

Chapter 405

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Middle Inlet 6-9-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Citations — See Ch. 14.
Planning Commission — See Ch. 106.
Driveways and culverts — See Ch. 247.
Highways — See Ch. 285.

§ 405-1. Title; purpose.

The title of this chapter is the "Town of Middle Inlet Land Division Ordinance." The purpose of this chapter is to regulate and control the division of land within the limits of the Town of Middle Inlet, Marinette County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town of Middle Inlet.
- B. Supplementing county, state, and federal land division controls to implement any Town comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of Middle Inlet.
- D. Encouraging the most appropriate use of the land throughout the Town of Middle Inlet.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Middle Inlet.
- F. Facilitating the adequate provision of transportation, water, sewerage, health, education, recreation, and other public requirements in the Town of Middle Inlet.
- G. Providing the best possible environment for human habitation in the Town of Middle Inlet.
- H. Enforcing the goals and policies set forth in any Town comprehensive plan, master plan, or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Middle Inlet.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Middle Inlet.

- K. Securing safety from fire, flooding, and other dangers in the Town of Middle Inlet.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of Middle Inlet.
- M. Conserving the value of prime agricultural soils in the Town of Middle Inlet.
- N. Providing for the conservation of the agriculturally important lands in the Town of Middle Inlet by minimizing conflicting land uses.
- O. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of Middle Inlet.
- P. Regulating the development of condominium projects.
- Q. Ensuring accurate legal descriptions.
- R. Providing for administration and enforcement of this chapter by the Town Board.

§ 405-2. Authority.

This chapter was adopted under the statutory authority granted pursuant to the village powers of the Town of Middle Inlet, §§ 60.10(2)(c), 60.22(3), 61.34(1), 236.03, and 236.45, Wis. Stats. This chapter was adopted by the Town Board after its receipt of a formal written recommendation of this chapter dated May 9, 2005, from the Town Planning Agency under §§ 61.35, 62.23 and 236.45(2), Wis. Stats, which for the Town of Middle Inlet is the Town of Middle Inlet Planning Commission.

§ 405-3. Adoption.

The Town Board, by this chapter, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Middle Inlet. Pursuant to § 236.45(4), Wis. Stats., a public hearing was held before the adoption of this chapter and notice of the hearing was given by publication of a Class 2 notice under Ch. 985, Wis. Stats.

§ 405-4. Definitions.

In this chapter, the following definitions shall apply:

AGRICULTURAL USE — As defined in § 91.01(2), Wis. Stats.¹

CERTIFIED SURVEY or CERTIFIED SURVEY MAP — A certified survey with the map of a land division of less than 10 acres prepared in accordance with § 236.34, Wis. Stats., and in full compliance with the applicable provisions of this chapter. A certified survey map has the same legal force and effect as a land division plat. All land divisions of less than 10 acres require a certified survey map by a registered land surveyor. For additional requirements, see § 405-6D.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

CLUSTER DEVELOPMENT — Development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:

- A. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation; and
- B. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Middle Inlet.

COMPREHENSIVE PLAN — The plan, concerning issues of land in the Town, adopted pursuant to § 62.23, Wis. Stats.²

CONDOMINIUM — A building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

CONSERVATION EASEMENT — As provided in § 700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in § 157.70(1)(b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.

CONSERVATION SUBDIVISION — A housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

DEED RESTRICTION — A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.

DEVELOPER'S AGREEMENT — An agreement by which the local municipality and/or county and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developer's agreement. The developer's agreement shall not take effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the local municipality and/or the county.

FINAL PLAT — A map prepared in accordance with requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

LAND DIVIDER — Any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided or is proposed to be divided, resulting in a land division.

LAND DIVISION — The division of a lot, outlot, parcel, tax parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates a parcel or building site, inclusive of the original remnant parcel, which is 10 acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years, including any land division by or for a conservation subdivision, a cluster development, a statutory subdivision, a minor land division, a condominium, condominium plat, replat, and certified survey map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 10 acres in size.

LOT — A parcel of not less than one acre or greater, but less than 10 acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, certified survey map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.³

NATURAL RESOURCE — Air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the Town.

NAVIGABLE WATERS — Any body of water which is navigable under the laws of the state.

OUTLOT — A parcel of land other than a lot or block so designated on a land division plat or certified survey map.

PARCEL — Contiguous lands under the control of a land divider not separated by public streets, public highways, navigable rivers, or railroad rights-of-way.

REPLAT — The process of changing the map or plat which changes the boundaries of a recorded statutory subdivision plat, minor land division, certified survey map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.

RESTRICTIVE COVENANT — A deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.

SKETCH PLAN — A conceptual layout of a proposed development on a topographic map, which is submitted for formal review.

SUBDIVISION — A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:⁴

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. The act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or
- B. Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of five years.

TOWN — The Town of Middle Inlet, Marinette County, Wisconsin.

TOWN BOARD — The Board of Supervisors for the Town of Middle Inlet, Marinette County, Wisconsin, and includes designees of the board authorized to act for the board.

TOWN CLERK-TREASURER — The Clerk-Treasurer of the Town of Middle Inlet, Marinette County, Wisconsin.

TOWN COMPREHENSIVE PLAN — A Comprehensive Plan adopted by the Town Board of the Town of Middle Inlet under § 66.1001, Wis. Stats.⁵

TOWN PLANNING COMMISSION — The Town of Middle Inlet Planning Commission appointed by the Town Chairperson of the Town of Middle Inlet, Marinette County, Wisconsin.⁶

WETLAND — An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions.

WIS. STATS. — The Wisconsin Statutes, including successor provisions to cited statutes.

§ 405-5. Exemptions.

- A. The provisions of this chapter, as it applies to land divisions of tracts of land in the Town of Middle Inlet into fewer than five parcels, shall not apply to any of the following:
 - (1) Transfers in interest in land by will or pursuant to court order.
 - (2) Leases for a term of not more than 10 years, mortgages, or easements.
 - (3) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size of one acre.
- B. All of the following specific uses and activities are exempt from this chapter:
 - (1) Cemetery plats made under § 157.07, Wis. Stats.
 - (2) Assessor's plats made under § 70.27, Wis. Stats.⁷

5. Editor's Note: See also Ch. 230, Comprehensive Plan.

6. Editor's Note: See also Ch. 106, Planning Commission.

7. Editor's Note: Original Sec. 5, Subsection B3, which contained an incomplete list of additional exemptions, which previously followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 405-6. Coverage; compliance required.

- A. This chapter applies to all lands in the Town of Middle Inlet. The Town Board shall be responsible to administer this chapter unless it designates by resolution such other authority.
- B. No person, unless exempt under this chapter, shall divide or create a land division of any land in the Town of Middle Inlet subject to the requirements of this chapter and no land division, including any cluster development, conservation subdivision, a statutory subdivision, a certified survey map, condominium plat, replat or minor land division, shall be entitled to be recorded in the Office of the Register of Deeds for Marinette County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
- (1) All requirements of this chapter; when provisions of this chapter impose greater restrictions than Subsection B(2) through (8) below, it is intended that the provisions of this chapter shall apply.
 - (2) Chapter 236, Wis. Stats.
 - (3) The Town of Middle Inlet Comprehensive Plan adopted under § 66.1001, Wis. Stats., or other Town land use plan or any component thereof.
 - (4) The applicable Town of Middle Inlet, County of Marinette zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
 - (5) State Department of Natural Resources administrative rules on wetlands, shore lands, sewers, septic systems, and pollution abatement.
 - (6) All applicable state and local sanitary codes.⁸
 - (7) All State Department of Transportation and County of Marinette Highway Department administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
 - (8) All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to § 62.23, Wis. Stats., and any other applicable Town of Middle Inlet, county, or extraterritorial authority ordinances and regulations.⁹
- C. No land shall be divided or any land division shall occur if any parcel, lot, or outlot to be created by the land division is smaller than one acre.

⁸. Editor's Note: Original Sec. 6, Subsection B7, which contained an incomplete list of Town ordinances, which previously followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁹. Editor's Note: Original Sec. 6, Subsection C, regarding permit fees established by resolution, which previously followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 405-15, Costs of application review.

- D. Any parcel in the Town of Middle Inlet which shall be divided, regardless of the lot size or number of lots created, which is located wholly or partially within a shoreland zoning district or a floodplain district, shall require, at minimum, a certified survey map to be recorded in the Marinette County Register of Deeds Office with approval by the Town Board or its designee under this chapter prior to recording.
- E. Any parcel in the Town of Middle Inlet which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created shall comply with §§ 59.692, 281.31 and 236.45 and Ch. 703, Wis. Stats, and any appropriate State Administrative Code provisions.
- F. Any outlots created on a certified survey map shall be accompanied with a statement of purpose or use of the outlot, and shall be a minimum of one acre, unless the outlot is separated by public streets, public highways, navigable waters or railroad rights-of-way.
- G. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, lay out parcels, lots, or outlots, or create plats or maps on any land in the Town of Middle Inlet in violation of this chapter or the Wisconsin Statutes.
- H. No person shall request or be issued by the Town Board a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Middle Inlet, except land subject to a land division that was of record as of the effective date of this chapter, until the provisions and requirements of this chapter have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this chapter.
- I. All land division approvals required by the County and/or State Department of Administration or its successor department for specific land divisions, including any statutory subdivisions, minor land divisions, or certified surveys, shall be obtained prior to final approval by the Town Board or its designees.
- J. All land division plats, or certified survey maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. The approved final plat shall be submitted for recording in accordance with §§ 236.21 and 236.25, Wis. Stats.¹⁰
- K. No persons shall make, record, or replat any land division, except as provided under § 70.27(1), Wis. Stats., if it alters acres dedicated to the public without proper court action to vacate such plat, map, or part thereof.
- L. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of § 703.11, Wis. Stats., and the following:

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Density. Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Middle Inlet and/or county zoning district in which it is located.
 - (2) Submittal. The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.
 - (3) Review and approval. The Town of Middle Inlet shall approve the plat, provided the proposed uses and structures are in accordance with the purpose and intent of this chapter and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of Middle Inlet Comprehensive Plan.
- M. Where other governing authorities, including the state, the county, or any extraterritorial municipal body, has the statutory or ordinance authority to approve or to object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

§ 405-7. Specific compliance provisions.

- A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this chapter that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
- B. No land shall be issued a land division approval if the Town Board of the Town of Middle Inlet determines that any proposed land division plat or certified survey map will materially interfere with existing agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other land division plat approval or certified survey map approval to the land applies, the most restrictive requirements to the land apply.
- C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Middle Inlet.
- D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion

potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Middle Inlet governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Middle Inlet, or likely to cause a public nuisance in the Town of Middle Inlet. The Town Planning Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.

- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk-Treasurer.
- F. No person shall be issued any land division approval by the Town of Middle Inlet who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Middle Inlet.
- G. No person shall sell any parcel of land, lot, or outlot in the Town of Middle Inlet if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Middle Inlet or the County of Marinette.
- H. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.
- I. No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities:
 - (1) Marinette County Zoning Office.
- J. No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue of said land division are located within the public right-of-way.
- K. No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or certified survey map area meet the requirements established in writing by the Town Board.
- L. The Town of Middle Inlet shall not be responsible, with respect to any final land division, for any public improvements (if applicable), and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.
- M. No person shall be issued a final land division approval by the Town Board unless

any proposed Town of Middle Inlet roads have been specifically accepted for dedication and approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Middle Inlet Planning Commission. The road must be built to Town of Middle Inlet road standards.

- N. No person shall, unless specifically waived in writing by the Town Board, be issued a final land division approval by the Town Board unless formal dedication of green spaces has been made, as required by the Town Board at no cost to the Town of Middle Inlet.

§ 405-8. Cluster development.

In order to further the goals and policies of the Town Comprehensive Plan, master plan, or land use plan, assuming all other provisions of this chapter are met, the Town Board will favor plans for land divisions that provide for a cluster development or conservation subdivision. At the discretion of the Town Board, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans that include the cluster development or conservation subdivision. The Town Board, at its discretion, may replace minimum lot sizes for cluster development.

§ 405-9. Application and sketch map submittal.

- A. Any land divider who divides or proposes to divide land located in the Town of Middle Inlet that will create a land division, including a cluster development, statutory subdivision, certified survey map, condominium plat, minor land division, replat, or revision of an existing land division, shall, prior to any submittal of any preliminary plat or map information, submit to the Town Clerk-Treasurer eight copies of a land division application, which may be obtained from the Town Clerk-Treasurer, with the appropriate fee and with all of the following required attachments:

- (1) The name and address of the owner of the property and the land divider.
- (2) The location and size of the property and the type of land division that is to be requested.
- (3) The names and addresses of all adjacent landowners.
- (4) A statement of intended use.
- (5) The name and address of the surveyor who will be doing the survey work.
- (6) The present use of the land.
- (7) The number and size of projected parcels, lots, or outlots upon a final land division.
- (8) Existing zoning and other land use controls on and adjacent to the proposed

land division.

- (9) The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of Middle Inlet.
 - (10) The land divider shall submit a narrative description that documents how the proposed land division complies with each applicable section of this chapter. This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.
- B. With any initial land division application the land divider shall submit to the Town Clerk-Treasurer a sketch map at a scale of one inch equals 200 feet or other appropriate scale. More than one attached sheet may be used, but no sheet may be larger than 8 1/2 inches by 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:
- (1) A North arrow, the date, the scale, and a reference to a section corner.
 - (2) The approximate dimensions and areas of the parcels, lots, outlots, and easements.
 - (3) The location and type of existing and proposed buildings and structures and uses, including any cluster development or conservation subdivision areas.
 - (4) The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the land division.
 - (5) The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 - (6) The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
 - (7) The location of any slopes of 12% or greater.
 - (8) The setback of building lines required by any approving agency.
 - (9) The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on or adjacent to the land.
 - (10) Aerial photographs of proposed subdivided property and outlying one-thousand-foot buffer zone.
- C. The Town Clerk-Treasurer shall review the initial land division application and sketch map for completeness, including payment of applicable application fees, within 15 working days of receipt. The Town Clerk-Treasurer shall thereafter notify

the land divider by certified mail if the application is determined by the Town Clerk-Treasurer to be complete or incomplete. The Town Clerk-Treasurer shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk-Treasurer shall, within 10 working days after acceptance, transmit the copies of any complete land division application and sketch map to the Town Board or the Town Planning Commission if so designated by the Town Board.

- D. The Town Clerk-Treasurer shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Board or Town Planning Commission for the appropriate meeting to review and consider the complete application and any preliminary approvals for land division no later than 10 days prior to the date of the meeting.
- E. The land divider or the land divider's designee shall attend the meeting and present the proposed land division, preliminary plat or map documents, and sketch map to the Town Board or Town Planning Commission, if so designated by the Town Board, for its consideration. Failure of the land divider or designee to attend the meeting or provide a complete application may be used as grounds for the Town Board or Town Planning Commission to recommend denial of any later requested approvals for the land division.

§ 405-10. Subdivision preliminary approval, conditional approval or rejection.

- A. Prior to the submittal of the statutory subdivision preliminary plat or other preliminary plat document, the land divider shall have submitted the land division application noted in § 405-9. The statutory subdivision preliminary plat, sketch map, and other relevant document information, including the land division application, shall be reviewed by the Town Board or Town Planning Commission for conformance and consistency with §§ 236.11 and 236.12, Wis. Stats., and this chapter, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Middle Inlet ordinances, rules, regulations, and plans. The Town Planning Commission may also review applicable county, state, and federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed statutory subdivision.
- B. A statutory subdivision preliminary plat shall be required for all proposed statutory subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly and completely on its face the following information:
 - (1) Title or name under which the proposed statutory subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 - (2) Property location of the proposed statutory subdivision by government lot, quarter-section, township, range, county, and state;

- (3) A sketch showing the general location of the statutory subdivision within the US Public Land Survey section;
- (4) Date, graphic scale, and North arrow;
- (5) Names, addresses, and telephone numbers of the owner, land divider land surveyor preparing the plat;
- (6) The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board or Town Planning Commission may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from the strict application;
- (7) Exact length and bearing of the exterior boundaries of the proposed statutory subdivision referenced to a corner established in US Public Land Survey and the total acreage encompassed thereby;
- (8) Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10%, and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
- (9) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
- (10) Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record;
- (11) Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
- (12) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established center line elevations, all to mean sea level (1929 datum);
- (13) Location and names of any adjacent statutory subdivisions, minor land divisions, certified survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
- (14) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants,

power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;

- (15) Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
- (16) Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
- (17) Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers;
- (18) Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
- (19) Approximate radii of all curves;
- (20) Existing zoning on and adjacent to the proposed statutory subdivision;
- (21) Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed statutory subdivision in relation to the access;
- (22) Any proposed lake and stream improvements or relocation;
- (23) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the US Natural Resources Conservation Service;¹¹
- (24) Location of soil boring tests, where required by Ch. Comm 85, Wis. Adm. Code, made to a depth of at least six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
- (25) All environmental corridors and isolated natural areas as mapped by state, regional, or local agencies;

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (26) All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency;
 - (27) The surveyor or engineer preparing the statutory subdivision preliminary plat shall certify on the face of the plat it is a correct representation of the proposed statutory subdivision and physical features and that he has fully complied with the provisions of this chapter;
 - (28) The Town of Middle Inlet, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the statutory subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans;
 - (29) The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the land divider intends to regulate land use in the proposed statutory subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of Middle Inlet Attorney as to form;
 - (30) Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian rights-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
 - (31) Any wildlife habitat areas in addition to threatened or endangered species;
 - (32) A detailed statement as to whether and how the proposed development is consistent with the Town of Middle Inlet Comprehensive Plan or the Town of Middle Inlet Master Plan;
 - (33) A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of Middle Inlet. The study shall be transmitted for review and comment by the Town Planning Commission prior to action on the statutory subdivision preliminary plat;
 - (34) The school district in which the development is located should be noted on the face of the preliminary plat;
 - (35) Characteristics of vegetation;
 - (36) Historic and cultural features;
 - (37) Scenic vistas.
- C. Unless the timeline is extended by agreement with the land divider, the Town Board or the Town Planning Commission, if so designated, shall, within 90 days of the

date of receipt by the Town Clerk-Treasurer of a complete proposed preliminary plat, deem the statutory subdivision preliminary plat complete, grant preliminary approval of, grant conditional approval of, or reject the statutory subdivision plat as proposed. One copy of the statutory subdivision preliminary plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this chapter, the Town Comprehensive Plan, Master Plan, or other land use plan, nonconformance or inconsistency with Town of Middle Inlet ordinances, rules, regulations, or plans, and nonconformance with applicable county, municipal, state, or federal laws, ordinances, rules, regulations, or plans. One copy of the statutory subdivision preliminary plat shall be filed with the Town Clerk-Treasurer for the Town of Middle Inlet records.

- D. In the event of a rejection of the proposed statutory subdivision preliminary plat by the Town Board, the Town Board or Town Planning Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of land division application or that the land is not suitable for the proposed land division. The Town Planning Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Planning Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Planning Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Planning Commission's decision or recommendation.
- E. If either the Town Board or the Town Planning Commission denies two consecutive statutory subdivision preliminary plats for the same parcel, no subsequent reapplication for a statutory subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Planning Commission within three months of the second denial.
- F. The Town Board may delegate by resolution its proposed statutory subdivision preliminary plat approval to the Town Planning Commission for all or part of the approval.

§ 405-11. Final plat approval.

- A. The statutory subdivision final plat shall comply fully with §§ 236.11, 236.12, 236.20, 236.21, and 236.25, Wis. Stats.¹²
- B. The Town of Middle Inlet requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

certificate of title from an abstract company be submitted for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.¹³

- C. A copy of the approved statutory subdivision final plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk-Treasurer within five days of the recording.
- D. Prior to any request for the final statutory subdivision approval and recording of the statutory subdivision plat, the land divider shall seek and obtain a resolution from the Town of Middle Inlet specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Middle Inlet under § 236.293, Wis. Stats., and by any developer's agreement and developer's schedule. The Town Board, by resolution, may later waive these restrictions or conditions.
- E. The Town Board may delegate by resolution its final statutory subdivision plat approval to the Town Planning Commission.
- F. The Town Board or its designee shall approve or reject the statutory subdivision final plat within 60 days of its submission to the Town Clerk-Treasurer unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in § 236.11(2), Wis. Stats.

§ 405-12. Certified survey map.

- A. Prior to submittal of any preliminary map or any certified survey map, the land divider shall have submitted to the Town Clerk-Treasurer the land division application noted in § 405-9. A certified survey map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions that create any parcels, lots or outlots less than 10 acres in area and any other land divisions noted in § 236.34, Wis. Stats. All required certified survey maps shall comply in all respects with § 236.10, Wis. Stats., § 236.34, Wis. Stats., where applicable, and state survey standards. The Town of Middle Inlet shall comply with the ninety-day requirement in § 236.34, Wis. Stats., for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final certified survey map.
- B. The certified survey map shall, at minimum, show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., all of the following:
 - (1) All existing buildings, fences, watercourses, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights-of-way, and easements, and

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

public roads.

- (2) The building envelope and its distance to two property lines, if a building location was required and approved by the Town Board.
 - (3) The area of parcels, outlots, and lots in acres, or square feet, if under one acre.
 - (4) The date of the map.
 - (5) The graphic scale of the map and North arrow.
 - (6) The entire area contiguous to the plat owned or controlled by the owner or land divider.
 - (7) Any floodplain limits.
 - (8) Any proposed public or private roads to be developed by any land division or statutory subdivision have to be included in the certified survey map.
 - (9) Location of green space requirements as outlined in § 405-13A(13).
- C. The certified survey map shall include in its certification, in addition to the information required by § 236.34, Wis. Stats., all of the following:
- (1) A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this chapter.
 - (2) The owner's name, address, and signature.
 - (3) Signature lines and dates for approval by the Town Chairperson and Town Clerk-Treasurer.
- D. The certified survey map is entitled to final approval by the Town Board or the Town Planning Commission, if so designated, only if the certified survey map, together with all required information, is submitted within 12 months of the land division application submitted to the Town Clerk-Treasurer and it substantially conforms to and is consistent with all of the following:
- (1) The land division application and sketch map as determined complete and the preliminary documents submitted by the land divider.
 - (2) Any and all conditions of approval established by the Town Board, pursuant to this chapter.
 - (3) The adopted Town Comprehensive Plan or other applicable Town, county, or municipal land use plans and ordinances, including any Town, county, or other applicable municipal zoning or plat review ordinances.
 - (4) All appropriate requirements for certified survey maps and subdivisions as noted in this chapter.
- E. The approved certified survey map shall be recorded at the Register of Deeds

Office in accordance with § 236.34, Wis. Stats.¹⁴

§ 405-13. Design standards.

Any land division or statutory subdivision shall meet the following design standards:

A. Street and road standards.

- (1) The land divider shall dedicate land for and to improve streets and roads in the Town of Middle Inlet as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of Middle Inlet. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
- (2) All parcels, outlots, or lots shall have one-hundred-foot frontage on a public street or public road, or fifty-foot frontage on a cul-de-sac.
- (3) Street and road locations shall be consistent with any applicable Town of Middle Inlet road plan or Town of Middle Inlet Comprehensive Plan officially adopted by the Town Board. Town road right-of-way widths, radii of curvature, and grades shall conform to the Town road standards in § 82.50, Wis. Stats.
- (4) Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- (5) Minor public streets or roads shall be laid out so as to discourage their use by through traffic.
- (6) The number of intersections of minor public streets or public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (7) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector public streets and roads.
- (8) Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (9) Dedication of half-width streets shall be prohibited.
- (10) Permanent dead-end streets, roads, or culs-de-sac shall have a minimum width of 66 feet, and terminate with a turnaround having an outside roadway diameter of at least 150 feet and a street or road property line of at least 100

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

feet, and shall conform to the Town road standards in § 82.50, Wis. Stats.¹⁵

- (11) Where possible, parcel, outlot, and lot lines shall be perpendicular to the public street or public road line and to the tangent at the lot corner on curved public roads or public streets.
- (12) No public street or public road names shall be used which will duplicate or may be confused with the names of existing streets or roads. Street or road names shall be subject to the approval of Marinette County.
- (13) Any division which creates lots of 10 acres in size or less is required to dedicate 10% of the total development area into perpetual "green space" to be maintained by the developer and subsequent owners of the parcel within.
- (14) Any lot of record dividing three or more lots over a five-year period must plat said development as a subdivision under state standards and regulations.

§ 405-14. Easements.

- A. The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 15 feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate stormwater runoff be provided where a land division area includes a segment or segments of watercourses, drainageways, channels, or streams.
- C. Private access easements for ingress and egress within any land division area shall be a minimum of 15 feet in width, excluding easements for lake access.

§ 405-15. Costs of application review.

- A. All land division applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by resolution or as set forth in the Town of Middle Inlet fee schedule.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each land division application shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Middle Inlet for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Middle Inlet in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

§ 405-16. Variances.

- A. The Town Board may grant and the Town Planning Commission may recommend variances because of exceptional or undue hardship from the provisions of this

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

chapter, after a public hearing with a Class 1 notice of the hearing with written notice by US mail to owners of adjoining lands. The findings of the Town Planning Commission and the Town Board in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this chapter or provisions of Ch. 236, Wis. Stats, and that because of the unique topographic or other conditions of the land involved, literal application of this chapter will cause an undue hardship to the land divider.

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

§ 405-17. Violations and penalties.

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this chapter shall, upon conviction, be subject to the penalty in Chapter 1, General Provisions, § 1-4, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:¹⁶
 - (1) Recordation improperly made carries penalties as provided in § 236.30, Wis. Stats.
 - (2) Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in § 236.31, Wis. Stats.
 - (3) Monuments disturbed or not placed carries penalties as provided in § 236.32, Wis. Stats.
- B. No person shall sell land in the Town of Middle Inlet in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this chapter or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a court of record.
- C. The provisions of Chapter 14, Citations, shall apply.

¹⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).