

CHAPTER 14

ZONING AND LAND USE

- 14.01 Comprehensive Plan
 - 14.02 Zoning Regulation
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14.01 COMPREHENSIVE PLAN.

- (1) Comprehensive Plan. The Town of Chase Comprehensive Plan, prepared and adopted pursuant to 66.1001, Wis. Stats., is hereby incorporated by reference and made a part hereof and all land use within the Town shall be consistent therewith.
- (2) Amendment. The Town of Chase Comprehensive Plan may only be modified or amended in the manner provided in §66.1001, Wis. Stats.

14.02 ZONING REGULATION.

- (1) General Zoning Authority. Pursuant to the Town's General Zoning Authority under the provisions of §60.61, Wis. Stats, the Town has adopted and incorporates herein by reference the OCONTO COUNTY ZONING ORDINANCE, CHAPTER 14 OF THE OCONTO COUNTY CODE.
- (2) Zoning Districts. The following Zoning Districts, and their related conditions and regulations, shall apply within the Town:
 - (a) Residential Single Family District (R-1)
 - 1. Permitted Uses:
 - a. Cemeteries
 - b. Churches
 - c. Community Buildings
 - d. Parks
 - e. Single Family Residence including manufactured housing
 - f. Schools
 - 2. Conditional Uses:
 - a. Bed and Breakfast Establishments
 - b. Day Care Centers
 - c. Utility towers
 - 3. Standards:
 - a. Minimum Lot Size: One and one-half (1.5) acres unless the property is located in the Sewer Service Area of the Krakow Sanitary District.
 - b. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - c. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(b) Residential Multi-Family (R-2)

1. Permitted Uses:
 - a. Community Buildings
 - b. Churches
 - c. Golf Courses
 - d. Multi-family residences up to four (4) residential units
 - e. Parks
 - f. Residential Condominiums up to four (4) residential units
 - g. Schools
 - h. Single family residences including manufactured housing.
2. Conditional Uses:
 - a. Bed and Breakfast establishments
 - b. Clinics
 - c. Daycare centers providing for more than eight (8) children
 - d. Firearms sales and service establishments
 - e. Fireworks sales
 - f. Hospitals
 - g. Multi-family residences with more than four (4) residential units
 - h. Nursing Homes
 - i. Residential Condominiums with more than four (4) residential units.
 - j. Utility towers
3. Standards:
 - a. Minimum Lot Size: three (3) acre; one-half acre per family unit unless the property is located in the Sewer Service Area of the Krakow Sanitary District.
 - b. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - c. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(c) Residential Multi-Family (R-3)

1. Permitted Uses:
 - a. Community Buildings
 - b. Churches
 - c. Golf Courses
 - d. Multi-family residences up to four (4) residential units
 - e. Multi-family residences with more than four (4) residential units.
 - f. Parks
 - g. Residential Condominiums up to four (4) residential units
 - h. Schools
 - i. Residential Condominiums with more than four (4) residential units.
 - j. Single family residences including manufactured housing.

2. Conditional Uses:
 - a. Bed and Breakfast establishments
 - b. Clinics
 - c. Daycare centers providing for more than eight (8) children
 - d. Firearms sales and service establishments
 - e. Fireworks sales
 - f. Hospitals
 - g. Nursing Homes
 - i. Utility towers
3. Standards:
 - a. Minimum Lot Size: three-quarters (.75) of an acre or unit.
 - b. Property must be located within the Sewer Service Area of the Krakow Sanitary District.
 - c. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - d. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(d) Community Service District (CS)

1. Permitted Uses:
 - a. Cemeteries
 - b. Churches
 - c. Clinics
 - e. Community buildings
 - f. Fire, Police, Rescue and Ambulance protection facilities
 - g. Parks
 - h. Schools
 - i. Single family residences including manufactured housing
 - j. Utilities
2. Conditional Uses:
 - a. Airports
 - b. Communications facilities
 - c. Community garages
 - d. Correctional facilities
 - e. Hospitals
 - f. Multi-family homes for staff only
 - g. Nursing homes and assisted living facilities.
 - h. Utility towers.
3. Standards.
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(e) Park and Recreation District (PR).

1. Permitted Uses:
 - a. Agricultural protection and forestry as part of recreational complex
 - b. Boat launching facilities
 - c. Community buildings
 - d. Golf courses
 - e. Parks, play grounds or play fields
 - f. Parking lots
 - g. Single family residences including manufactured housing, multi-family housing for staff personnel only provided that the dwelling units are located on the recreational parcel and not on separate lots.
 - h. Wildlife preserves.
2. Conditional Uses:
 - a. Amusement and recreational services.
 - b. Commercial facilities accessory to permitted uses.
 - c. Campgrounds
 - d. Fish hatchery
 - e. Marina and boat livery
 - f. Resort
 - g. Shooting ranges including paintball facilities
 - h. Stables
 - i. Winter sports areas (Commercial)
 - j. Utility towers
3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(f) Forest District (F)

1. Permitted Uses:
 - a. Agricultural production, crops, livestock or both.
 - b. Firewood processing facilities processing less than 20 cord of wood per year for firewood for wholesale or retail sales.
 - c. Forestry, forestry services, logging operations, sawmills (portable only) and planing mills (portable only).
 - d. Hunting, trapping and game propagation operations
 - e. Parks
 - f. Single family residences including manufactured housing.
 - g. Single family mobile home.
2. Conditional Uses:
 - a. Community Buildings
 - b. Community garages and storage facilities
 - c. Firearms sales and/or service facilities

- d. Firewood processing facilities processing 20 cord of wood or more per year for firewood for wholesale or retail sales.
 - e. Kennels
 - f. Landfills
 - g. Sawmills
 - h. Shooting ranges
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(g) Rural Residential (RR)

1. Permitted Uses:
- a. Agricultural production, crops, livestock and forestry
 - b. Animal shelters, barns and sheds housing less than ten (10) animals subject to all conditions and regulations imposed by the Oconto County Zoning Ordinance.
 - c. Auctions (temporary only)
 - d. Single family residences including manufactured housing.
 - e. Structures for uses associated with an accessory to permitted or approved conditional uses.
 - f. Utility facilities.
2. Conditional Uses:
- a. Additions to, expansions of or continued operations of pre-existing uses.
 - b. Bed & Breakfast Establishments
 - b. Conditional uses from A District
 - c. Conditional uses from F District
 - d. Conditional uses from R-1 District
 - e. Daycare centers providing for more than eight (8) children
 - e. Firearms sales
 - f. Fireworks sales
 - g. Two family residential structures
 - h. Utility towers
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(h) Agricultural District (A)

1. Permitted Uses:
- a. Agricultural production facilities, crops, livestock and forestry operations and facilities.

- b. Animal shelters, barns and sheds housing less than ten (10) animals subject to all conditions and regulations imposed by the Oconto County Zoning Ordinance.
 - c. Auctions (temporary only)
 - d. Christmas tree sales and roadside stands limited to one stand or sales site per farm used solely for the sale of products on the premises or nearby premises.
 - e. Firewood Processing facility processing less than 20 cord of wood per year into firewood for wholesale or retail sales.
 - f. Maple syrup processing facilities which produce not more than 2,000 gallons per season.
 - g. Single family residences including manufactured housing and mobile homes; provided, that it is permissible to allow more than one structure for human habitation on a farm provided that the dwelling unit is occupied by a person who, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operations on the parcel and/or is a parent or child of the farm operator or spouse of the farm operator. However, in no case may there be more than 3 structures for human habitation located on one parcel.
 - h. Structures for uses associated with an accessory to permitted or approved conditional uses.
 - i. Utilities.
2. Conditional Uses:
- a. Institutional:
 - Communications facilities
 - Correctional facilities
 - Fire protection facilities
 - Hospitals and clinics
 - Nursing homes and assisted living facilities
 - Schools
 - b. Governmental:
 - Airports
 - Community buildings, garage and storage facilities
 - Parks
 - c. Religious Uses:
 - Churches
 - Religious schools
 - d. Agricultural Uses:
 - Agricultural services
 - Farm supply and equipment sales, service and rental facilities.
 - Migrant worker housing facilities
 - Kennels and catteries.
 - Maple syrup processing facilities that produce in

- excess of 2,000 gallons per season.
- Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area.
- Mixing and manufacturing of feeds and feed ingredients, other than for personal use.
- Sawmills (portable)
- e. Private Uses:
 - Airstrips for private use by property owner.
 - Firewood processing facilities processing 20 cord of wood or more per year into firewood for wholesale and retail sales.
 - Fireworks sales
 - Firearms sales and/or service
 - Utility towers.
- 3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (g) Large Scale Agricultural District (LA)
 - 1. Permitted Uses:
 - a. Agricultural production crops, livestock and forestry
 - b. Auctions
 - c. Christmas tree sales
 - d. Maple syrup processing facilities which produce not more than 2,000 gallons per season.
 - e. Residences, single-family, residences, mobile home, provided that the dwelling unit is occupied by a person who, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operations on the parcel and/or is a parent or child of the farm operator or spouse of the farm operator. However, in no case may there be more than 3 structures for human habitation located on one parcel.
 - f. Structures for uses associated with an accessory to permitted or approved conditional uses.
 - g. Structures, animal shelters, barns and sheds.
 - h. Utilities.
 - 2. Conditional Uses:
 - a. Agricultural related business and service operations:
 - Agricultural services.
 - Migrant worker housing
 - Kennels and catteries

- Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area.
- Maple syrup processing facilities which produce more than 2,000 gallons per season.
- Mixing and manufacturing of feeds and feed ingredients
- Sales, rental and servicing of farm supplies and equipment
- Sawmills (portable only)
- b. Personal Uses:
 - Airstrips for private use by property owner.
 - Utility towers.

(h) Neighborhood Commercial District (NC)

1. Permitted Uses:
 - a. Single family residences including manufactured homes.
2. Conditional Uses:
 - a. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance
3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(i) General Commercial District (GC)

1. Permitted Uses:
 - a. Auto service stations
 - b. Banks and similar services
 - c. Business and professional offices and studios
 - d. Community buildings, such as town halls, fire stations, police stations, etc.
 - e. Dental and medical clinics
 - f. Hotels/motels
 - g. Laundromats/cleaners
 - h. Single-family residences, including manufactured homes, but only as accessory to principle use
 - i. Restaurants/taverns (eating and drinking places)
 - j. Agricultural crop production and grazing
2. Conditional Uses:
 - a. Institutional. (penal, correctional, religious, mental, orphanage or of a similar nature)
 - b. Utility towers

- c. Auto Reclamation Yard. Providing that no more than 25 unlicensed vehicles are kept on the premise which are not kept in an enclosed building.
- d. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.
- e. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.)
- f. Animal shelter, animal grooming facilities, kennels and catteries
- g. Mini-Warehouses and Mini-Storage

3. Standards:

- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
- b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(j) Restricted Commercial District (RC)

1. Permitted Uses:

- a. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.

2. Conditional Uses:

- a. Institutional. (penal, correctional, religious, mental, orphanage or of a similar nature)
- b. Utility towers
- c. Auto Reclamation Yard. Providing that no more than 25 unlicensed vehicles are kept on the premise which are not kept in an enclosed building.
- d. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.
- e. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.)
- f. Animal shelter, animal grooming facilities, kennels and catteries
- g. Mini-Warehouses and Mini-Storage

3. Standards:

- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
- b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(k) Industrial District (I)

1. Permitted Uses:

- a. Electrical and electronic machinery, equipment and supplies
- b. Fabrication of metal products.
- c. Food and kindred products (Not including meat products)
- d. Furniture and fixtures manufacturing.
- e. General manufacturing

- f. Instrument manufacturing
 - g. Leather and related products
 - h. Lumber and wood products
 - i. Machinery
 - j. Printing, publishing and allied industries
 - k. Rubber and plastic product manufacturing and/or assembly
 - l. Textile products, apparel
 - m. Stone, clay and glass products
 - n. Transportation equipment
 - o. Transportation services
2. Conditional Uses:
- a. Chemicals and allied products
 - b. Concrete products
 - c. Landfills
 - d. Generation of electrical power
 - e. Manufacturing and distribution of gas and petroleum products.
 - f. Meat products and slaughter facilities.
 - g. Paper mills
 - h. Petroleum refinery and related industries
 - i. Primary metal industries
 - j. Salvage/Junk Yard
 - k. Storage or processing of industrial wastes
 - l. Utility towers
 - m. Retail/Wholesale sales
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (l) Light Industrial District (LD)
1. Permitted Uses:
- a. Retail businesses engaged in the sale of goods produced primarily on site.
 - b. Wholesale businesses engaged in the sale of goods produced primarily on site.
2. Conditional Uses:
- a. All Conditional Uses applicable to General Commercial Districts.
 - b. All Conditional Uses applicable to Industrial Districts.
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(m) Conservancy District (C)

1. Permitted Uses:

- a. public and private parks and recreational areas, public boat access sites, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas provided that:
 - Any private recreational or wildlife habitat area is used exclusively for that purpose; and
 - Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitats or to otherwise enhance wetland values.
- b. Non-residential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or uses solely for some use permitted in the Conservancy District, if such building cannot, as a practical matter be located outside the wetland is not designed for human habitation, and provided that:
 - Any such building does not exceed 500 sq. ft. in floor area; and
 - No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done

2. Conditional Uses:

- a. No Conditional Uses are permitted.

3. Standards:

- a. All development and uses within a Conservancy District shall comply with all applicable provisions of the Oconto County Zoning Ordinance.

(n) Mobile Home Park District (MHP)

1. Permitted Uses:

- a. Community Buildings
- b. Churches
- c. Golf Courses
- d. Parks
- e. Residence, mobile home or residence, manufactured home located within the mobile home park.
- f. Single family residence for mobile home park owner or operator.

2. Conditional Uses.

- a. Mobile home sales involving storage and display of units for sale on a sales lot separate from the area of the property devoted to mobile home park residential use.
- b. Home occupation, Home based business, Home based industry and Professional Office in homes.

- c. Utility towers.
- 3. Standards.
 - a. All mobile home park operations shall comply with all mobile home park standards and requirements of the Oconto County Zoning Ordinance.
 - b. All mobile home park operations shall further comply with the provisions of Chapter 13 of this Code.
 - c. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance

14.03 LAND DIVISION.

(1) Introduction.

- (a) **Authority.** The Town Board of Chase, County of Oconto, does ordain as follows, pursuant to the authority granted by §236.45, Village Powers, and the Wisconsin Statutes. The Town has had a Zoning Committee for a number of years which has had involvement in land use planning issues, complying with said statutory section.
- (b) **Title.** This ordinance shall be known as, referred to, or cited as the Land Division Ordinance.
- (c) **Purpose and Intent.** The purpose of this ordinance is to regulate and control the division of land within the Town of Chase, Oconto County, for the following purposes: to promote the public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of subdivided land and conveying by accurate legal description, and to provide safe and orderly shoreland subdivision layouts. The Town Board, by passage of this ordinance, further has the goals of reducing future conflicts between neighbors, affording an opportunity for its local committee to review proposed development plans, consider if any change of zoning classification, conditional use or variance will occur or be more likely due to the land division, and any modifications that may make any change or special zoning permission less likely.
- (d) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. The Oconto County Shoreland Ordinance is applicable only in shoreland areas.
- (e) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or law.

- (f) **Severability.** If any section, 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 thereby.
 - (g) **Repeal.** All other Town ordinances, or parts thereof, inconsistent or conflicting with this ordinance, are hereby repealed, to the extent of the inconsistency only.
 - (h) **Effective Date.** This ordinance shall be effective after a public hearing, adoption by the Town Board, and publication, as provided by law.
- (2) Rules and Definitions.
- (a) **Rules.** In the construction of this ordinance, the rules and definitions contained in the section shall be observed and applied, except when the context clearly indicates otherwise.
 1. Words used in the present tense shall include the future, and words in the singular number shall include the plural numbers, and the plural the singular.
 2. The word “shall” is mandatory and not discretionary.
 3. The word “may” is permissive and relates to a discretionary decision or act.
 4. The masculine gender includes the feminine and neuter.
 - (b) **Definitions.**
 1. “*Alley*” shall mean a public or private right-of-way which provides secondary access to abutting properties.
 2. “*Building*” shall mean any structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind, which is permanently affixed to the land, including set upon a hard surface slab such as concrete.
 3. “*Building Setback Line*” shall mean a line parallel to the street line or water line beyond which buildings may not be erected.
 4. “*Cul-de-Sac*” shall mean a minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.
 5. “*Extraterritorial Plat Approval Jurisdiction*” shall mean the unincorporated area within 1-1/2 miles of a fourth-class city or village and within three miles of all other cities over which cities and villages may exercise plat approval provided they have enacted an Official Map Ordinance or Subdivision Control Ordinance in accordance with §236.10. Wis. Stats.
 6. “*Final Plat*” shall mean the map or plan of a subdivision, and any accompanying material, as described in Section 14.02(6) of this ordinance.
 7. “*Grade*” shall mean the center line gradient of a road, street or other public way, specified in percent.
 8. “*Lot*” shall mean a building parcel of land represented and identified in a subdivision as defined in Section 14.02(8)(b) of this ordinance.

9. “*Certified Survey Map*” shall mean a map of a division of land prepared in accordance with §236.34, Wis. Stats.
10. “*Outlot*” shall mean a remnant parcel of land not to be used for building purposes, so designated on the plat map.
11. “*Preliminary Plat*” shall mean a map showing the salient features for a proposed subdivision submitted to the Town Board for purposes of preliminary consideration, as described in Section 14.02(5) of this ordinance.
12. “*Public Way*” shall mean any public road, street, highway, walkway, drainage way or part thereof.
13. “*Replat*” shall mean the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, a lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
14. “*Subdivider*” shall mean any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, certified survey or replat.
15. “*Subdivision*” shall mean the division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates any new parcel(s) or building site(s).
16. “*Town*” shall mean the Town of Chase, including the Town Board, Town Clerk or any other designated Town Committee or authorized officer.

(3) General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this ordinance shall include all lands within the Town. However, in no instance shall the provision of this ordinance apply to:
 1. Transfers of interests pursuant to court order. Also, transfers of interests in land by will or living trust distribution after death of the principal, if no new division results beyond fractional shares of ownership.
 2. Leases for a term not to exceed ten years, mortgages or easements.
 3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, Oconto County Shoreland Zoning Ordinance, or other applicable laws or ordinances.
- (b) **Compliance.** No subdivider shall divide any land located within the jurisdiction limits of these regulations which results in a subdivision, certified survey or a replat as defined herein; no such subdivision, certified survey or replat shall be entitled to record; and, no improvements shall be made to land without compliant with all requirements of this ordinance, and the provisions of Chapter 236, Wis. Stats.

- (c) **Land Suitability.** No land shall be subdivided which is held unsuitable for any proposed use by the Zoning Committee for reason of flooding, inadequate drainage, soil type features, rock formations with severe limitation for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community. The Zoning Committee, in applying the provisions of this ordinance, shall, in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, a subdivider neighbor or affected person may appeal the decision of the Town Board. The Town Board may, by unanimous vote, affirm, modify or withdraw the determination of unsuitability. As part of the approval process, conditions may be placed upon the project so that construction of buildings is limited to certain areas within the divided land or prohibited in certain areas within said parcel. Any decision to exclude an area shall be based upon the factors listed in this section, or setbacks required by county zoning.
- (d) **Improvements.** The subdivider shall not install any streets or other improvements required by the Town until the preliminary plat has been approved by the Town Board.
- (e) **Variances.** The Town Board can grant variances only on the following items:
1. The granting of the variance will not be detrimental to the public safety, health, welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 2. The conditions upon which the request for variation is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience or financial hardship.
 4. The applicant for a variance has demonstrated no practical use of the land can be made under strict adherence to the ordinance provisions.
 5. Any variance granted shall remain as close to the ordinance standards as can practically be followed by use of conditions placed on approval and recorded with the Register of Deeds.
- (f) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a Town Building Permit authorizing the building on or improvement of any subdivision, certified survey or replat within the jurisdiction of this ordinance and not of record as of the effective date of this ordinance until the provisions and requirements of

this ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes. The results of any Town review of a division shall be communicated by the Zoning Committee secretary or Town Clerk to the County Zoning Office after action of either body.

- (g) **Penalties.** Any person, firm or corporation that fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof for a period not to exceed two (2) months. Each day a violation exists or continues shall constitute a separate offense.
1. Recordation improperly made has penalties provided in §236.30, Wis. Stats.
 2. Conveyance of lots in unrecorded plats has penalties as provided for in §236.31, Wis. Stats.
 3. Monuments disturbed or not placed have penalties as provided for in §236.32, Wis. Stats.
 4. Assessor's plat made under §70.27, Wis. Stats., may be ordered by the Town Board when a subdivision is created by successive divisions.
- (h) **Appeals.** Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in §236.13(5), Wis. Stats., following exhaustion of remedies at the Town level.

(4) Procedure.

- (a) **Pre-Application.** Preliminary Consultation - prior to filing an application for approval of a preliminary plat, the subdivider shall consult with the Town Board or its designated representative to become informed of the purpose and objectives of these regulations, and to otherwise assist the subdivider in planning a development.
- (b) **Preliminary Plat Review.** Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with Section 14.02(5) of this ordinance. The subdivider shall file twelve copies of the preliminary plat as outlined in Sections 14.02(4)(c) and 14.02(5) and a letter of application with the Town Clerk at least twenty (20) days prior to the meeting of the Town Board at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision.
- (c) **Preliminary Plat Approval.**
1. The Town Board shall review the plat for conformance with this ordinance.
 2. The Town Board shall, within forty (40) days of the date of filing

the preliminary plat, approve conditionally or reject such plat unless the time is extended by agreement with the subdivider. It is anticipated Board review will follow Zoning Committee review and recommendation, when possible. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections shall accompany the plat. One copy of the plat and letter shall be placed in the Town Board's permanent file.

3. Failure of the Town Board to act within forth (40) days of the filing date shall constitute an approval as provided in 236.11(1)(a), Wis. Stats. However, in the event the Zoning Committee raises issues with the developer that need further exploration, the developer may waive the 40-day period in writing and deliver it to the Town Clerk, specifying a later time frame by which the Town Board is expected to act.
 4. Approval or conditional approval of the preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval, and conforms substantially to the preliminary plat layout as indicated in §236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout.
- (d) **Final Plat Review.** The subdivider shall prepare a final plat in accordance with Section 14.02(6) of this ordinance and shall file twelve (12) copies of the final plat and a letter of application with the Town Board at least twenty (20) days prior to the meeting of the Town Board at which action is desired.
- (e) **Final Plat Approval.**
1. The Town Clerk shall inform the applicant of the date, time and place of the Town Board meeting at which the plat will be reviewed.
 2. The Town Board shall examine the final plat as to its conformance with the approval preliminary plat, any conditions or approvals of the preliminary plat and this ordinance.
 3. The Town Board shall, within forty (40) days of the date of filing of the final plat approval, approve conditionally or reject the plat unless the time is extended by written agreement of the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting, and a written statement of the reasons forwarded to the subdivider. When applicable, the Town Board certifies on the face of the original final plat that no objections have been filed or if filed, have been satisfied.
 4. Failure of the Town Board to act within forty (40) days, without an agreed extension and where no unsatisfied objections have been filed, shall be deemed plat approval as provide in §236.11(1)(a), Wis. Stats.

- (f) **Recordation.** After the final plat has been approved by the Town Board and any other approving agencies, the subdivider shall record the plat with the Oconto County Register of Deeds in accordance with §236.25, Wis. Stats.
 - (g) **Replat.** When it is proposed to replat a recorded subdivision or plat thereof so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person desiring to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Wis. Stats. The subdivider or person desiring to replat shall then proceed as specified in Sections 14.02(4)(a) through (f) of this ordinance. All owners of land directly affected by said action shall express consent, opposition or request plan amendment for the Zoning Committee and Town Board to consider such matter.
- (5) Preliminary Plat.
- (a) **General.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
 1. Title under which the proposed subdivision is to be recorded.
 2. Legal description and general location of proposed subdivision and whether the land is within 1-1/2 miles of Pulaski.
 3. Date, scale and north arrow.
 4. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (b) **Plat Date.** All preliminary plats shall show the following:
 1. Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.
 2. Water elevations of adjoining lakes and streams at the date of the survey showing approximate high and low water elevation.
 3. Location, right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto. All streets shall have a minimum width of 66 feet and be dedicated to the public upon recording of the Certified Survey Map or final plat.
 4. Location and names of any adjacent subdivisions, parks, schools and cemeteries, and owners of record of abutting unplatted lands.
 5. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto.
 6. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, zoned wetlands and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 7. Approximate dimensions of all lots together with proposed lot and

- block numbers.
8. Existing zoning and proposed use on and adjacent to the proposed subdivision.
 9. Corporate limits lines.
 10. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access. Pursuant to §236.16(3), Wis. Stats., said access shall be at least sixty (60) feet wide in a location where the terrain may be easily crossed by an adult having average physical skills.
 11. Any proposed lake, stream and wetland improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for Division of Environmental Protection, Department of Natural Resources approval when applicable.
- (c) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town Board or Chairman who shall have the written recommendation that all elevations, plans and profiles meet the approval of a Town engineer, ordinance standards, or other party approved by the Town Board to conduct such review. All roads shall be constructed in compliance with the Town ordinance regulating highway standards.
- (d) **Covenants.** The Town Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. Such covenants may include provisions relating to conditions for division approval placed upon the project by the Zoning Committee or Town Board.
- (e) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features; and that he has fully complied with the provisions of this ordinance.
- (6) Final Plat.
- (a) **General.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.
 - (b) **Additional Information.** The final plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
 1. Exact street width along the line of any obliquely intersecting street.
 2. Setbacks of building lines shall be in conformance with the Oconto County Zoning Ordinance.
 3. All lands reserved for future public acquisition to be dedicated to the Town upon recording of the final plat, or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also

be provided with the plat. On any commonly owned property as specified or shown on said plat, restrictive covenants recorded with the Register of Deeds office shall specify the procedure by which the contact person is selected for property tax billing, special assessments, and similar acceptance of legal process. The covenants may provide for designation or election or otherwise of the owners of such a person to receive such contacts.

4. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.
- (c) **Deed Restrictions.** Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the final plat. However, if restrictions have previously been recorded, they may be referred to summarily in the final plat phase, such as by reference to prior volume and page of recording.
 - (d) **Surveying and Monumenting.** All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.
 - (e) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System.
 - (f) **Certificates.** All final plats shall provide all the certificates required by §236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance and provide a certificate for Town Board approval.
 - (g) **Fences.** Any lot within the plat that is adjacent to land used for farming or grazing shall carry with it the duty of future fence maintenance under Chapter 90, Wis. Stats. Each lot owner shall continue the duty or lack of maintenance requirement that existed before the land division approval. This division shall be interpreted so that no farmer shall be required to change his or her fencing requirements due to land division by a neighbor. For efficient providing of services, the Town Board may insist on no cul-de-sacs being located in a subdivision plat where a connecting street could be used. The Board, in its review of street intersections with existing roads, shall consider line of sight as a traffic safety concern in determining whether to have one or more intersections with existing roads into the plat or divided area.
- (7) Certified Survey Maps.
- (a) **Applicability.** For any land division creating parcels less in size than the pre-existing parcel, a certified survey map or a subdivision plat shall be created.
 - (b) **Requirements.** A certified survey map shall be prepared in compliance

with the requirements of §236.34, Wis. Stats., which is hereby adopted by reference and incorporated herein.

(c) **Procedure.** The subdivider shall file a copy of said survey map with the Town Clerk. Following review by the Zoning Committee, the Town Board shall review and, within forty (40) days, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. Any public road shown shall comply with the terms of this ordinance. No certified survey map shall alter the fence duty of a neighbor under Chapter 90 of the Wisconsin Statutes.

(d) **Certificates.**

1. The map shall include the certificate of the surveyor who surveyed and mapped the parcel, as required by §236.34, Wis. Stats., and shall be signed by the property owner.

2. The certificate of approval shall be typed, lettered or reproduced legibly and permanently on the face of the map.

(e) **Map.** The map shall be filed by the subdivider for recording with the Register of Deeds of Oconto County. Three additional copies of the final approved map shall be forwarded to the Town Clerk. The volume, page number(s) and map number of the recorded certified survey map shall be noted on the final approved map copies delivered to the Clerk.

(8) Design Standards.

(a) **Street Arrangements.** The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in property relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangements in all proposed subdivisions:

1. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions; or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. No land division approved shall create any new parcel without access to a public street or highway as a result of the division. Sec. 80.13(5), Wis. Stats., is adopted by reference.

2. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a federal, state or county trunk highway.

3. Street names shall be established and not be in conflict with existing street names. A pattern to existing street names shall be projected or continued wherever possible. No name will be adopted that would cause problems or confusion in providing emergency services. It is expected that the subdivider will present street names for Town Board review and approval.
- (b) **Lots.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.
 - (c) **Building Setback Lines.** Building setback lines shall conform to the requirements established in the Oconto County Zoning Ordinance.
 - (d) **Easements.** Where a subdivision is traversed by a watercourse, drainage way or stream, an adequate drainage way or easement may be required to handle storm water runoff. The location, width, alignment and improvement of such drainage way or easement shall be approved by the Town Board.
 - (e) **Intersections.** Each intersection within an existing public road shall provide at least 500 feet of unobstructed line of vision for drivers approaching from each direction. The Town may revise this provision if there are special terrain features or traffic conditions that would increase public safety and reduce the risk of collisions in the absence of a minimum amount of vision ordinarily required. In determining traffic safety at a particular intersection, the Town shall consider expected traffic volume into and from the divided land, whether the intersection is with a town, county or state highway, the expected speed of vehicles on intersection highway, and any known traffic history of collisions.
- (9) Required Improvements.
- (a) **Survey Monuments.** The subdivider shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.
 - (b) **Street Signs.** Installation of street signs, meeting the approval of the Town Board, at all intersections shall occur at subdivider expense.
- (10) Construction.
- (a) **Commencement.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Town Board.
 - (b) **Plans.** The following plans and accompanying construction specifications may be required by the Town Board before authorization of construction or installation of improvements.
 1. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
 2. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
 3. Additional special plans or information as required.
 4. The Town Board may require a bond or letter of credit as assu-

rance of street improvement completion or may enter into an agreement with the subdivider as to construction progress tied to lot sales.

- (c) **Inspection.** The subdivider, prior to commencement of any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat.
- (11) Projected Land Use. Each land division shall contain a representation from the subdivider to the Town as to the immediate intended land use of the parcel so divided. This intended use shall be compared with the zoning situation and development plan of the owner. The Town shall take the intended land use into account in the application of provisions of this ordinance.