

TECHNICAL MEMORANDUM #3

**SUBDIVISION REGULATIONS
FOR
Town of La Pointe
MADELINE ISLAND**

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**MAY 26, 1972
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TABLE OF CONTENTS

		PAGE
SECTION I	General Interpretation	3
SECTION II	General Requirements	3
SECTION III	Lots Created Not Requiring a Plat - Minor Subdivisions	5
SECTION IV	Procedure for Submitting Subdivision Applications	8
SECTION V	Design Standards	10
SECTION VI	Required Improvements	16
SECTION VII	Planned Unit Development	18
SECTION VIII	Easements	22
SECTION IX	Public Sites and Open Spaces	22
SECTION X	Variances	24
SECTION XI	Fees	24
SECTION XII	Construction	24
SECTION XIII	Enforcement and Penalties	25
SECTION XIV	Separability	25
SECTION XV	Effective Date	25
SECTION XVI	Definitions	26

SUBDIVISION CONTROL ORDINANCE TOWN OF LA POINTE, ASHLAND COUNTY, WISCONSIN

To regulate the division of land within the Town of La Pointe, Ashland County, for the purposes listed in Chapter 236 of the Wisconsin Statutes and to provide safe and orderly shoreland subdivision layouts pursuant to Sections 59.692, 60.62, 281.31 and 236.45 Wisconsin Statutes, the Town Board of the Town of La Pointe, Ashland County, Wisconsin hereby ordains the following subdivision regulations:

SECTION I: GENERAL INTERPRETATION

This ordinance shall not repeal, impair or modify private easements or covenants governing the use of lands except that it shall be applicable to the extent that it imposes stricter regulations.

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of the Town inconsistent or conflicting with this Ordinance to the extent of their inconsistency only are hereby repealed.

SECTION II: GENERAL REQUIREMENTS

The Zoning and Planning Committee or its duly appointed staff, in an application for the subdivision of land, shall be guided by the following considerations and standards.

- A. The Zoning and Planning Committee or its duly authorized staff shall be responsible for administration of this Ordinance.
- B. Subdivision includes any division of a parcel of land by the owner or his agent, for the purpose of sale or building, where:
 - 1. The act of division creates five or more parcels of 2.5 acres or less each.
 - 2. Five or more parcels of 2.5 acres or less each are created by successive divisions within a five year period.¹
- C. Minor subdivision includes any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and which division does not create a subdivision as defined herein.
- D. This Ordinance shall not apply to divisions exempt from platting controls under the provisions of Chapter 236.03.
- E. Every division of land within the Town of La Pointe shall be subject to the provisions of this Ordinance and Chapter 236 of the Wisconsin Statutes.

¹ Amended September 6, 2002

- F. All divisions of land subject to this Ordinance shall also be in conformity with the Town Zoning Ordinance, Master Plan, County Sanitary Code and any official map ordinances in effect in the Town.
- G The owner, the owner's agent and the owner's contractors shall meet with the Zoning and Planning Committee (with input from Boards and Departments interested) to determine if the proposed subdivision consists of, or includes land which is deemed, by reason of flood risk, inadequate drainage, adverse soil conditions, the presence of rock formations, high potential for erosion, unsuitable topography, inadequate water supply or sewage disposal capabilities or other conditions or circumstances to be harmful or hazardous to the health, safety or welfare of future residents of the proposed subdivision or of the community. If the Zoning and Planning Committee determines the subdivision proposed would be unsuitable as harmful or hazardous to the health, safety or welfare of future residents of the proposed subdivision or the community, for any of the aforesaid reasons, the proposed subdivision shall not be allowed.

In applying the provisions of this section the Zoning and Planning Committee shall in writing recite the particular facts upon which it bases its conclusion that the proposed development is unsuitable. Land subject to hazards to life, health, or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan. Thereafter, the Zoning and Planning Committee, if it determines such hazards have been eliminated shall withdraw its determination of unsuitability.²

- H. Before the final plat is approved by the Zoning and Planning Committee and the Town Board, the subdivider shall install all improvements required by this Ordinance, or shall file a performance bond or other acceptable financial guarantee with the Town Clerk insuring installations of such improvements.
- I. The specifications for all improvements shall be approved by the Zoning and Planning Committee, the Town Road Foreman and the Zoning Administrator. Prior to either acceptance of the improvements by the Town Board or release of the developer's bond, all improvements shall be inspected by the Zoning and Planning Committee, the Town Board, the DNR, Ashland County, Madeline Sanitary District and all other agencies and found to have been installed according to specifications.³
- J. Proposed subdivisions shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

² Amended September 6, 2002

³ Amended September 6, 2002

SECTION III: LOTS CREATED NOT REQUIRING A PLAT - MINOR SUBDIVISIONS

A. Minor Subdivision

When it is proposed to divide land into two (2) or more parcels or building sites and where such division does not create a subdivision as defined herein, the subdivider shall subdivide by use of a Certified Survey Map. The subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and shall file an adequate number of copies of the Map and the letter of application with the Zoning Administrator at least fifteen (15) days prior to the meeting of the Zoning and Planning Committee at which action is desired.⁴

1. Before submission of a Certified Survey Map, the subdivider is encouraged to consult with the Zoning and Planning Committee and/or its staff for advice regarding the general requirements affecting the proposed division of land.

If any wetland indicators are shown on the proposed map, on the official wetlands inventory map or if wetlands are found or determined to be present on the land at issue, a wetland delineation shall be performed by a person deemed by the Zoning and Planning Committee to be qualified to perform wetland delineations. In cases where the wetlands present are determined by the Zoning and Planning Committee to not be a problem concerning building sites and lot access, the Zoning and Planning Committee may waive the wetland delineation requirement.

2. The Zoning Administrator shall, within ten (10) days after filing, transmit the copies of the Map and letter of application to the Zoning and Planning Committee.⁵
3. The Zoning and Planning Committee shall transit a copy of the Map to the Town Board, the Madeline Sanitary District Clerk and any department which is interested, for their review and recommendations concerning matters within their respective jurisdictions. Their recommendations shall be transmitted to the Zoning and Planning Committee within twenty (20) days from the date the Map is filed. The Map shall be reviewed by the Zoning and Planning Committee for conformance with this Ordinance, and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, which affect it. The Zoning and Planning Committee shall, within thirty (30) days from the date of filing of the final Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the Town Board.⁶ Approval of the final map by the Zoning and Planning Committee, Town Board and the Ashland County shall be within 90 days.⁷

⁴ Amended September 6, 2002

⁵ Amended September 6, 2002

⁶ Amended September 6, 2002

⁷ Amended September 6, 2002

4. The Town Board shall approve, approve conditionally, or reject such Map within sixty (60) days from the date of filing of the Map unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Zoning Administrator to so certify on the face of the original Map and return the Map to the subdivider.⁸
5. The subdivider shall record the Map with the county register of deeds within thirty (30) days of its approval by the Town Board.
6. The subdivider shall file five (5) copies of the Certified Survey Map with the Zoning Administrator. The Zoning Administrator shall, after final approval of the CSM forward the map to all affected departments.⁹

B. Certified Survey Map

1. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivision shall be excepted from the requirements set forth in Section IV of this Ordinance but shall comply with all other applicable provisions of this Ordinance.¹⁰

If any wetland indicators are shown on the proposed map, on the official wetlands inventory map or if wetlands are found or determined to be present on the land at issue, a wetland delineation shall be performed by a person deemed by the Zoning and Planning Committee to be qualified to perform wetlands delineations. In cases where the wetlands present are determined by the Zoning and Planning Committee to not be a problem concerning building sites and lot access, the Zoning and Planning Committee may waive the wetlands delineation requirement.

2. The Map shall show correctly on its face, in addition to the information required by Section 236.45 of the Wisconsin Statutes, the following:

All Existing Buildings, watercourses, drainage ditches, intermittent streams¹¹ and other features pertinent to proper divisions.

Setbacks or Building Lines required by the Zoning and Planning Committee.

All applicable Zoning Districts and wetlands¹² shall be shown on the Map.¹³

⁸ Amended September 6, 2002

⁹ Amended September 6, 2002

¹⁰ Amended September 6, 2002

¹¹ Amended September 6, 2002

All Lands Proposed to be dedicated to the public and/or reserved for future acquisition.

Date of the Map.

Graphic Scale.

Name and Address of the owner, subdivider and surveyor.

3. The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance, Ashland County and the Town of La Pointe Zoning Ordinance. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.¹⁴

Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2) (a) of the Wisconsin Statutes.

4. The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Town Board, the Zoning Administrator¹⁵ and the surveyor are placed on the face of the Map.

¹² Amended September 6, 2002

¹³ Amended September 6, 2002

¹⁴ Amended September 6, 2002

¹⁵ Amended September 6, 2002

SECTION IV: PROCEDURE FOR SUBMITTING SUBDIVISION APPLICATIONS

A. Preliminary Meeting

Before filing a preliminary plat application, the subdivider is encouraged to consult with the Zoning and Planning Committee and/or its staff for advice regarding general requirements affecting the proposed development. A sketch plan of the proposed subdivision drawn on a topographic survey map should be submitted. This sketch plan should identify the boundaries of the property being considered for subdivision, any publicly owned lands in the vicinity of the proposed subdivision, proposed roads and general lot layout including proposed dedication, physical features (slopes over 15 per cent, bodies of water, wetland areas, rock out-crops, existing vegetative cover, areas subject to periodic flooding, and general soil conditions), power transmission lines, and towers. In addition, the sketch plan should indicate proposed filling, grading, lagooning, or dredging and a description of any contiguous property owned or controlled by the subdivider even though only a part of the area is proposed for immediate development. The subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.¹⁶

B. Preliminary Plat Application

The subdivider shall submit to the Zoning and Planning Committee and to those agencies having the authority to object to plats under provisions of Chapter 236 of the statutes, sufficient legible copies (to be determined at the preliminary meeting) of a preliminary plat based upon an exterior boundary survey by a registered land surveyor. The preliminary plat shall show clearly the existing conditions of the proposed subdivision and of the adjoining sites including data on covenants, physical features (slopes over 15 per cent, bodies of water, public access, wetland areas, rock out-crops, existing vegetative cover, areas subject to periodic flooding and soil conditions) available community facilities and utilities, easements, street locations and lot widths and depths. The proposed layout shall be shown on a topographic map at a scale of one inch equals 100 feet having contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10 per cent, and of not more than 5 feet where the slope of the ground surface is 10 percent or more and shall identify the improvements (grading, tree planting, paving, installation of facilities and dedication of land) which the subdivider proposes to make and shall indicate when the improvements will be provided. In those instances where contour maps are deemed unnecessary for the purpose of reviewing all or a portion of the land included in the proposed subdivision, the Zoning and Planning Committee may waive or modify the contour mapping requirement. Any proposed restrictive covenants for the land involved shall be stated. The Zoning and Planning Committee shall reject or approve conditionally the preliminary plat within 30 days¹⁷ after submission.¹⁸

¹⁶ Amended September 6, 2002

¹⁷ Amended September 6, 2002

¹⁸ Amended September 6, 2002

C. Final Plat

Final plats shall be submitted to the Zoning and Planning Committee within one year of preliminary plat acceptance unless this requirement is waived in writing by the Zoning and Planning Committee. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws, and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2), Wisconsin Statutes. The final plat shall be accompanied by detailed construction plans of all improvements. Final plats shall be presented to the Zoning and Planning Committee at least ten workdays prior to the meeting at which they are to be considered and shall be accepted or rejected by the Zoning and Planning Committee and the Town Board within 60 days of their submission or agreement with the subdivider. The subdivider will pay the cost of the Town Board meeting, should a special meeting be necessary. Approved final plats shall be recorded in accordance with their statutory requirements, Section 236.25. Lots may be offered for sale, using the preliminary plat which plat shall have been prior thereto submitted to all Governmental Agencies having jurisdiction over same, provided, however, that all contracts for sale shall be made contingent upon the final approval of the plan and such contract shall be null and void if such final approval is not secured, as is provided for by Section 236.31(1) of the Wisconsin Statutes.

SECTION V: DESIGN STANDARDS

A. Streets

1. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to applicable official map ordinance in effect in the Town. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses and public convenience and safety.

If a subdivider secures approval for developer maintained access ways, he shall in such cases develop same in accordance with standards set forth in this Ordinance. He shall further grant to the Town such easements to such private utilities as are necessary for such utilities. The granting of approval for the developer to maintain developer maintained access ways shall always be subject to the right of all governmental agencies and their representatives to having access to the property in such development over such developer maintained access ways.

2. All lots shall have frontage on a public street except those lots located on developer maintained access ways.
3. Street Width and Grades
 - a. The Zoning and Planning Committee may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than one hundred fifty (150) feet measured at the street setback line. If the average lot width is in excess of one hundred fifty (150) feet the subdivider may conform to the rural section standards.

URBAN STREET STANDARDS: Average lot width in the proposed subdivision is less than one-hundred-fifty (150) feet. Urban Section Standards shall apply to the following Zoning Districts: R-3; R-2 and C-1. Please refer to Section V(A)(3)(a)¹⁹

Street Type	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	ROADWAY WIDTH DRIVING SURFACE To be measured: driving surface plus 2 foot shoulders each side.
Arterial Street	70 feet	70 feet	48 feet
Collector Street	66 feet	66 feet	26 feet: 22 foot driving surface and 2 foot shoulders each side
Minor Streets 1,000 feet or more in length for Single-Family Development and in all Multi-Family Developments	66 feet	66 feet	26 feet: 22 foot driving surface and 2 foot shoulders each side
Minor Streets less than 1,000 feet in length in Single-Family Development; and Cul-de-Sac and Frontage Streets	50 feet	50 feet	26 feet: 22 foot driving surface and 2 foot shoulders each side
Alleys	25 feet	25 feet	20 feet

¹⁹ Amended September 6, 2002

RURAL STREET STANDARDS: ²⁰ Average lot width in the proposed subdivision is in excess of one hundred fifty (150) feet. Rural Section Standards shall apply to the following Zoning Districts: R-1; W-1; W-2; S-1 and S-2 Zoning Districts. Please refer to Section V(A)(3)(a).

Street Type	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	ROADWAY WIDTH DRIVING SURFACE To be measured: driving surface plus 2 foot shoulders each side.
Arterial Street	70 feet	70 feet	48 feet
Collector Street	66 feet	66 feet	26 feet: 22 foot driving surface and 2 foot shoulders each side
Minor Streets 1,000 feet or more in length for Single-Family Development and in all Multi-Family Developments	66 feet	66 feet	26 feet: 22 foot driving surface and 2 foot shoulders each side
Minor Streets less than 1,000 feet in length in Single-Family Development; and Cul-de-Sac and Frontage Streets	50 feet	50 feet	26 feet: 22 foot driving surface and 2 foot shoulders each side

b. Unless necessitated by exceptional topography subject to the approval of the Zoning and Planning Committee the maximum centerline grade of any street or public way shall not exceed the following:

- Arterial streets: six (6) per cent.
- Collector streets: eight (8) per cent.
- Local streets, alleys and frontage streets: ten (10) per cent.
- Pedestrian ways: twelve (12) per cent unless steps of acceptable design are provided. The grade of any street shall in no case exceed twelve (12) per cent or be less than one half of one (0.5) per cent.

²⁰ Amended September 6, 2002

- c. Street grades shall be established wherever practicable so as to avoid slopes greater than 20%, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
4. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
5. Minor streets shall be so laid out as to discourage their use by through traffic. Cul-de-sacs shall be required on all dead end streets.²¹
6. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
7. Wherever a subdivision abuts or contains an existing or proposed major highway, the Zoning and Planning Committee shall require a 50 foot wide frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient traffic flow and adequate protection of residential properties.
8. Reserve strips controlling access to streets shall be prohibited.
9. Streets and corner lots shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
10. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the subdivision in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider of the adjoining land.
11. All permanent dead-ends streets shall be required to have a cul-de-sac, shall not be longer than 1,000 feet and shall have a minimum width of 50²² feet. Cul-de-sacs shall have a circular turn-around having a minimum right-of-way radius of at least 60 feet, and an outside curb radius of 40 feet.
12. Where possible, lot lines shall be perpendicular to the street line, and to the tangent at the lot corner on curved streets

²¹ Amended September 6, 2002

²² Amended September 6, 2002

13. No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Zoning and Planning Committee. Continuation of existing named streets shall be adopted on new, developed streets.

B. Block and Lot design and Improvements

1. Minimum lot areas and lateral dimensions shall be as set forth in the Town Zoning Ordinance except that soil limitations may require larger lot sizes in order to meet Section H65 of the Wisconsin Administrative Code and the County Sanitary Ordinance.
2. Block lengths shall normally not exceed thirteen hundred and twenty (1,320) feet, or be less than six hundred (600) feet in length, except cul-de-sacs and permanent dead end streets.
3. To provide adequate access and circulation to playgrounds, schools, shopping areas or other community facilities, the Zoning and Planning Committee may require that walkways be provided, either along streets or through the center of blocks.
4. Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
5. The Zoning and Planning Committee may require that natural features including trees be preserved and that appropriate landscaping be provided.
6. All streets shall be developed with a Driving Surface width of 22' ²³feet and Street Pavement of at least 6" of stabilized gravel.
7. When located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots with connection to such system.

Storm water drainage shall not be allowed to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

Any subdivision or lot not provided with off-site water and off-site sewer facilities shall be subject to soil and percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation. Such tests shall be made at the expense of the subdivider.

²³ Amended September 6, 2002

8. Water supply for all areas shall be designed to meet the standards of the Ashland County Sanitary Code. Water mains and fire²⁴ prevention provisions, including fire mains, shall be based upon sound engineering standards and practices. Water mains constructed to serve subdivisions shall have such connection to the system, together with shut off valves and fire hydrants at intervals of not more than 600 feet for each lot.²⁵
9. Developer shall satisfy the Town when submitting plats for approval that it has sufficient water supply for its development and that such water requirements will not unduly deplete or interfere with the water available for other Town users.

²⁴ Amended September 6, 2002

²⁵ Amended September 6, 2002

SECTION VI REQUIRED IMPROVEMENTS

A. Grading

After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town governing body, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town governing body. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

B. Surfacing

After the installation of all utility and storm water drainage improvements the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the Master Plan or master plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town. The cost of surfacing in excess of twenty-two (22) feet²⁶ in width that is not required to serve the needs of the subdivision shall be borne by the Town.

C. Curb and Gutter

After the installation of all utility and storm water drainage improvements, the subdivider shall construct curbs and gutters in accordance with plans and standard specifications approved by the Town governing body. This requirement may be waived where a permanent rural section has been approved by the Town governing body. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.²⁷

D. Rural Street Sections

When²⁸ rural street (road) sections have been approved by the Town governing body, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town.

E. Sidewalks

The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town.²⁹

Sidewalks may be required by the Town governing body in the vicinity of schools, commercial areas and other places of public assemblage and the Town governing body may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

F. Public Sanitary Sewerage and Private Sewage Disposal Systems

²⁶ Amended September 6, 2002

²⁷ Amended September 6, 2002

²⁸ Amended September 6, 2002

²⁹ Amended September 6, 2002

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems. The Town governing body may require the installation of sewer laterals to the street lot line. If, at the time of final platting sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Town governing body Specifications approved by the Town and the Madeline Sanitary District.

Subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio, which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Town or assessed against the total tributary drainage area.

G. Storm Water Drainage Facilities.

The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow the type of facility required, the design criteria and the sizes and grades to be determined as to present no hazard to life or property and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standards specifications approved by the Town or County Highway Engineer and the Town Zoning Administrator.

H. Other Utilities

The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.

Plans indicating the proposed location of all electrical power and telephone distribution and transmission lines required to serve the plat shall be approved by the Town Zoning Administrator and the Zoning and Planning Committee.³⁰

I. Specifications

Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the Town governing body.

³⁰ Amended September 6, 2002

SECTION VII. PLANNED UNIT DEVELOPMENT

A. Intent

Planned Unit Developments may be permitted as a Conditional Use ³¹in which the lot sizes, lot widths and depths, yard requirements, height and bulk limitations and uses may be varied from the terms set out in the Town Zoning Ordinance, but not including parking requirements off-street loading, necessary screening and like regulations of the Town Zoning Ordinance. It is the intent of this section to promote the following objectives:

1. Provide a more desirable living environment by preserving the natural character of shorelines, stands of trees, hills and similar natural assets
 2. Encourage developers to use a more creative approach in development
 3. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site
 4. Encourage the provision of open space within reasonable distance from all residential parts of the area and to further encourage the development of open space and recreational facilities.
- B. Planned unit residential developments consisting exclusively of single-family dwelling units and planned unit residential developments which include any multi-family dwelling units are permitted in those areas specified by the Town Zoning Ordinance.
- C. The overall density of a planned unit residential development, defined as the number of living units per acre shall not exceed the zoning district regulations for the zoning district in which it is to be developed.
- D. The use regulations and permitted exceptions lot size and density regulations and exceptions yard regulations and exceptions and bulk regulations and exceptions shall be in accordance with the requirements of the Town Zoning Ordinance.
- ### E. Open Space Regulations
1. Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications.
 2. Open spaces created by a reduction in lot sizes shall be set aside as common land for the sole benefit, use and enjoyment of the subdivision lot owners, present and future and shall be held in common by said lot owners as tenants in common.

³¹ Amended September 6, 2002

3. The land area included in any maximum density calculations shall not include bodies of water, swamps or land with excessive grades or steep slopes greater than 20%³² making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage.

F. Administration

1. A Preliminary Application for a planned unit development shall be made as follows: A preliminary plan shall be filed with the Town Clerk for the attention of the Zoning and Planning Committee. In addition to meeting the requirements of the Town Zoning Ordinance and preceding regulations of this Ordinance this preliminary plan shall show the overall plan for development including but not limited to grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking, wetlands³³ and open spaces. There shall also be a fee receipt from the Town Treasurer in an amount in accordance with other provisions of this Ordinance. In addition, the following data shall be summarized and attached:

Total land area (square feet);

Total number of living units;

Total floor area on all floors of proposed buildings measured by outside walls multiplied by number of floors;

Total building area at ground level including garages, carports and other community facilities;

Total uncovered open space including paved areas in streets, walks and driveways;

Total recreation space defined as total open space minus areas in streets, walks and driveways but including tennis courts, swimming pools and floor area of recreation facilities;

Total occupant car spaces defined as off-street parking spaces without time limit.

2. The Zoning and Planning Committee shall review the preliminary plan in accordance with provisions of the Town Zoning Ordinance. If the Zoning and Planning Committee approves or tentatively approves with suggestions for revision, a final plan shall be submitted for final approval within six (6) months.

³² Amended September 6, 2002

³³ Amended September 6, 2002

3. The Zoning and Planning Committee in submitting its findings and recommendations on the final plan to the Town governing body shall make the following determinations based on the final plan:

- a. The tract to be developed is at least five (5) acres in the case of planned unit residential development of exclusively single-family dwelling units and at least three (3) acres in the case of planned unit residential development containing multi-family dwelling units;
- b. The tract to be developed is in single or corporate ownership;
- c. The overall density of the project defined as the number of living units per acre does not exceed the district regulations for the district in which the project is to be developed;
- d. A certificate attested by the Madeline Sanitary District³⁴ showing the availability of adequate public sewer and where public sewer is not available a certificate attested by the Madeline Sanitary District that proposed methods of on-site sewage disposal will be adequately and safely accommodated by the soils;
- e. Landscaping and grading will be done to assure adequate drainage;
- f. The streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture and other pick-ups and deliveries without blocking traffic;
- g. That adequate plans and provisions are provided for the handling and disposal of garbage and refuse in a manner satisfactory to the State of Wisconsin under the laws of the State governing the storage, transportation and disposal of garbage and refuse in existence at the time of final plan submission;
- h. That where developer maintained access ways or streets are provided, there is adequate assurance and guarantees are given to insure professional maintenance of the street by the developer;
- i. All individually-owned dwelling units shall have access to a public street, court, walkway or other area dedicated to public use;

³⁴ Amended September 6, 2002

- j. There will be a minimum number of conflicts between pedestrian and vehicular traffic;
- k. The design of open spaces and housing will provide both easy access and privacy;
- l. No structure which contains residential units will be more than 200 feet from a street, parking area, or other right-of-way on which a fire truck may be operated;
- m. Adequate lighting will be provided;
- n. The final plans include the planting of adequate trees and shrubs where not already present;
- o. The applicant has bonded himself and his contractor(s) to provide the improvements shown on the plans;
- p. In a single-family planned unit residential development adequate deed restrictions are present, running in favor of the Town, or an automatic homeowners association and individual homeowners for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, utilities, access and open spaces by the original and all subsequent owners of property within the development;

In Reviewing Preliminary and Final Plans and applications, the Zoning and Planning Committee may seek technical assistance from such sources as it deems necessary;

Any Modifications in the original plan shall be made only by agreement between the developer and the Zoning and Planning Committee after the approval of the Town governing body.

G. Approval by the Town of a PUD where the developer of the proposed PUD provides for maintained access ways shall be given only where the developer contracts with the Town to reimburse the Town for such amounts the Town shall relinquish by way of motor vehicle fuel taxes by allowing the developer to provide for the developer maintained access ways. Although the Town will not be required to maintain or construct the streets within the PUD, an increase in traffic will result on other Town streets and highways which the Town will be required to maintain.

H. All buildings except single or two-family buildings to be constructed within a PUD shall be designed either by a Wisconsin Architect or by a non-Wisconsin architect who associates himself with a Wisconsin Architectural firm. The purpose of this provision is to insure the development of all buildings in accordance with standards of the Wisconsin law.

SECTION VIII: EASEMENTS

- A. The Zoning and Planning Committee shall require rear or side lot line utility easements at locations and of widths deemed adequate by the Zoning and Planning Committee required by approved utility plans, but in no case less than ten feet.
- B. The Zoning and Planning Committee shall require that easements or drainageways of widths sufficient to accommodate storm water runoff be provided where a subdivision includes a segment or segments of water courses, drainageways, channels, or streams.

SECTION IX: PUBLIC SITES AND OPEN SPACES

A. Dedication and Reservation of Lands

Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designated in the master plan, comprehensive plan component or on the official map of the Town said public way shall be made part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or maps and in accordance with this section.

B. Determination

Whenever a proposed school site, park, playground, greenway, open space or other public land, other than streets or drainageways, designated in the master plan, comprehensive plan component or on the official map of the Town is embraced, all or in part, in a tract of land to be subdivided and where all or portions of the tract of land to be subdivided contain Lake Superior shoreline, which in the judgment of the Zoning and Planning Committee would lend itself well to use by Town residents as a whole, these proposed public lands shall be made a part of the plat and shall be dedicated to the public at a rate of one (1) acre for each 15 acres of proposed development area and said proposed public lands, other than streets or drainage ways, in excess of the rate established herein shall be reserved for a period not to exceed one (1) year from the date of final plat approval unless extended by mutual agreement for purchase by the public agency having jurisdiction, or unless extended by mutual agreement for acquisition by the Town. The purchase price shall be the present fair market value of said lands in an undeveloped state as indicated by impartial appraisal. Costs for said appraisal are to be shared equally between developer and Town.

C. Proportionate Payments in Lieu of Dedication

1. If the amount of land required to be dedicated, other than for streets and drainageways as indicated on the master plan, comprehensive plan component or official map of the Town totals less than the rate of one (1) acre for each 15 acres of proposed development area the subdivider shall pay to the Town a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be dedicated, other than the streets and drainageways, as indicated on said plans or maps and the rate of dedication established herein.

Said fees required in lieu of dedication shall be paid to the Town Treasurer at the time of first application for approval of a final plat of said subdivision.

2. Special fund. All funds so collected by the Town shall be deposited as "Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces and Greenways and that said funds so levied and collected shall be used for such purposes at such places and in such manner as shall be approved, ordered and directed by the Town governing body upon recommendation by the Zoning and Planning Committee and which shall be consistent with this Ordinance, the master plan, comprehensive plan component or official map of the Town and authorization for creation of said fund is hereby granted. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for acquisition and development for said purposes.

D. Development of Dedicated Area

It shall be the duty of the Town to properly develop and maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its development, maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels in which case he shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Town.

SECTION X: VARIANCES

- A. The Board of Adjustment³⁵ may grant variances from the provisions of this Ordinance after holding a public hearing, with ten days notice in writing to owners of adjoining lands and upon finding that:
1. Because of the unique topographic or other conditions of the land involved literal application of the ordinance would impose a hardship.
 2. The variance will not violate the purpose of this ordinance or Technical Memorandum #2: Zoning Ordinance, Town of La Pointe or the provisions of Chapter 236 of the Wisconsin Statutes.
- B. The requirement of filing and recording a plat for a subdivision or a certified survey shall not be waived.

SECTION XI: FEES

Schedule

When filing a preliminary plat application, the subdivider shall pay the plat inspection fee which is set forth in the then current Town of La Pointe schedule of fees.

- A. Subdivision - Prior to approval of the final plat, the applicant shall pay to the Town Treasurer as a fee for checking and verifying the plat, a sum computed from the following schedule: (Amount to be determined by the Zoning and Planning Committee).
- B. Certified Survey Map - Prior to approval of the final certified survey map the applicant shall pay to the Town Treasurer as a fee for checking and verifying the map, (a fee to be determined by the Zoning and Planning Committee).³⁶

SECTION XII: CONSTRUCTION

No construction shall commence on any lot until the final plat for the subdivision or the certified survey map has been duly recorded.

³⁵ Amended September 6, 2002

³⁶ Amended September 6, 2002

SECTION XIII: ENFORCEMENT AND PENALTIES

The Town Zoning Administrator shall have responsibility for enforcement of this Ordinance. No land use permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded or the certified survey map recorded. Any person who violates this Ordinance, shall be notified by the town Board and if they fail after proper notification to comply with this Ordinance, shall be subject to a forfeiture up to \$200 plus the costs of prosecution for each day of violation and in default of the payment of such forfeiture and costs, shall be imprisoned in the county jail until the payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Section 236.30 and 236.31 of the State Statutes shall be available to the Town.

SECTION XIV: SEPARABILITY

Invalidation of any part of this Ordinance by a court shall not invalidate the rest of the Ordinance.

SECTION XV: EFFECTIVE DATE

This Ordinance shall be in force from and after its passage, posting and recording according to State Statutes.

SECTION XVI: DEFINITIONS

For the purpose of these regulations certain words or terms used herein are defined as follows:

- A. Alley - A narrow service way providing a secondary public means of access to abutting properties.
- B. Arterial or Major Highway - A street which serves or is designed to serve the rapid movement of concentrated volumes of traffic over relatively long distances. This type of street provides primarily for movement between rather than within activity areas.
- C. Block - A parcel or tract of land bounded on at least one side by a public street and on the other side by natural or man-made barriers or unplatted land.
- D. Collector Street - A street which serves or is designed to serve the moderate speed movement traffic from minor streets to arterials or major highways and to provide access to individual lots. This type of street provides for movement within rather than between activity areas.
- E. Zoning and Planning Committee - A town zoning committee authorized by Section 60.74 of Wisconsin Statutes, or any agency created by the Town Board and authorized by statute to plan land use.
- F. Dead-End Street - A street or portion thereof with only one vehicular outlet.
- G. Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- H. Minor or Local Street - A street which serves or is intended to serve primarily as an access to abutting lots.
- I. Minor Subdivision - Any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and which division does not create a subdivision as defined herein.
- J. Navigable Water - Any continuous stream or river and any named lake or pond or flowage. Reference shall be made to United States Geological Survey Quadrangle maps of the affective water course or other body of water whereby continuous streams and named lakes shall be deemed navigable and intermittent streams and unnamed lakes as non-navigable.
- K. Street - Includes streets, roads, avenues, lanes, developer maintained access ways, or other ways.
- L. Subdivider - Any person, firm, corporation, partnership, or association, who shall lay out, for the purpose of sale or building development, any subdivision of part thereof as defined herein.

- M. Subdivision includes any division of a parcel of land by the owner or his agent, for the purpose of sale or building, where:
1. The act of division creates five or more parcels of 2.5 acres or less each.
 2. Five or more parcels of 2.5 acres or less each are created by successive divisions within a five year period.³⁷
- N. Unit - A structure designed as living quarters for one family, whether in a single-family residence or a multi-family building.
- O. Developer Maintain Access way - A street located within a PUD constructed and maintained by the Developer for use by the residents of a PUD.
- P. Rural Street Standards: Average lot width in the proposed subdivision is in excess of one hundred fifty (150) feet. Rural Section Standards shall apply to the following Zoning Districts: R-1; W-1; W-2; S-1 and S-2 Zoning Districts. Please refer to Section V(A)(3)(a).P. Urban Street Standards - Average lot width in the proposed subdivision is less than one-hundred fifty (150) feet. Urban Section Standards shall apply to the following Zoning Districts: R-3; R-2 and C-1. Please refer to Section V(A)(3)(a).³⁸
- Q. Urban Street Standards: Average lot width in the proposed subdivision is less than one-hundred fifty (150) feet. Urban Section Standards shall apply to the following Zoning Districts: R-3; R-2 and C-1. Please refer to Section V(A)(3)(a).³⁹
- R. Road Way Width: measurement of the driving surface plus two foot shoulders, each side. Therefore a 26 foot road shall have a driving surface of 22 feet with a two foot shoulder on each side.

³⁷ Amended September 6, 2002

³⁸ Amended September 6, 2002

³⁹ Amended September 6, 2002

AMENDMENTS

SECTION I	AMENDED SEPTEMBER 6, 2002
SECTION II	AMENDED SEPTEMBER 6, 2002
SECTION III	AMENDED SEPTEMBER 6, 2002
SECTION IV	AMENDED SEPTEMBER 6, 2002
SECTION V	AMENDED SEPTEMBER 6, 2002
SECTION VI	AMENDED SEPTEMBER 6, 2002
SECTION VII	AMENDED SEPTEMBER 6, 2002
SECTION X	AMENDED SEPTEMBER 6, 2002
SECTION XI	AMENDED SEPTEMBER 6, 2002
SECTION XVI	AMENDED SEPTEMBER 6, 2002