

Chapter 10

Town of Anson

Land Division

Ordinance

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10. 0 GENERAL PROVISION

- A. COMPLIANCE.** No Land Division, conveyance, consolidation or Replat and no Street shall be laid out, nor Improvements made to lands, nor building permits issued for any Land Division without compliance with all provisions of this ordinance and the following.
- (1) The provisions of Wis. Stat. 236.
 - (2) The rules of the Division of Plumbing, Wisconsin Department of Commerce, contained in Wis. Admin, Code H85 for lands not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis, Admin, for lands which abut a state trunk highway or connecting Street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Admin, code for Floodplain Management Program, and Shorelands/Wetlands Management Program.
 - (5) All applicable comprehensive plans prepared by state, regional, county, city, villages, or townships.
 - (6) All applicable Town of Anson and county regulations including zoning, sanitary, building, and official mapping ordinances.
 - (7) All applicable rules contained in the Wisconsin Administrative code not listed in this ordinance.
- B. TITLE.** This ordinance shall be known as the “Town of Anson Land Division Ordinance”.
- C. PURPOSE.** The regulations in this ordinance are adopted for the following purposes:
- (1) To promote and sustain the wise use, conservation, protection, and property development of the Town of Anson’s soil, water, Wetland, woodland, and wildlife resources.
 - (2) To establish design standards and Land Division procedures for the orderly and well-planned layout, division, use, and development of land in the Town of Anson.
 - (3) To promote adequate and efficient transportation, water, sewerage, stormwater drainage, schools, parks, playgrounds, recreation, and other facilities.
 - (4) To develop transportation systems that will not have a negative long-term effect on neighborhood quality, traffic, and pedestrian movement and safety.
 - (5) To prevent and control erosion, sedimentation, and other pollution of air and water, provide adequate drainage facilities, and safeguard subsurface water.
 - (6) To hinder the destruction or impairment of Environmentally Sensitive Areas.
 - (7) To conserve high value agricultural land.
 - (8) To protect and provide for the public health, safety, and general welfare of the Town of Anson.
 - (9) To provide a system for review of proposed condominium instruments that is identical to the review procedures for Land Divisions.
 - (10) To promote Wisconsin’s right-to-farm law, Wis. Stat. 823.08 as legal protection from lawsuits brought against farmers and/or farming operations.
- D. AUTHORITY.** This ordinance is adopted under the authority granted by Wis. Stat. 236.13(1)(b) and 236.45 and for the purposes listed in Wis. Stat. 236.01 and 236.45
- E. JURISDICTION.** The provisions of this ordinance shall apply to all land and water within the unincorporated boundary of the Town of Anson, Wisconsin.
- F. GREATER RESTRICTIONS, ABROGATION, AND SEVERABILITY.**
- (1) Wherever this ordinance imposes greater restrictions, or conflicts with any other ordinance, statute or administrative rule, the more restrictive provision shall govern.
 - (2) In the interpretation and application of the provisions of this ordinance, requirements shall be held to be the minimum requirements and shall be liberally construed in favor of the Town of Anson and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes.
 - (3) If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

- (4) In carrying out any of the provisions of this ordinance or in exercising any power or authority granted to the Town Board, there shall be no personal liability upon the Town Board, its agents, or employees.
- (5) The Town Board does not guarantee, warrant, or represent that only those areas designated as Floodplains will be subject to periodic inundation or that those soils listed as being unsuited for specific uses are the only unsuited soils within the Town of Anson and there shall be no liability on the part of the Town Board, its agencies, or employees for sanitation and water supply problems or structural damages that may occur as a result of reliance upon, and conformance with this ordinance.

G. DEFINITIONS. For purposes of this ordinance, certain words and terms shall have the following meanings:

Alley: A public or private Right-of-Way primarily designed to serve as secondary access to the side or rear of those properties whose principal Frontage is on a Street.

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

Block: A platted Tract of land bounded by Roads or by a combination of Roads and public parks, or other recognized lines of demarcation.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind, and which requires a permanent or temporary location on or in the ground.

Certified Survey Map: Also known as a minor subdivision, is a map of a division of land into four (4) Lots or less prepared in accordance with Wis. Stat. 236, and the terms of this ordinance, may be referred to as a Certified Survey Map.

Contiguous: Parcels of land sharing a common boundary. Parcels that meet at only a single point are not considered contiguous.

Contiguous Tract: All Contiguous areas of land in which title is held under identical ownership.

County Plat: Any Land Division that creates at least five (5) or more Lots, Parcels, Tracts, or Remnants of land, which are less than an equal half division of a Quarter-Quarter Section within a five (5) year period. A County Plat cannot contain more than four (4) Lots, Parcels, Tracts or Remnants less than one-and one-half (1 ½) acres each in size. County Plats are not subject to department of administration review but are subject to the surveying requirements of Wis. Stat. 236 and this ordinance.

Cul-De-Sac: A local Road with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. This definition includes eccentric cul-de-sacs and hammerhead turnarounds.

Days: Shall refer to calendar days.

Easement: The portion of land set aside or over which, a liberty or privilege, is reserved for the public, utility, or some Person, corporation, or part of the public for limited right of use.

Environmentally Sensitive Area: Areas identified as being environmentally sensitive including but not limited to the following:

- (1) Wetlands
- (2) Floodplains
- (3) Navigable Lakes, ponds, flowages, rivers, and Streams.
- (4) Steep slopes.
- (5) Historically significant sites.
- (6) Areas of endangered species
- (7) Wildlife corridors

Final Plat: A Subdivision prepared in compliance with the provisions of Wis. Stat. 236, and the terms of this ordinance.

Floodplain: Land, as determined by FEMA which has been or may be covered by flood water during the Regional Flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

Frontage: The length of the front property line of the Lot or Tract of land abutting a public or private Street, Road, highway, public Right-of-Way, or Navigable Water body.

Improvement: The act of changing or enhancement that alters the present condition.

Land Division: The act of creating one (1) or more new separately described Parcels.

Landowner: Any person, group of Persons, firm, corporation, or any other legal entity having legal title to the land sought to be divided under this ordinance.

Lot: A Parcel of land legally created by Plat or Certified Survey Map.

Navigable Water: Lakes, ponds, flowages, rivers, and Streams shall be presumed to be navigable if they are shown on United States Geological Survey quadrangle maps (1:24,000 scale). Determinations of navigability shall be made by Chippewa County.

Ordinary High-Water Mark (OHWM): The highest point on the stream bank or lake shore where over enough time the flow of water has created visible evidence on the landscape. Determinations of OHWM shall be made by Chippewa County.

Outlot: A non-buildable Parcel of land, intended for transfer of ownership which does not meet the requirements of a Lot at the time of platting. An Outlot may be a non-buildable Parcel, or a Remnant Parcel. An Outlot shall not be developed or used as a Building site. Outlots shall not be used to circumvent the intent of this ordinance.

Parcel: Lands separately taxed, whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.

Person: Person in this ordinance shall include any natural person, corporate entity, or statutory entity.

Preliminary Plat: A map showing the features of a proposed Subdivision submitted to the Town Board for purposes of preliminary consideration.

Plat: The preliminary or final map of a County or State Plat or assessor's Plat.

Quarter-Quarter Section: A protracted division of land equivalent to one-sixteenth of a section of land according to the government survey. A Quarter-Quarter Section is commonly 40 acres in area but may, depending upon the section in question, be greater or less than 40 acres in size.

Regional Flood: A flood determined by FEMA to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year.

Remnant: The remainder of a former Contiguous Tract which would be unaffected by the proposed Land Division.

Replat: The process of changing the boundaries or the map or Plat of a recorded Plat, Certified Survey Map or a part thereof.

Restrictive Covenant: Written stipulations regarding development which the Town Board does not enforce but which the owner(s) must abide by and be governed by the owner(s) of interest unless otherwise so stipulated, that may not be less restrictive than any local ordinance.

Retracement Certified Survey Map: A Certified Survey Map that retraces, identifies, and locates the boundaries of an existing Parcel(s) of land where no new additional Parcels are created.

Right-Of-Way: A strip of land occupied or intended to be occupied by a Road, railroad, utility line, or for other special purposes, and normally requiring public dedication where public maintenance is involved.

Road: A public or private Right-of-Way or an Easement 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.

Road Constructed to Standards Certificate: A document signed and dated by the Town Board chairperson stating that the Road(s) in question is constructed to either the public or private Road standards and to the requirements of this ordinance. The Road Constructed to Standards Certificate does not obligate the Town of Anson to take ownership of or to maintain such Road(s).

Setback: The distance by which a Building or part of a Building is set back from the property line or Right-of-Way.

Sewage Disposal System: An on-site septic, aerobic, experimental, holding, or other system approved for use by the Department of Safety and Professional Services.

State Plat: Any division of land that creates five (5) or more Lots, Parcels, Tracts or Remnants, which are one-and-one-half (1 ½) acres each or less within a five-year period.

Stream: A channel appearing as dashed or solid blue lines on the USGS 7.5-minute quadrangle map.

Street: See Road definition.

Structure: Anything constructed or erected, the use of which, requires a permanent or temporary location on or in the ground, including but not limited to Buildings, sheds, fences, mobile homes, bridges, antennas, solar arrays, wind turbines, and transmission towers.

Successive Certified Survey Maps: A process that uses more than one or cumulative Certified Survey Map(s) for successive Land Divisions. Each Certified Survey Map cannot contain more than four Lots.

Subdivider: Any Person, corporation or authorized agent who undertakes the Subdivision of land as defined in this ordinance.

Subdivision: A Land Division which is affected under this ordinance by a Certified Survey Map or Plat.

Surveyor: A Person duly licensed in the State of Wisconsin to survey land.

Town Board: Means the Anson town board of supervisors or committee(s), sub-committee(s), and/or commission(s) appointed by the board of supervisors to review and make recommendations to the board of supervisors on matters related to but not limited to this ordinance.

Town of Anson: Means the unincorporated geographic areas under the jurisdiction of the Town Board.

Tract: A Contiguous area of land under common ownership.

Unbuildable: Means, principle or accessory Structures as listed in the underlying zoning district of the Chippewa County zoning ordinance, shall not be placed or constructed in areas identified on a Certified Survey Map or Plat as unbuildable. This restriction does not include sanitation systems, wells, or other approved infrastructure.

Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, electricity, communication fiber and cable television.

Variance: A departure from the terms of this ordinance as applied to a specific Building, Structure, or Parcel of land, which the Town Board may permit, pursuant to this ordinance.

Wetlands: Those areas identified on the DNR Surface Water Data Viewer or mapped by a DNR certified wetland delineator as either mapped wetlands, or wetland indicators and soils.

H. LAND DIVISION.

(1) The provisions of this ordinance shall apply to:

- a. All divisions and conveyances of land, including land contracts, and combination or reconfiguration of Lots or Outlots except when additional Lots are not created and as per Section 10.0 H (2) of this ordinance.
- b. Any Remnant portion of a Contiguous Tract.
- c. All Certified Survey Maps, non-restrictive to size, including Retracement Certified Survey Maps and Certified Survey Maps created for mortgage purposes.

(2) The following are exempt from the requirements of this ordinance:

- a. Divisions of land relating to the acquisition or exchange of land by public agencies for public use and occupancy, including but not limited to, Land Divisions made for Road construction purposes.
- b. Assessor's plats made under Wis. Stat. Ch. 70.27, but such assessor's plats are subject to Wis. Stat. 236.03(2). This chapter does not apply to the sale or exchange of Parcels of public utility or railroad Right-of-Way to adjoining property owners if the Town Board approves such sale or exchange.
- c. Transfer of interest in land pursuant to court order.
- d. 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 ordinance or other applicable laws or ordinances. For this sub-section, any fractional part of a

Lot or Outlot intended to be conveyed to an adjoining Landowner, or any Parcel of land that is not part of a Lot or Outlot intended to be conveyed to an owner of an existing Lot or Outlot shall be an additional Lot.

e. Cemetery plats made under Wis. Stat. 157.07.

I. PARCEL RECONFIGURATION

- (1) The combination or reconfiguration of two or more adjoining Lots or Outlots of a Certified Survey Map or Plat shall require the preparation of a new Certified Survey Map in compliance with all provisions of this ordinance and shall be subject to review by the Town Board.
- (2) Existing Parcels may be reconfigured in accordance with Wis. Stat. 236.34. A Certified Survey Map may be used to reconfigure no more than four (4) Lots or Outlots within a recorded Plat, or Certified Survey Map, provided that the reconfiguration:
 - a. Does not result in a Subdivision as defined by Wis. Stat. 236.02(12) (am).
 - b. Creates Parcels that comply with this ordinance and applicable county and other ordinances, minimum layout requirements in Wis. Stat. 236, and, if served with private sewerage facilities, Wis. Admin. Code SPS 383 & 385.
 - c. Does not change areas previously dedicated to the public.
 - d. Does not change a restriction or Easement placed on the platted land.
- (3) Combinations or reconfigurations that include existing non-conforming Lots or Outlots shall not be permitted if any additional non-conformity is created.

J. LAND DIVISION CLASSIFICATIONS. Land Divisions are classified as either:

- (1) Minor Land Division
 - a. Any Land Division that creates four (4) or less Lots, Parcels, Tracts, or Remnants, which each are less than an equal half division of a Quarter-Quarter Section, requires the submittal of a Certified Survey Map for review and approval.
 - b. Certified Survey Maps shall be submitted to the Town of Anson Clerk for review, approval, and/or dedication by the Town Board. Once completed, these must be recorded as required by this ordinance and Wis. Stat. 236, as applicable.
- (2) Major Land Division
 - a. County Plat. See County Plat definition.
 - i. County Plat are subject to the surveying requirements of Wis. Stat. 236.
 - b. State Plat. See State Plat definition.
 - i. Land Divisions that meet the definition of state Subdivisions are subject to mandatory state review under Wis. Stat. 236.

K. SUITABILITY STANDARDS.

- (1) Pursuant to Wis. Stat. 236.45, the Town Board is authorized and may prohibit the division of lands where such prohibition will serve to carry out the purposes of this ordinance.
- (2) This sub-section shall be applied to all proposed Land Divisions.
- (3) No land shall be divided if deemed by the Town Board to be harmful to the health, safety, or general welfare of the residents or of the community.
- (4) Lands deemed unsuitable for development may, with the approval of the Town Board, be divided and designated as an Outlot. It must be noted on the face of the Certified Survey Map or Plat that the Outlot is unsuitable for habitable Structures, sanitary facilities or other development uses.

10.1 MINOR LAND DIVISION

A. PRE-APPLICATION.

- (1) Prior to applying for approval of a Certified Survey Map, it is recommended, the Applicant schedule a pre-application consultation to meet with the Town Board to discuss the location and nature of the proposed project.
- (2) During a pre-application consultation, the Town Board may comment on the proposed project, but any such comments are not binding, nor do they constitute the response to a formal petition.
- (3) Based upon information provided in the pre-application consultation, the Town Board shall explain to the Applicant:
 - a. Concerns the Town Board may have.
 - b. The procedure to follow to submit a Land Division for review.

B. CERTIFIED SURVEY MAP.

- (1) Use of a Certified Survey Map.
 - a. A Certified Survey Map and Successive Certified Survey Maps prepared and recorded in accordance with Wis. Stat. 236, and the requirements of this ordinance may be used to divide or consolidate lands or dedicate lands, provided that one of the following conditions is met:
 - i. The division or consolidation of any Lot, Outlot, Parcel, or other lands previously approved by the Town Board and recorded with the County Register of Deeds as a Subdivision, Certified Survey Map, or assessor's Plat of any size which results in not more than (4) four Lots, Outlots, Parcels or mortgage descriptions being created by any division or successive division, regardless of any changes in ownership, within any five-year period: or
 - ii. The division or consolidation of any Lot, Outlot, Parcel or other lands previously recorded with the County Register of Deeds, including those recorded by a metes and bounds description, provided that none of the resulting parcels is less than 1.0 acre in size, and which results in not more than (4) four Lots, Outlots, Parcels, or mortgage descriptions being created by any division or successive division, regardless of changes of ownership, within any five-year period.
- (2) All Certified Survey Maps shall be prepared by a professional land Surveyor licensed in the State of Wisconsin.
- (3) The Applicant shall submit a minor subdivision application on the form provided by the Town of Anson Clerk, five (5) paper copies and one (1) electronic copy of the Certified Survey Map, the required review fee, if applicable a road maintenance agreement as required by Section 10.3 D (3) to the Town of Anson Clerk.
- (4) The Town Board, within ninety (90) Days of the date of receiving a Certified Survey Map shall approve, conditionally approve, or reject such Certified Survey Map, unless the time is extended by mutual agreement with the Subdivider. The ninety (90) Day period shall commence with the submission of a complete application, the review fee, and required copies of the Preliminary Plat. One (1) copy of the Certified Survey Map shall be returned to the Subdivider with the date and the action recorded; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Certified Survey Map. Failure of the Town Board to act within ninety (90) Days of receiving the Certified Survey Map or within the time as extended by agreement with the Subdivider shall constitute an approval.
- (5) The Certified Survey Map shall show correctly on the face of the map the following information as applicable.
 - a. Name and address of the Landowner and Surveyor.
 - b. Graphic scale, and north arrow.
 - c. A legal description of the property being considered for division.

- d. Bearings and distances along the exterior boundaries of the property being considered for division.
- e. Square footage of the property being considered for division.
- f. Names and width of proposed and existing Roads.
- g. Location of all Environmentally Sensitive Areas.
- h. Locations of existing Structures, water bodies and courses, drainage ditches, and fences within the property being considered for division.
- i. Location, size, and invert elevation of existing sanitary or storm sewers, culvert and drainpipes, manholes, catch basins, hydrants, electrical and communication facilities, and the location and size of existing water or gas mains within or adjacent to the property being considered for division.
- j. Any land reserved for public purposes, including parks, playgrounds, and open spaces.
- k. Regional Floodplain boundaries and the vertical contour line, two (2) feet above the Regional Floodplain flood elevation.
- l. A Surveyor's certificate stating the Certified Survey Map is a correct representation of the indicated features and that the Surveyor has fully complied with the provisions of this ordinance.
- m. Seal and signature of the Surveyor and the date signed.
- n. An approval/signature block for the Town of Anson Chair.

C. RETRACEMENT SURVEY.

- (1) When it is desired to show the boundaries of an existing Parcel of land and establish a convenient legal description for record of title or conveyance, and no additional Parcels are created, the Subdivider shall use a Retracement Certified Survey Map which complies with the requirements of Wis. Stat. 236.34 and all applicable sections of this ordinance. A Retracement Certified Survey Map shall not be used to correct a Land Division violation.

10.2 MAJOR LAND DIVISION

A. PRE-APPLICATION.

- (1) Prior to applying for a major Land Division, it is recommended that the Applicant schedule to meet with the Town Board prior to the preparation of the Preliminary Plat to prevent the expenditure of time and money on a project that will be denied or extensively modified. At this meeting, the Applicant will inform the Town Board of the location and nature of the proposed project. Based upon this information, the Town Board shall explain to the Applicant:
 - a. Which standards of this ordinance will apply to the Land Division.
 - b. The procedure to follow to submit a Land Division for review.
- (2) During a pre-application consultation, the Town Board may comment on the proposed project, but any such comments are not binding, nor do they constitute the response to a formal petition.
- (3) To facilitate the pre-application consultation, the Applicant should submit to the Town of Anson Clerk (5) five copies of a concept map drawn to a reasonable scale which clearly represents the proposed Land Division and contains the following information:
 - a. Site location showing adjacent Roads and adjoining development types.
 - b. Proposed Land Division boundaries and any publicly owned land in the vicinity.
 - c. Approximate topographic and physical features such as steep slopes, bodies of water, Wetland areas, rock outcrops, existing vegetative cover, and areas subject to periodic floods.
 - d. Approximate location of Environmentally Sensitive Areas.
 - e. Proposed Roads and general Lot layout.
 - f. Location of any existing and proposed Easements.
 - g. Approximate location of existing or proposed Structures.

B. APPLICATION AND REVIEW.

- (1) Where it is desired to create a major Subdivision (Plat), the Subdivider shall do so by using one of the methods listed in Section 10. 2 of this ordinance and in compliance to all applicable sections of this ordinance and Wis Stats. The Plat shall be prepared by a Surveyor. The Applicant shall submit to the Town of Anson Clerk the following.
 - a. Subdivision application on the form provided by the Town of Anson Clerk.
 - b. Five (5) paper copies of the Preliminary Plat and one electronic copy.
 - c. The required review fee.
 - d. Road maintenance agreement as required by 10.3 D (3)o of this ordinance (if applicable).
 - e. Any other documents requested by the Town Board.
- (2) The Town Board, within ninety (90) Days of the date of receiving a complete Preliminary Plat application shall approve, conditionally approve, or reject such Plat, unless the time is extended by mutual agreement with the Subdivider. The ninety (90) Day period shall commence with the submission of a complete application, the review fee, and required copies of the Preliminary Plat. One (1) copy of the Preliminary Plat shall be returned to the Subdivider with the date and the action recorded; and if approved conditionally or rejected, a letter stating the conditions of approval or the reasons for rejection shall accompany the Plat. Failure of the Town Board to act within ninety (90) Days of the date of receiving a complete application or within the time as extended by agreement with the Subdivider shall constitute an approval.
- (3) Upon approval of the Preliminary Plat, the Subdivider shall submit to the Town of Anson Clerk five (5) paper copies and one (1) electronic copy of the Final Plat for Town Board review and approval.
- (4) The Town Board, within sixty (60) Days of the date of receiving a Final Plat, shall approve, approve conditionally, or reject such Plat, unless the time is extended by mutual agreement with the Subdivider. If approved, the certifications on the Plat shall be completed. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter setting forth the reasons for rejection shall accompany the Plat. Failure of the Town Board to act within sixty (60) Days of the date of receiving the Final Plat or within the time as extended by agreement with the Subdivider shall constitute an approval. The sixty (60) Day period shall commence with the completed submission of the Final Plat being received by the Town of Anson Clerk.
- (5) The Town Board shall not approve any Final Plat which is the subject of an unsatisfied objection from any objecting governmental agency.
 - a. Approval of a Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the Final Plat which will be subject to further consideration by the Town Board at the time of its submission.
 - b. As per Wis. Stat. 236.11 (1) (b) If the Final Plat conforms substantially to the Preliminary Plat as approved, including any conditions of that approval to local plans and ordinances adopted as authorized by law, is entitled to approval.
 - c. All Restrictive Covenants which apply or which the Subdivider intends to apply to the land within the Subdivision shall be provided in a separate document and accompany the Preliminary Plat at the time of submittal.
 - d. A Final Plat rejected by the Town Board must be re-submitted for review including all fees and required copies. Re-submittal of a rejected Plat shall commence a new time frame for review purposes.

C. PRELIMINARY PLATS. Preliminary Plats submitted for review shall contain the following information:

- (1) The proposed Plat name. The Plat name shall not duplicate the name of any Plat previously recorded in Chippewa County.

- (2) Name and address of the legal owner or agent of the property, and Surveyor.
- (3) Location sketch, graphic scale, and north arrow.
- (4) A map drawn to scale of not more than 100 feet to the inch showing the boundaries of the property.
- (5) A legal description of the proposed Land Division.
- (6) Bearings and distances along the exterior boundaries of the Plat and the total acreage and square footage.
- (7) Approximate dimensions and square footage of all Lots and proposed lot and block numbers.
- (8) Names and width of proposed and existing Roads.
- (9) Contours within the Plat and extended to the centerline of adjacent public Roads at intervals of not more than two (2) feet.
- (10) Location of all Environmentally Sensitive Areas.
- (11) Locations of existing Structures, water bodies and courses, drainage ditches, and fences.
- (12) Location, size, and invert elevation of existing sanitary or storm sewers, culvert and drainpipes, manholes, catch basins, hydrants, electrical and communication facilities, and the location and size of existing water or gas mains within or adjacent to the exterior boundaries of the Plat.
- (13) Any land reserved for public purposes, including parks, playgrounds, and open spaces.
- (14) Regional Floodplain boundaries and the vertical contour line which is two (2) feet above the Regional Floodplain boundary line.
- (15) Location and dimensions of any proposed lake, river, or Stream access.
- (16) A Surveyor's certificate stating the Plat is a correct representation of the indicated features and that the Surveyor has fully complied with the provisions of this ordinance and Wis. Stat. 236.
- (17) Seal and signature of the Surveyor and the date signed.

D. FINAL PLATS. Final Plats submitted shall show the following information:

- (1) A legal description.
- (2) Area of each Lot and Outlot shown in square feet and acres including and excluding any Road Rights-Of-Way.
- (3) Lands reserved for future public acquisition or for the common use of the property owners within the Subdivision shall be described and established as Outlots. Outlot restrictions shall appear on the face of the Plat including but not limited to, shared ownership requirements.
- (4) Certification of full compliance by the Surveyor with the provisions of this ordinance and any other applicable local ordinances.
- (5) An approval/signature block for the Town of Anson Chair.
- (6) Where the Town Board finds a need for additional information relative to a particular problem presented by the proposed Subdivision, it shall have the authority to request in writing that additional information be included on the Final Plat or accompanying documents.

E. RECORDING

- (1) No Plat shall be recorded until the certificates required by Wis. Stat. 236.21 and 236.25 are completed and signed by the Town of Anson Chair.
- (2) The Final Plat shall be submitted to the Register of Deeds for recording within twelve (12) months after date of Town Board approval. Failure to submit the Plat within the time limit shall render the Plat void.

F. REPLATS

- (1) The Replatting of all or part of an existing Plat that contains no dedication to the public may be accomplished by following the procedures established in Sections 10.1 and 10.2 of this ordinance.
- (2) If the Replatting alters areas dedicated to the public, the existing Plat shall first be vacated in accordance with Wis. Stat. 236.36-236.445 prior to Replatting.

G. IMPROVEMENTS No construction or installation of improvements shall commence in a proposed Subdivision until the Final Plat has been approved by all reviewing authorities.

10.3 DESIGN STANDARDS

A. GENERAL PROVISIONS Surveyors shall install all survey monuments in accordance with the requirements of Wis. Stat. 236.15 at the expense of the Subdivider.

B. SURFACE DRAINAGE AND EROSION CONTROL

- (1) The purpose of this section is to protect property and Structures from damage caused by increased surface water runoff volumes and/or velocities due to platting and development of land and to prevent the degradation of existing Wetlands, waterways, and surface and ground water quality.
- (2) Land Divisions shall be designed to minimize soil erosion, provide reasonable management of surface water drainage, permit the unimpeded flow of natural watercourses, and provide positive drainage away from on-site sewage disposal facilities. The Town Board may require engineering studies of erosion potentials and may impose preventative design requirements. The Town Board 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 siltation of surface waters, undue runoff onto adjoining lands or Roads or other Rights-Of-Way or excessive infiltration into locations of on-site Sewage Disposal Systems.
- (3) Where a Subdivision is traversed by a watercourse, drainage way, channel, or Stream, then a stormwater Easement or drainage Right-of-Way Easement shall be provided conforming substantially to the water course's natural lines, and adequate to meet the drainage purposes. Wherever possible, the drainage shall be maintained by an open channel. Property subject to a drainage Easement shall be privately owned as part of one or more Lots within a Land Division.
- (4) When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured and indicated on the Plat.
- (5) When stormwater pond(s) and such infrastructure necessary to hold, store, convey, and/or regulate stormwater runoff from the Subdivision are required, such ponds and infrastructure shall follow the standards as required by the Wisconsin Department of Natural Resources and shall be located only within Outlot(s). The ownership and maintenance of stormwater ponds and such infrastructure shall be according to one of the following.
 - a. Owned and maintained by the Town of Anson.
 - b. Owned and maintained in equal undivided shares by all Lot owners of the Subdivision or Certified Survey Map.

C. ENVIRONMENTALLY SENSITIVE AREAS

- (1) Land(s) classified by the Town Board as an Environmentally Sensitive Area shall be delineated on the Certified Survey Map or Plat and a note shall be placed on the Certified Survey Map or Plat indicating that such area(s) is Unbuildable.

D. ROADS

- (1) General Considerations. Public and private Roads shall be designed, improved, and located with regard for existing and planned Roads, future Subdivisions, topographic conditions, natural terrain and features, and public convenience and safety.
 - a. All Roads shall be properly integrated with the existing and proposed system of Roads and future Subdivisions.
 - b. All Roads shall be properly designed to accommodate known and proposed traffic generators.
 - c. The use of curvilinear Roads or U-shaped Roads shall be encouraged where such use may result in a more desirable layout.
 - d. All Roads shall be laid out to intersect as nearly as possible at right angles.
 - e. No more than two (2) Roads shall converge at an intersection.

- f. Proposed new intersections along one side of an existing Road shall coincide with any existing intersections on the opposite side of such Road.
 - g. Alleys may be required when deemed necessary.
- (2) Public Roads. The following shall be the minimum standards for construction of public Roads.
- a. All Roads in County or State Plats shall be public Roads.
 - i. A Variance from this requirement shall not be granted.
 - b. Minimum Road Right-of-Way shall be 66 feet.
 - c. Unless approved by the Town Board all public Roads shall be continuous or shall be planned and constructed to be continuous with future expansions.
 - d. All public Roads shall be constructed to the Town of Anson standards (See Appendix A, Typical Public Road Detail).
 - e. All costs associated with the construction of public Roads including but not limited to lighting, culverts, signage, and pavement markings shall be borne by the Applicant.
 - f. The name or number of all proposed public Roads shall be approved by the Town Board.
 - g. All proposed public Roads within County and State Plats shall extend to the boundary lines of the Tract being subdivided unless the Town Board finds that the extension is not necessary or desirable.
 - h. During construction the Road shall be inspected for compliance with this ordinance by the Town of Anson Engineer, a Town of Anson consultant, or the Town Board.
 - i. Payment for inspection services will be paid to the Town of Anson Clerk by the developer, owner or Applicant from the deposit fee listed in Section 10.5 B (2) of this ordinance.
 - i. At such time that the Town of Anson Engineer, Town of Anson consultant or Town Board deems the Road is constructed to the public Road standards (See Appendix A, Typical Public Road Detail) and to the requirements of this ordinance, a Roads Constructed to Standards Certificate shall be issued to the Applicant.
 - j. No driveway permit shall be issued for any Parcel abutting a public Road until a Roads Constructed to Standards Certificate has been issued.
 - k. After the Roads Constructed to Standards Certificate has been issued, the Town may by resolution, assume ownership and maintenance responsibilities of such Road.
- (3) Private Roads. The following shall be the minimum standards for construction of private Roads.
- a. Town Board approval is required for all private Roads.
 - b. Private Roads are allowed only in minor Subdivisions.
 - c. Minimum Road Easement width shall be 66 feet.
 - i. A Variance from this width requirement shall not be granted.
 - d. The owner of each newly created Lot accessed by a private Road shall hold a fractional interest in the private Road.
 - i. Lot ownership shall extend to the center of the Easement.
 - ii. A Variance from this requirement shall not be granted.
 - e. Unless approved by the Town Board all private Roads shall be continuous or shall be planned and constructed to be continuous with future expansions.
 - f. All private Roads shall be constructed to Town of Anson standards (See Appendix A, Typical Private Road Detail).
 - a. A private Road shall not become a public Road until;
 - i. A Roads Constructed to Standards Certificate has been issued to the Applicant stating that the private Road is constructed to Town of Anson public Road standards. (See Appendix A, Typical Public Road Detail).

- ii. The Town, by resolution, assumes ownership and maintenance responsibilities of such Road.
 - g. All costs associated with the construction of private Roads including but not limited to lighting, culverts, signage, and pavement markings shall be borne by the Applicant.
 - h. The name or number of all proposed Roads shall be approved by the Town Board.
 - i. Private Roads may provide access to a maximum of four (4) Lots, unless otherwise approved by the Town Board.
 - j. Road length shall not exceed 1,320 feet, unless otherwise approved by the Town Board. Length shall be measured along the centerline to the Right-of-Way of the nearest connecting through-street.
 - k. Private Roads shall have sufficient side clearances and a minimum 12-foot overhead clearance to allow access of public service vehicles, including, but not limited to, fire and police vehicles, ambulances, public/private utility vehicles and school buses.
 - l. Private Roads shall be shown, dimensioned, and clearly labeled "Private Road" on the Certified Survey Map.
 - m. Easements shall be nonexclusive, i.e., access shall be granted at all times for public service vehicles, including, but not limited to, fire and police vehicles, ambulances, public utility vehicles, and school buses. Private Road Easements shown on Certified Survey Maps shall provide the following note on the face of the Certified Survey Map: "Any conveyance of Lots must be accompanied by a description of the access Easement."
 - n. Each time more than one (1) lot is accessed by a private Road or a shared driveway, a road maintenance agreement shall be submitted to the Town of Anson Clerk for Town Board approval, at the time the minor subdivision application is submitted.
 - i. Road maintenance agreements shall clearly state the responsibilities, terms and conditions affecting each Landowner accessing the private Road or shared driveway.
 - ii. Road maintenance agreements shall be recorded with the Certified Survey Map.
 - o. Any Land Division that contains a private Road shall have the following statement placed on the document: "Access to this property is provided by nonexclusive Easement for (Insert Road/Street name) as shown on this map. This Road is not a public Road and the Town of Anson and Chippewa County have no responsibility for the Road including but not limited to snow plowing or other maintenance, or for the construction of a driving surface, upon said easement."
 - p. The Applicant shall install one properly sized culvert for each Lot at the driveway locations as approved by the Town Board.
 - q. During construction the Road shall be inspected for compliance with this ordinance by the Town of Anson Engineer, a Town of Anson consultant, or Town Board.
 - i. Payment for inspection services will be paid to the Town of Anson Clerk by the developer, owner or Applicant from the deposit fee listed in Section 10.5 B (2) of this ordinance.
 - r. At such time that the Town of Anson Engineer, Town of Anson consultant or Town Board deems the Road complete, a Roads Constructed to Standards Certificate shall be issued to the Applicant.
 - s. No driveway permit shall be issued for any Parcel abutting the private Road until a Roads Constructed to Standards Certificate has been issued.
- (4) Cul-De-Sac or Hammerhead turnarounds.
- a. The use of Cul-De-Sac (Bulb or Eccentric) or hammerhead turnarounds must be approved by the Town Board and layouts shall be limited to those portions of a development which, due to unusual shape, size, location, or topography, Floodplain, Wetland, or other condition may better be served by Cul-De-Sac or hammerhead turnarounds rather than by continuous Roads.

- b. A Road utilizing a Cul-De-Sac or hammerhead turn around shall not be longer than 1,000 feet.
 - i. The length of a Cul-De-Sac and eccentric Cul-De-Sac turn around shall be measured on its centerline from the connecting centerline intersection to the center of the Cul-De-Sac bulb.
 - ii. The length of a hammerhead turn around shall be measured on its centerline from the connecting centerline intersection to the centerline tee intersection of the hammerhead.
 - c. The Cul-De-Sac, eccentric Cul-De-Sac or hammerhead shall be constructed as per Town of Anson standards. (See Appendix A, Cul-De-Sac Detail, Appendix A, Eccentric Cul-De-Sac Detail, or Appendix A, Hammerhead Turn Around Detail).
 - d. Temporary Cul-De-Sac or hammerhead turnarounds may be required where a roadway will not be immediately completed as a through Road.
 - (5) Utility Easements.
 - a. The Town Board may require Easements for electric power and communication facilities, storm and sanitary sewers, gas, water, and other utility lines. Easements shall be of sufficient width for the proposed use and shall be placed wherever feasible along Lot lines. All Easements shall be noted on the Certified Survey Map or Final Plat followed by a reference to the use for which they are intended.
- E. DRIVEWAYS**
 - (1) The location of all driveways is subject to review and approval by the Town Board.
- F. ACCESS**
 - (1) All Lots abutting or requiring access from a county or state highway shall require approval of the Wisconsin Department of Transportation or the Chippewa County Highway Department.
- G. LOTS**
 - (1) All newly created Lots shall be a minimum of 1.0 acre (43,560 square feet) in area excluding Right-of-Way.
 - a. This sub-section does not apply to Outlots, Lots zoned Conservancy or Agriculture.
 - i. The minimum Lot area for Outlots shall be as approved by the Town Board.
 - ii. The minimum Lot area for Lots zoned Conservancy or Agriculture shall be according to the requirements and standards of the Chippewa County zoning ordinance.
 - (2) Corner Lots shall be mapped with a width at least fifteen (15) feet wider than the minimum required.
 - (3) No Lots or Outlots shall be bisected by a public or private Road.
 - (5) Setbacks. Setbacks shall be regulated by local and/or county ordinances and regulations.
- H. DEDICATION.** Road dedications shall be as per Wis. Stat. 236.29. All other dedications shall require approval of the Town Board.

10.4 CONDOMINIUMS

A. DEVELOPMENT

- (1) Land divided for the establishment of a condominium Plat shall meet the requirements of the Chippewa County Zoning Ordinance.
- (2) A condominium Plat meeting the requirements of Wis. Stat. 703 shall be submitted to the Town Board for review and approval. The Town Board shall have sixty (60) Days after receipt by the Town Clerk for its review. If the review is not completed within sixty (60) Days unless the time is extended by mutual agreement with the Subdivider the instrument is approved for recording. The sixty (60) Day period shall commence with the receipt by the Town Clerk of a complete application, the review fee, and required copies of the Preliminary Plat.
- (3) Condominium instruments shall not be used to create or alter Lots, Parcels, Outlots, public Roads, or other areas to be dedicated to the public.

10.5 ADMINISTRATION

A. ADMINISTRATION AND ENFORCEMENT. The Town Board shall be responsible for the administration and enforcement of this ordinance.

B. FEES

All Land Division applications shall be accompanied by a non-refundable application fee(s) and/or by a deposit fee in accordance with the Town of Anson Fee Schedule. Such fee(s) shall be for the purpose of payment of the administrative costs and services expended by the Town of Anson for processing such application(s).

- (1) No application shall be considered complete until the applicable fee(s), adopted by resolution as amended from time to time, have been paid to the Town of Anson Clerk. Furthermore, Town of Anson employees, officials and Town of Anson Engineer, or consultant shall not commence work on a given Land Division application or matter until the fee(s) have been paid.
- (2) The Town Board, at its discretion, may also require an Applicant to submit a deposit fee(s) adopted by resolution of the Town of Anson as amended from time to time. The deposit fee(s) is intended to be a reasonable estimate of the expenses and costs which may be incurred by the Town Board in reviewing and acting upon any application or related matters. Furthermore, Town of Anson employees, officials and Town of Anson Engineer, or consultant shall not commence work on a given Land Division application or matter until all fee(s) including the deposit fee have been paid to the Town of Anson Clerk.
 - a. Deposit fee costs and expenses may include but shall not be limited to Town of Anson attorney fees, Town of Anson engineering fees, costs, and fees for services of outside consultants, fees and expenses of other professionals who may assist the Town Board, costs for studies and reports pertaining to the matters in questions, significant Town of Anson employee time, special meeting costs, and other reasonable costs and expenses. The deposit fee shall be retained by the Town of Anson Clerk for reimbursement of such costs and expenses.
 - b. If at any time during the review process, the Town Board determines the deposit fee is insufficient to cover processing costs and expenses, the Town of Anson Clerk shall notify the applicant in writing with an estimated amount of deposit fee(s) necessary to complete such processing and that all review activities will be suspended until the deposit fee(s) has been paid.
 - c. Any deposit fee monies, which are not used or spent by the Town of Anson shall be refunded to the applicant.

C. VARIANCES

- (1) Where the Town Board finds strict application of the provisions of this ordinance would impose undue hardship because of unique topographic or other conditions of the land involved or other conditions predating adoption of this ordinance, it shall recommend such exceptions to any requirement of this ordinance to the extent deemed just and proper, provided such Variance shall not impair the intent and purpose of this ordinance or be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.
- (2) The Town Board shall not grant Variances unless it shall make findings based on evidence presented to it with each request for Variance that:
 - a. The granting of the Variance will not be detrimental to the public safety, health, or welfare or injurious to other properties.
 - b. The conditions upon which the request is based are unique and applicable to only the property for which the Variance is sought.

- c. Because of the physical surrounding, shape, or topographical conditions of the specific property involved, a particular undue hardship to the owner would result, as distinguished from a mere inconvenience. Undue hardship shall relate solely to the physical characteristics of the property. Financial hardship, loss of profit, self-imposed hardships, resulting from unfamiliarity with regulations, deed restrictions, proceeding without required permits, or illegal sales are not sufficient reasons for the granting of a Variance.
- (3) A majority vote of the entire membership of the Town Board shall be required to grant a Variance and the reasons shall be entered in the Town Board meeting minutes.
- (4) All applications for Variance shall be in writing and include a review fee to defray the cost of processing and review. The application shall state fully the grounds and all facts relied upon.
 - a. Application fees shall be established by resolution and may change over time.
- (5) For all approved Variances, a note shall be placed on the Plat or Certified Survey Map stating the nature of the Variance granted and the date of approval by the Town Board.

D. APPEALS

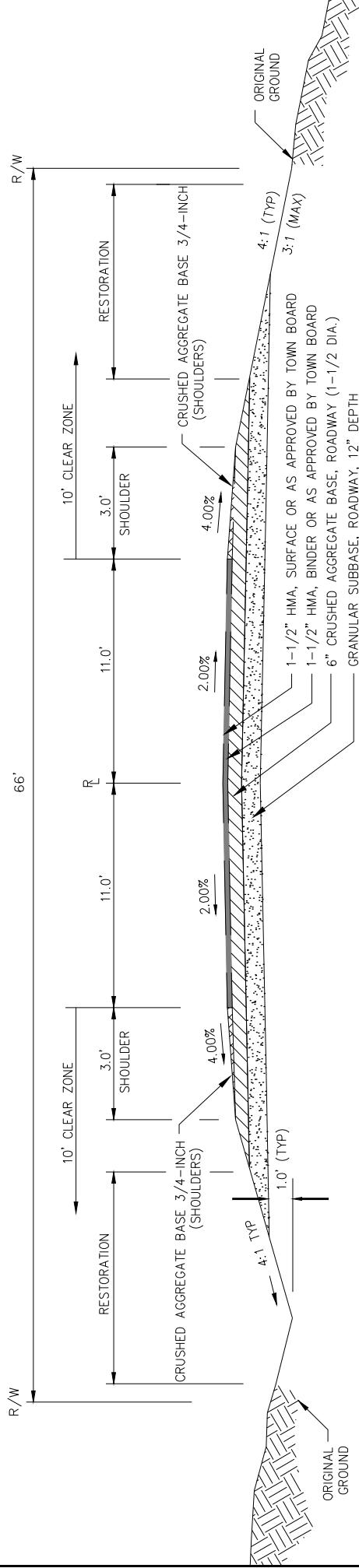
- (1) An Applicant for Land Division approval may appeal a decision of the Town Board. An appeal must be in writing, shall state with specificity the basis for the appeal, and must be received within 30 Days of the date of the decision of the Town Board. Upon receipt of an appeal, the Town of Anson Clerk shall transmit the appeal to the Town Board.
- (2) The Town Board shall, within 40 Days of receipt of a written appeal, review the appeal against the applicable standards of this ordinance, and affirm, modify, or reverse the decision of the Town Board.
- (3) The Applicant shall be permitted to make presentations to the Town Board under such terms, conditions and procedures as established by the Town Board.
- (4) The decision of the Town Board and the reasons therefore shall be entered in the Town Board minutes. An extract of the minutes or notice of the decision shall be mailed to the Applicant.
 - a. An Applicant aggrieved by a decision by the Town Board objecting to a Plat or Certified Survey Map or failing to approve a Plat may appeal to the Circuit Court for Chippewa County as provided in Wis. Stat. 236.13(5) within thirty (30) Days of notification of the decision.

E. ENFORCEMENT

- (1) General.
 - a. No Person shall build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes.
 - b. The Town Board shall withhold all permits where the Applicant, owner, or licensed contractor is in violation of this ordinance, and for any Parcel of land which has an outstanding violation of this ordinance, until the violation has been corrected.
 - c. No approval shall be issued where the Applicant is in violation of this, or any ordinance administered by the Town Board.
 - d. No Certified Survey Map or Plat shall be recorded unless all applicable requirements of this ordinance have been met.
- (2) Standards.
 - a. Any Person, firm or corporation who fails to comply with the provisions of this ordinance or who willfully enters a conspiracy with one or more other Persons for the purpose of circumventing this ordinance, shall, upon adjudication of violation, be subject to penalties and forfeitures established by the Town Board or as provided in Wis. Stat. 236.30, 236.31, 236.32, 236.335, and 236.35.
 - b. Any failure to take enforcement action on past violations shall not operate as a waiver of the authority to take enforcement action on present violations.

- (3) The Town Board may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance.
 - (4) Forfeitures. Any Person, firm or corporation adjudicated for violating this ordinance shall pay a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding ninety (90) Days. Each Day a violation exists or continues shall constitute a separate offense.
- F. AMENDMENT.** The Town Board may from time to time amend the regulations imposed by this ordinance. Public hearings on all proposed amendments shall be conducted by the Town Board following publication of a class 2 notice, as required by Wis. Stat. 236.45(4).

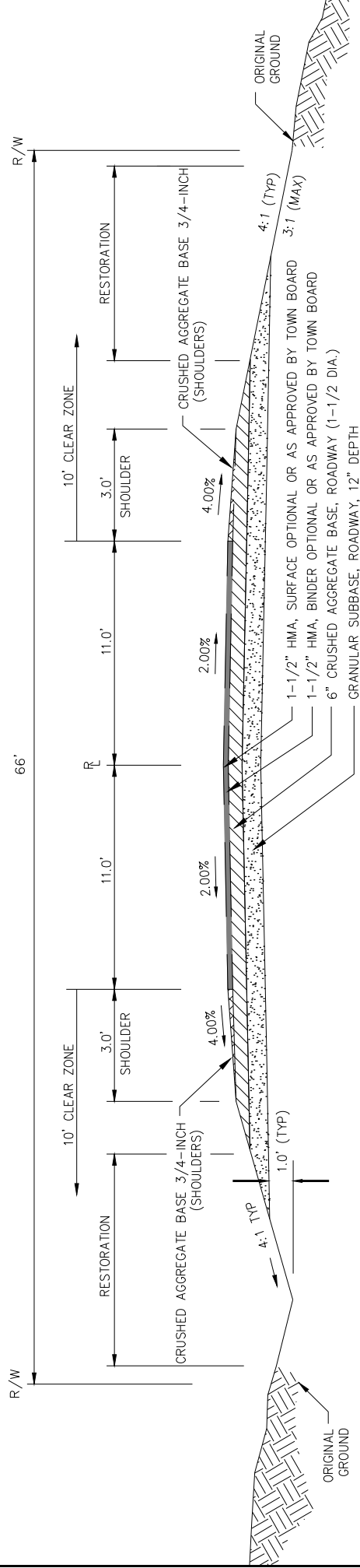
APPENDIX A



NOTE: ALL DIMENSIONS ARE MINIMUMS

TYPICAL PUBLIC ROAD

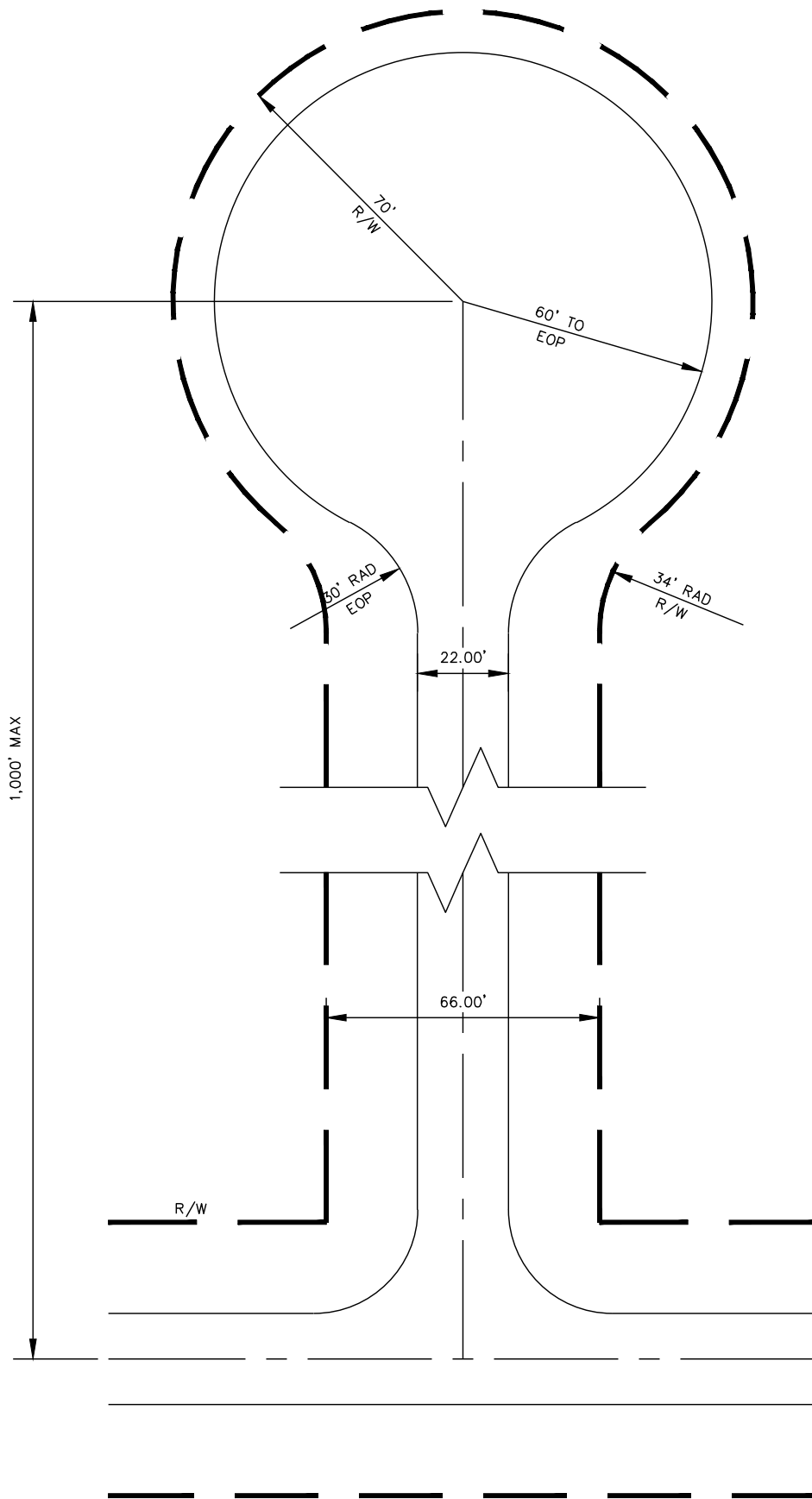
NO SCALE



NOTE: ALL DIMENSIONS ARE MINIMUMS

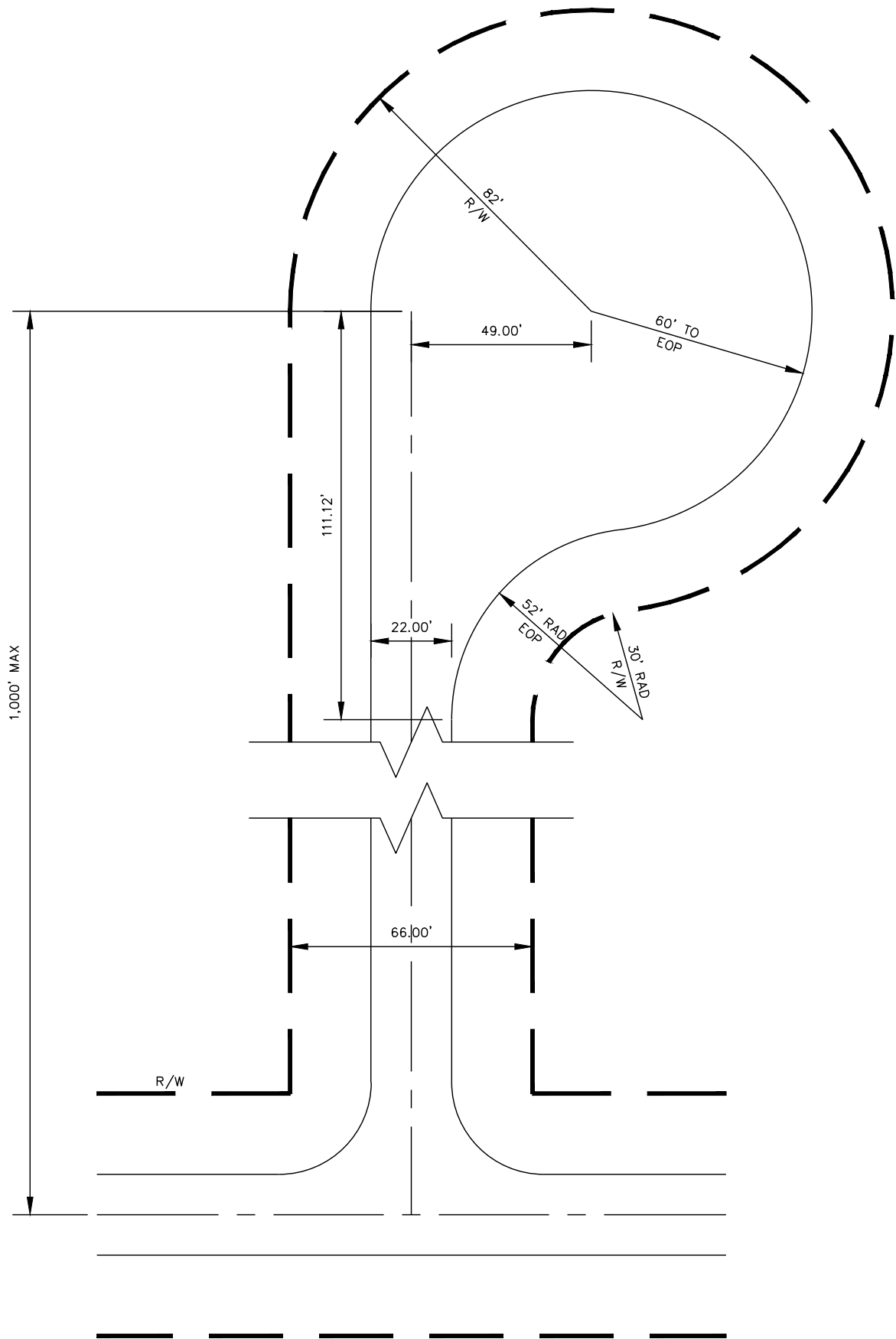
TYPICAL PRIVATE ROAD

NO SCALE



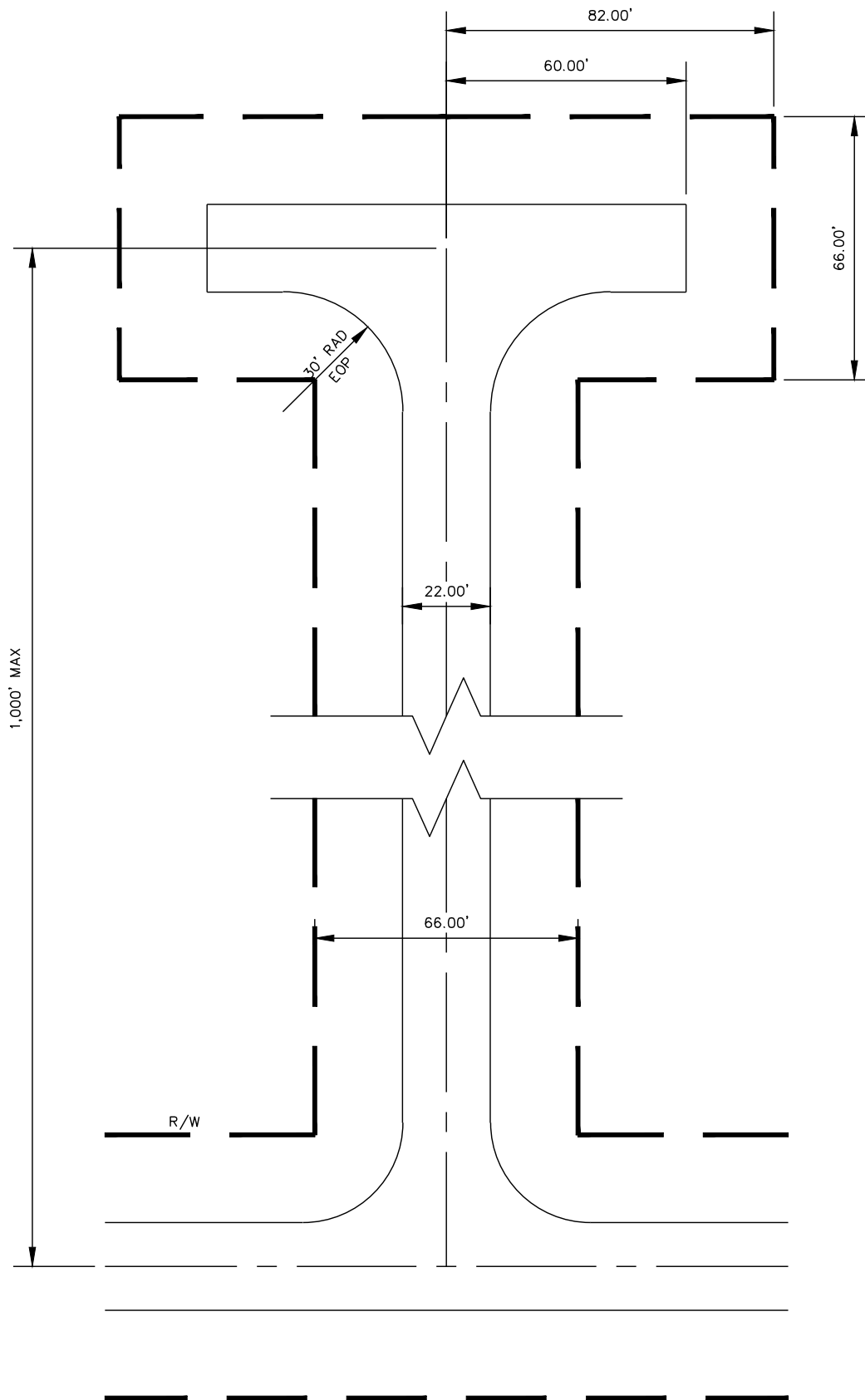
NOTE: EOP = EDGE OF PAVEMENT
 R/W = RIGHT OF WAY
 ALL DIMENSIONS ARE MINIMUMS UNLESS OTHERWISE NOTED

BULB CUL-DE-SAC
 NO SCALE



NOTE: EOP = EDGE OF PAVEMENT
 R/W = RIGHT OF WAY
 ALL DIMENSIONS ARE MINIMUMS UNLESS OTHERWISE NOTED

ECCENTRIC CUL-DE-SAC
 NO SCALE



NOTE: EOP = EDGE OF PAVEMENT

R/W = RIGHT OF WAY

ALL DIMENSIONS ARE MINIMUMS UNLESS OTHERWISE NOTED

HAMMERHEAD TURN AROUND

NO SCALE