTENANCE STANDARDS**

- (1) The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space, through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- (2) In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the town may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
- (3) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance. The town is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.
- (4) Should any bill or bills for maintenance of undivided open space by the town be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.
- (5) Open space that has the intention for natural indigenous habitat for "passive recreation," such as for trails and scenic views, may be allowed to grow in its natural

state with little maintenance, other than removal of unnatural elements, such as trash.

**SECTION 9.0 DEDICATIONS AND IMPROVEMENTS**

**SECTION 9.1 DEDICATIONS**

- (1) Roads. The sub-divider shall be required to offer for dedication to the Town, all streets, roads and other public ways which are proposed to be established within the subdivision. No building permits shall be granted for lots on newly dedicated streets, roads and other public ways until the construction of the street, road or public way is accepted by the Town Board and bonded/bank letter of credit.
- (2) Disclosure. No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or the County.
- (3) Public access to navigable waters. All subdivisions abutting on a navigable lake or stream shall, according to the provisions of section 236.16(3) of the Wisconsin Statutes and this section, provide access at least sixty (60) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (½) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources, and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. For minor subdivisions no public access will be required.
- (4) Terms of reservation. Reservation of land for public acquisition shall be for a period specified by the Town Planning & Zoning Commission and/or Town Board not to exceed ten (10) years. Land so dedicated or reserved shall be shown on the final plat.
- (5) Method of offering dedications. Dedications shall be effected as provided in section 236.29 of the Wisconsin Statutes. Dedications to the town shall require approval of the Town Board.

**SECTION 9.2 IMPROVEMENTS**

- (1) Survey monuments. The surveyor shall install all survey monuments in accordance with the requirements of section 236.15 of the Wisconsin Statutes. The Town Board may waive the placing of monuments for a reasonable time on condition that the sub-divider executes a security bond to ensure that the monuments will be placed within the time required.
- (2) Ties to the County Coordinate System. Any State or County Plat or CSM recorded in the Register of Deeds office or any plat of survey recorded in the County Surveyor's office shall be tied by lengths and bearings to the boundary line of a quarter section, Private Claim or Federal Reservation in which the subdivision lies; and description of monuments at ends of the line; and bearing and distance between those monuments.

Boundary bearing references shall be the bearings established by the County in its county coordinate system. If no bearings have been established on any of the boundaries of the section being worked in, a reference to a magnetic, true or other identifiable direction may be used for reference to the boundary. When re-dividing an existing CSM or subdivision plat which is already connected to county bearings the re-division may be referenced to those bearings.

- (3) The sub-divider shall enter into a written development agreement with the Town for the installation and payment for public improvements. The sub-divider shall provide a bond, letter of credit, or cash deposit in favor of the Town in an amount equal to the estimated cost of completing the required improvements. Said cost estimate shall be prepared by the Town. The bond, deposit or letter of credit shall be a guarantee that the improvements are made in accordance with the development agreement and Town standards. As a further guarantee of performance, the development agreement shall also provide that the sub-divider waives notice and hearing, and stipulates to the benefit of the improvements under Wis. Stats. §66.0703(7)(b), for the imposition of special assessments for any cost of public improvements, including costs incurred by the Town to finish any uncompleted improvements, or to bring improvements to the Town's standards. One year after satisfactory completion of the public improvements, the bond, deposit, or letter of credit shall be released to the sub-divider.

### **SECTION 9.3 COMMENCEMENT OF IMPROVEMENTS AND CONSTRUCTION.**

Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities; provided, however, that construction or installation of improvements may commence following approval of a preliminary plat if the Town Board's approval of the preliminary plat included explicit approval of such commencement.

### **SECTION 10.0 PROCESS AND PROCEDURES**

#### **SECTION 10.1 GENERAL**

- (1) Process Overview. The sequence of actions prescribed in this Ordinance is as listed below and applies to Standard Design Subdivisions, Conservation Design Subdivisions and for Condominiums. These steps should be followed sequentially and may be combined only at the discretion of the Town.
  - (a) Pre-application discussion.
  - (b) Existing features (site analysis) plan development.
  - (c) On-site inspection by town and applicant for a pre-submission conference.
  - (d) Conceptual Preliminary Plat
  - (e) Preliminary Plat conceptual illustration of open space land, potential house sites, street alignments, and tentative lot lines.
  - (f) Preliminary Plat submission, review of overall planning concepts, and decision.
  - (g) Final Plat submission, review, and decision. (After the county review)

- (h) Town signatures.
- (i) Recording at County Register of Deeds

## **SECTION 10.2 ELEMENTS OF THE PRELIMINARY PLAN PROCESS**

- (1) Pre-Application Discussion. The Town may require a pre-application discussion between the applicant, site designer, Planning Commission and/or Town Board. The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the town's zoning and subdivision regulations and procedures, and to discuss the applicant's objectives in relation to the town's official policies and ordinance requirements. The Town Board may designate a consultant experienced in development design and in the protection of natural features and open space lands to meet with the applicant and to attend or conduct meetings required under this ordinance. (The cost of these consultant services shall be paid for through subdivision review fees received by the town).
- (2) Existing Features (Site Analysis) Plan. Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for open space lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring a copy of the Existing Features (Site Analysis) Plan to the on-site inspection which must include:
  - (a) A contour map based at least upon topographical maps published by the U.S. Geological Survey;
  - (b) The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
  - (c) Soil boundaries as shown on USDA Natural Resources Conservation Service maps; and
  - (d) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, natural corridors, and existing structures, roads, tracks and trails.

The Existing Features (Site Analysis) Plan shall form the basis for the conceptual Preliminary Plat, which shall show the tentative location of houses, streets, lot lines, and open space lands in new subdivisions.

- (3) On-Site Inspection. After the Existing Features (Site Analysis) Plan has been prepared, the town may schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize town officials with the property's special features, and to provide them in informal opportunity to offer guidance (or at least a response) to the applicant regarding the

tentative location of the open space areas and potential house locations and street alignments. If this visit is not scheduled before submission of the sketch plan or the Conceptual Preliminary Plat, it should occur soon thereafter.

- (4) A Conceptual Preliminary Plat shall be submitted by the applicant to the town Clerk who will then submit it to the Planning Commission for review of the purpose of securing early agreement on the overall pattern of streets, house lots, open space areas, and potential trail linkages (where applicable), prior to any significant expenditure in the design of streets, storm water management, or the accurate delineation of internal lot boundaries.

Within sixty (60) days of receiving the Conceptual Preliminary plat, the Town shall approve it, disapprove it, or approve it with conditions, stating its reasons in writing. This time period may be formally extended if mutually agreeable to the applicant and the town.

When the Conceptual Preliminary Plat is submitted, applicants shall be prepared to demonstrate to the Town that the following criteria were followed by their site designers in determining the layout of their proposed streets, house lots, and open space lands.

- (a) Designating the Open Space. All potential open space areas are identified, using the Existing Features (Site Analysis) Plan. Primary conservation Areas shall consist of wetlands, floodplains, slopes over 25%, and other un-developable lands. Open space area shall include the most sensitive and noteworthy natural, scenic, and cultural resources. In standard subdivision developments the ten (10) percent designed as open space for community use shall be designated.
- (b) Location of House Sites. Potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision, subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plat and proposed house sites on the detailed Final Plat. House sites should be located no closer than fifty (50) feet from open space, or a variance will be required from the Town Board.
- (c) Street and Lot Layout. Care should be taken to align proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the town and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). The town encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in

new developments may enjoy views of open space.

- (d) Lot Lines. Finally, draw in the lot lines. These are drawn between house locations and meeting the town's minimum standards for the same.
- (5) Preliminary Plat. After the pre-submission conference, a sketch plan or a Preliminary Plat shall be submitted for all proposed subdivisions. As used in this ordinance, the term "Conceptual Preliminary Plat" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before engineering costs are incurred in the design of any proposed subdivision layout.
- (6) Preliminary Engineering Certification. Prior to approval of the Conceptual Preliminary Plat, the applicant may be required to submit to the town a "Preliminary Engineering Certification" that the approximate layout of proposed streets, house lots, and open space lands complies with the town's zoning and subdivision ordinances, particularly those sections governing the design of subdivision streets and storm water management facilities. This certification requirement is meant to provide the town with assurance that the proposed plan is able to be accomplished within the current regulations of the town. The certification shall also note any waivers needed to implement the plan as drawn.

### **SECTION 10.3 CERTIFIED SURVEY MAPS SUBMISSION PROCESS**

- (1) Process Overview. The sequence of actions prescribed in this Ordinance is as listed below and applies to Standard Design Subdivisions, Conservation Design Subdivisions and for Condominiums. These steps should be followed sequentially and may be combined only at the discretion of the Town.
  - (a) Contact the Town Clerk for the towns CSM requirements.
  - (b) Contact the county.
  - (c) Obtain the town's Land Division and Subdivision Ordinance.
  - (d) Submit the CSM to the town clerk and county.
  - (e) Final CSM submission, review, and decision. (After county review)
  - (f) Town signatures.
  - (g) Recording at County Register of Deeds.

No persons shall divide or create a land division or record a certified survey map without meeting all the requirements of Wisconsin Statutes Section 236.34 relating to certified survey maps, this land division ordinance, and any other applicable zoning ordinance, regulation, or plan. To the extent reasonably practicable, the land division shall comply with the provisions of this ordinance governing general requirements, design standards, and required improvements.

### **SECTION 11.0 RECORDING**

#### **SECTION 11.1 RECORDING AND CONVEYANCE OF LOT OR PARCEL**

- (1) Recording. Pursuant to section 236.45(2) of the Wisconsin Statutes, the Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this code. The town prohibits any person from attempting to record a plat that is not in conformance with the ordinance and the town chairmen and town clerk will not sign any certification for any plat or certified survey map until all conditions of this ordinance have been met.
- (2) Conveyance. Lands described in plats and maps recorded pursuant to sub. (1) may be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in section 706.01(3), Wisconsin Statutes.

**SECTION 12.0 ADMINISTRATION AND ENFORCEMENT.**

**SECTION 12.1 FEES**

- (1) Application fees. The sub-divider shall pay the fees specified below at the time of formal submission of application.
  - (a) Preliminary and Final Plat review
  - (b) Certified Survey Map (CSM) review:
  - (c) Replat. The same fees as listed in paragraph one (1).
  - (d) Condominium plat:
  - (e) Land division code:Contact the Town Clerk for needed applications and their associated costs.
- (2) Professional Consultant Review Services. Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposed land division. The Town may condition approval of the land division until the fees are paid by the sub-divider shall constitute an agreement to pay for such professional review services as are applicable, and any fees which are not paid, may be imposed as a special charge to the subject property. The Town may also require that any such fees be paid in advance of consideration of the proposed land division.
- (3) Fees shall be set and amended from time to time by the Town Board.
- (4) A double fee will be charged for all after-the-fact applications to partially recover the cost of obtaining compliance.
- (5) Any person, firm, incorporation, limited liability company, or other such entity who violates the provisions of this ordinance, or fails to comply with its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than \$10.00 and

not more than \$1,000.00, together with applicable costs, assessments, penalties, and fees. Each day that a violation continues to exist shall constitute a separate offense.

## **SECTION 12.2 MODIFICATIONS AND APPEALS**

- (1) Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal applications would impose undue hardship, the Town Planning & Zoning Commission and/or Town Board/Town Board may vary the requirements of this code. The Town Planning & Zoning Commission and/or Town Board/Town Board may attach conditions to the granting of such modifications to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved.
- (2) Appeals. Any person aggrieved by a failure to approve any land division or condominium plat, may appeal there from to the courts as provided in the Wisconsin Statutes.

## **SECTION 12.3 REPLATS, VACATIONS OR ALTERCATIONS IN RECORDED PLATS.**

- (1) Replats of all or part of a recorded land division shall occur pursuant to section 236.36 through 236.455 of the Wisconsin Statutes.
- (2) Upon submission to the Town of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to section 236.40 through 236.44, the Town Planning & Zoning Commission shall hold a public hearing. While the proposed new plat is pending before the Plan Commission, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

## **SECTION 12.4 ENFORCEMENT**

- (1) Any division of land which results in a state subdivision, county subdivision, minor subdivision or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Marathon County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division, provided, however, that in the case of a subdivision which has been the subject of a preliminary plat approved by the Town, offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
- (2) Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide,

convey, record or monument any land in violation of this code or the Wisconsin Statutes. Until the requirements of this ordinance have fully been met, no person, firm or corporation shall be issued a permit authorizing the building upon, or improvement on any land division, replat or condominium plat within the geographic jurisdiction of the ordinance, and not of record as of the effective date of this code.

- (3) The Town Board or designee may issue a compliance order, field directive, suspension order to termination order to assure compliance with the provisions of this code.
- (4) The Town Board may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to section 236.31 of the Wisconsin Statutes
- (5) Penalties. A person, firm or corporation who fails to comply with this code shall be subject to:
  - (a) The penalties of §236.31 and 236.32 statutes apply to this code.
  - (b) Each day a violation exists or continues shall constitute a separate offense.
  - (c) Assessor's plats made pursuant to section 70.27 of the Wisconsin Statutes may be ordered by the Town Board at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this code.

## **SECTION 13.0 APPENDIX A**

### **SECTION 13.1 INTERPRETATIVE GUIDELINES**

For the purpose of these regulations, abbreviations, terms and words shall be interpreted, and defined as follows. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

- (a) Unless the text clearly indicates to the contrary, words in the present tense shall include the future.
- (b) Words used in the plural include the singular and the reverse.
- (c) The word "person" includes a firm, association, partnership, limited liability company, limited liability partnership, trust, company or corporation as well as an individual. Gender references shall be all inclusive.
- (d) The word "shall" is mandatory, not directory.

### **SECTION 13.2 DEFINITIONS**

**Access.** A way or means of approach by easement or ownership of land, to provide vehicular or pedestrian physical entrance to a property.

**Act or Action.** The outcome of a review, being an approval, conditional approval, denial; or a request for modification, additional study, field inspection or documentation.

**Applicant.** The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner.

**Area, Lot, Parcel or Tract.** The total square footage lying within the peripheral boundaries, including land over which easements have been granted.

**Area, net useable.** In any zoning jurisdiction, the net useable area is the land of a lot, parcel or tract devoted to the land use and specifically excludes the right-of way of public and private streets; public lands; areas covered by navigable water; or other unusable land within the peripheral boundaries.

**Access Site, Lot.** A parcel of land that is contiguous to a body of water (lake or river) that provides means for waterfront access for back lot development.

**Assessor's Plat.** The description of one or more of different parcels thereof cannot be made sufficiently certain and accurate but plainly defined by the boundaries by street or roadway, for the purposes of assessment, taxation or tax title procedures.

**Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

**Board.** Knowlton Town Board, Town of Knowlton, Marathon County, Wisconsin.

**Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

**Cemetery.** A place set apart, either by municipal authority or private enterprise, for the interment of the dead; the term including not only lots for burying the bodies of the dead, but also avenues, walks and grounds for shrubbery and ornamental purposes.

**Certificate of Survey.** Also known as a Map of Survey or Plat of Survey prepared by a Registered Land Surveyor. A Certificate of Survey may be a survey of an existing lot, parcel or tract, or may be a new land division if greater than ten (10) acres.

**Commission.** The Town of Knowlton Planning & Zoning Commission.

**Common Open Space.** Undeveloped land within a standard design or conservation design subdivision or condominium development that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of the individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

**Comprehensive Plan.** The Comprehensive Master Plan adopted by the Town of Knowlton in accordance with the Wisconsin Smart Growth Law, which indicates the general locations recommended for various land uses in the Town and includes any part of the plan separately adopted and any amendment to the plan.

**Conceptual Preliminary Plat.** A Concept Plan is a general layout of the proposed development that is presented to and reviewed by the Plan Commission for general compliance with the Comprehensive Plan, and to enable the Sub-divider and Town to identify development issues and articulate concerns with the proposed development prior to the creation of a Preliminary Plat.

**Condominium Declaration.** A legal agreement outlining the management of common open space within a condominium development.

**Condominium Association.** An association, whose members consist of owner of units in a condominium

**Condominium Development.** A real estate development in which the condominium form of ownership pursuant to Wisconsin Statutes, Chapter 703 is utilized.

**Conservation Areas, primary.** Areas that are automatically set aside when determining open space for conservation design subdivisions, including: all lands located within existing right-of-ways, all lands located within existing utility and railroad right-of-ways, floodplains, wetlands, and slopes of 25% or greater

**Conservation Easement.** The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

**Conservation Subdivision (Conservation Design Cluster Developments).** A subdivision design method which concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. The development density of the entire parcel will not exceed the original density of the parcel. Houses will be grouped together in one or more areas on the parcel. A density bonus may be granted, which will allow increased building density on the parcel. The concept of clustering provides for a flexibility in subdivision design that fits the natural characteristics of the land and permits more useable open space and the preservation of prime agricultural land and land which may contain sensitive areas.

**Conservation Subdivision Design.** A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open space; thereby permanently protecting agriculturally, environmentally or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

**Conserved Vegetation.** The natural vegetation, trees, undergrowth and grasses.

**Contiguous.** Land that touches, having a common boundary.

**County.** Shall mean Marathon County.

**Covenant.** An agreement or promise between two (2) or more parties in writing.

**Cul-de-sac.** A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Cul-de-sac Temporary.** A local street terminating in a turnaround, which will be extended as a through street within a time period approved during the platting process by the Town Board. The sub-divider shall submit such assurances as required by the Town Board that the street will be extended as a through street within the time allowed.

**Days.** Shall refer to full calendar days.

**Declaration.** The instrument by which a property becomes subject to this ordinance, and the declaration as amended from time to time.

**Dedication.** A donation of land or grant, to the public or part of the public.

**Deed, Recorded.** A written instrument that is signed, sealed, delivered and recorded in the Register of Deeds office by which one party conveys land, tenements or hereditaments to another.

**Developer Agreement.** Contracts entered into between the Sub-divider and the Town to provide mutual protection and understanding as to the processes and nature of the development.

**Detention Basin.** A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water to impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e. storm sewer, culvert or stream).

**Divider.** Any person, or corporation or authorized agent who undertakes a land division as defined in this section.

**Driveway.** A private access for ingress & egress from a public road right-of-way to private land.

**Easement.** The area of land set aside or through which a privilege or advantage in land, distinct from ownership of the land, is granted to the public or part of the public.

**Final Plat.** The map and/or drawing of a of record of a subdivision, and any accompanying material prepared in compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the provisions of this ordinance..

**Floodplains.** Those lands, including channels, floodways, and floodplain fringe, which are subject to inundation by flood within a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a 1 percent probability of occurring in any given year) is generally used for regulation.

**Frontage.** The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or public right-of-way.

**Grade.** The slope of a road, street or other public way, specified in a percentage.

**High Water Elevation.** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum or plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent so as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic or vegetative characteristic.

**Homeowners Association.** A Wisconsin non-profit membership corporation which serves as an association of homeowners with a subdivision or certified survey having shared common interests, responsibilities with respect to costs and upcoming of common private property of a subdivision or certified survey. Such common property may include recreation and open space areas within a subdivision or certified survey.

**Hydric Soils.** Soils susceptible to saturation by water, as designated by the USDA Natural Resources Conservation Service.

**Improvement, Public.** Any sanitary sewer, storm sewer, drainage ditch, water main, off-street parking area, or other facility for which the County, town or special use district may ultimately assume the responsibility for maintenance and operation.

**Land Division.** The act or process of dividing land into two (2) or more lots, parcels or tracts for the purpose of transfer of ownership or building development.

**Large Scale Development.** A proposed complete new, large neighborhood unit which due to its magnitude and comprehensiveness, warrants special consideration by the Plan Commission.

**Landscape Buffer.** A specific area constructed with berming and/or live plant material and maintained for the purpose of providing a visual and/or spatial separation between different uses.

**Landscaping.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls and fences, but not including paving.

**Lease.** A conveyance of land or tenements to a person for a specified time, in consideration of some type of compensation.

**Light Pollution.** Outside electrical lighting that strays from its intended illuminated area into the air space of other properties as to obscure vision or disrupt privacy.

**Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size intended for transfer of ownership or for building development. to meet the provisions of this Ordinance and any applicable zoning ordinance.

(a) **Corner Lot.** A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

- (b) **Double Frontage Lot.** Double frontage, is a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" or "double frontage lot" both street lines shall be deemed front lot lines
- (c) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (d) **Lot, Legal.** An area of land that complies with applicable basic district standards for the zoning district in which such lot is situation or means the definition of a "lot of record" of this ordinance.
- (e) **Lot Lines.** The peripheral boundaries of a lot.
- (f) **Lot, Substandard.** An area of land having frontage on a public street, or other approved means of access, having insufficient size to meet the lot width, lot area, yard, off-street parking area or other open spaced provisions of this ordinance or the zoning district wherein located.
- (g) **Lot Width.** The width of a parcel of land measured along the front setback line.

**Map.** The map refers to all pages and sheets that make up the land surveying document.

**Natural Resources.** Natural resources shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational and historical resources. Scenic and esthetic resources shall also be considered natural resources when owned by any governmental unit of agency.

**Navigable Waters.** All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters that are navigable under the laws of this state. Under Section 281.31(2m), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shore land ordinances required under Section 59.692, Wisconsin Statutes, and Chapter NR115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river.
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

**Official Map.** The map adopted pursuant to Wisconsin Statutes that shows existing and propose streets, highways, parkways, parks and playgrounds and school sites.

**On-site Wastewater Treatment System.** A means of disposing and treating wastewater contained entirely within a lot or Plat and meeting the requirements of Wisconsin Administrative Code COMM 83.

**Open Space.** See Common Open Space.

**Ordinary High Water Mark.** The water level of a pond, stream, lake, river, flowage, or wetland referred to on an established datum plan where the presence of the water is so

continuous as to leave a distinct mark by erosion, changing, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristics.

**Owner.** The record owners of the fee or a vendee in possession, including any person, group of persons, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, or any legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this title.

**Out Lot.** A parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An out lot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. An out lot may be a private road or alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel.

**Parcel.** Contiguous lands under the control of a Sub-divider(s) not separated by streets, highways or railroad rights-of-way.

**Plat.** A map of a subdivision.

- (a) **Final Plat.** The final map of a subdivision, together with any supplementary data required in this Ordinance, which gives legal descriptions of property and is prepared and approved under these regulations, to be recorded by the County Register of Deeds.
- (b) **Preliminary Plat.** A map showing the salient features of a proposed subdivision, , together with supplementary data as required in this Ordinance, showing the layout of a proposed subdivision submitted to the Plan Commission and Town Board for their consideration as to compliance with the regulations contained in this Ordinance and the Town Comprehensive Plan for purposes of preliminary consideration..
- (c) **Replat.** The process of changing, or a map or Plat which changes the boundaries of a recorded Subdivision Plat or part thereof. The legal dividing of a large block or lot within a recorded subdivision Plat without changing exterior boundaries of said block or lot is not a replat.

**Public Hearing.** A public meeting conducted by the Town Board or Plan Commission for the purpose of collecting testimony about a specific topic or item and which is specifically noticed under Wisconsin Statutes, Section 19.84.

**Public Improvement.** Any open channel, roadway, park, parkway, public access, multi-use path, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

**Registered Land Surveyor.** A land surveyor duly registered in the State of Wisconsin to perform any service comprising of the determination of the location of land boundaries and land boundary corners; the preparation of maps showing the shape and area of parcels or lots and their subdivision into smaller parcels or lots; the preparation of maps showing the

layout of roads, streets and right-of way of the same to give access to smaller parcels or lots; and the preparation of official plats or maps of land in the State of Wisconsin.

**Right-of-way.** Right-of-way is a strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, walkway, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the divider of the plat on which such right-of-way is established.

**Restrictive Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293, Wisconsin Statutes, which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Recreation Land, Active.** Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active recreation lands may also require the installation of equipment (e.g. playground apparatus, riding stables, target ranges, golf ranges, etc.)

**Recreation Land, Passive.** Areas that are left in a natural state for scenic enjoyment (e.g. distant views) with minimal alternation. Limited outdoor activities with minimal impact on the landscape (e.g. walking, hiking, birding, hunting) may also be included as passive recreation lands.

**Retention Basin.** A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the levels of which will be increased as a result of flow into it from surface and subsurface water collected therein and released gradually into natural and man-made outlets.

**Roadway.** The surfaced portion of the street available for vehicular movement and parking.

**Shore Lands.** Those lands within the following distances (whichever is greater):

- (a) Within one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages, or;
- (b) Within three hundred (300) feet from the high-water mark of a river or stream, or to the landward side of a flood-plain.

**Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings.

- (a) **Cul-de-sac Street.** A local street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (b) **Dead End Street.** A local street with only one outlet and having no turn around for reversal of traffic movement.

**Scenic Natural Areas.** Any tract of land which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hillcrests, mature tree stands, and/or any other feature deemed to be significant by the Town Board of Supervisors for the Town of Knowlton.

**Sensitive Areas.** Areas containing one or more of the following unique or locally significant resources: archaeological resources, critical wildlife habitats, erodable land, flood hazard areas, stream corridors, wetlands or woodlands.

**Service Drive.** A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

**Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System.** An on-site septic or holding system approved for use by the Department of Commerce.

**Sidewalk.** That portion of a street or walkway, paved or otherwise surfaced, intended for pedestrian use only.

**Sub-divider.** Any person, corporation or authorized agent who undertakes the subdivision of land or proposing to divide land resulting in a Certified Survey Map, Subdivision Plat, Condominium Plat, or Replat as defined in this section.

**Subdivision, State.** A division of lot, contiguous parcel or tract of land for the purpose of sale or of building development, where:

- (a) Five (5) or more parcels or lots are created, or;
- (b) Five (5) or more parcels or lots, counting the remnant lot, original tract as a parcel or lot, are created by successive divisions within a period of five (5) years, whether done by the original owner or a successor owner; or
- (c) The establishment of a Condominium Development pursuant to Wisconsin Statutes, Chapter 703 shall be deemed to be a subdivision for purposes of this Ordinance.

**Subdivision Design Standards.** The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.

**Supplementary Data.** Information required to be filed with a Certified Survey Map, Subdivision or Condominium Plat as required by this Ordinance.

**Surety.** Any legal financial assurance or guarantee that guarantees performance of a Sub-divider's contract or obligation through forfeiture of the assurance of guarantee if said contractor obligation is unfulfilled by the Sub-divider.

**Thoroughfare.** A street with a high degree of continuity, including collectors, major arterials, and limited access highways.

**Town.** The Town of Knowlton, Marathon County, Wisconsin.

**Tract.** A contiguous area of land within a parcel, the owner of the tract being the same owner as the parcel. The tract is divided by a street, highway, railroad, waterway or other physical feature that causes the acreage of the parcel to be physically divided.

**Utility Easement.** An easement to place, replace, maintain or move utility facilities, such as telephone, water, gas and cable television.

**Walkway.** A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.

**Water Supply.** Individual. A well and appurtenances usually supplying only one lot.

**Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions as defined in Wisconsin Statutes, Section 23.32 (1).

**Yield Plan.** The calculation of the number of residential parcels with open space that a developer is able to divide the property that is considered for Cluster Development.

**Variance.** A modification or variation of the provisions of this ordinance that is not contrary to the public interest where it is determined that by reason of special and unusual circumstances relating to a specific land area, that strict application of the ordinance would cause an unreasonably burdensome condition.

**Zoning Regulations.** The Town of Knowlton has adopted Marathon County Zoning.