

ORDINANCE – 03-13-2007

**LAND DEVELOPMENT**

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**6.01 DISCLAIMER ABOUT THIS ORDINANCE AND THE PROCESS**

- 1) All persons reviewing the provisions of this ordinance should be aware that the Town of Medford is only one of a number of governmental bodies which may have jurisdiction over proposed land divisions or developments. The Town of Medford cannot make any representations or approvals on behalf of any other governmental body. No land division may be made unless all required approvals have been given.
- 2) No statement or actions by any official, employee or agent of the Town of Medford should be construed or taken as binding act upon the Town. The Town acts only through adoption of a resolution, motion or ordinance by the Medford Town Board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this ordinance.
- 3) The Town of Medford has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Town Board.
- 4) Applicants for development projects are advised that the Town may decide to obtain expert advice on a proposed development. That advice may include, without limitations, engineering, environmental, planning, legal or water resource or other advice. The Town does not pay for such advice, and will require the applicant to agree to pay for these consultants as a condition of accepting an application.

## 6.02 THE PURPOSE OF THIS ORDINANCE AND AUTHORITY TO ADOPT IT

- 1) **TITLE.** This Chapter shall be known as the Land Division Ordinance of the Town of Medford and will be referred to in this Chapter as “this ordinance” or “this Chapter”.
- 2) **AUTHORITY.** The Town of Medford has elected to exercise Village Powers. Therefore, these regulations are adopted under this authority granted by Sections 61.35, 62.23 and 236.45 of the Wisconsin State Statutes.
- 3) **PURPOSE.** The purpose of this ordinance is to maintain the high quality of life, safety, and beautiful physical environment, which exists in the Town of Medford. To secure that this Ordinance regulates and controls the division of land within the limits of the Town of Medford, to consider the use of water and to insure adequate water supplies for future generations in order to promote the public health, safety and general welfare of the community. This Ordinance also is intended to allow the Town to plan for the future delivery of public services and to avoid the need to provide public services in an uneconomic or inappropriate manner.
- 4) **INTENT.** The intent of this Ordinance is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways, and roads, to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to discourage overcrowding of the land; to protect the community’s agriculture base; to facilitate adequate provisions for transportation, and to allow the division of large tracts of land into smaller parcels where such proposed divisions meet the requirements of this Ordinance.
- 5) **ABROGATION AND GREATER RESTRICTIONS.** This ordinance shall not be construed to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

## 6.03 DEFINITIONS OF TERMS USED IN THIS ORDINANCE

In this Chapter the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- 1) **BOARD.** The Town Board of the Town of Medford.
- 2) **CERTIFIED SURVEY MAP.** A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. A certified survey map has the same legal force and effect as a subdivision map.
- 3) **CLERK.** The Town of Medford Clerk.
- 4) **COMPREHENSIVE DEVELOPMENT PLAN.** A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. Such a plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.
- 5) **COPY.** A true and accurate copy of all sheets of the original subdivision plat or certified survey map.

- 6) **DIVIDE.** To convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.
- 7) **INTERGOVERNMENTAL AGREEMENT.** The Agreement between municipalities bordering the Town of Medford providing for a defined boundary and agreed on pattern of land and utilities.
- 8) **LAND DIVISION.** A division of a parcel of land which is not a subdivision and which results in the creation of a new or remaining parcel or building sites of no less than 2 acres in size.
- 9) **LAND(S).** Any real estate or interest in real estate.
- 10) **LOT.** A land area of 2 acres or more if not regulated by shoreland zoning. (Shoreland Zoning: Land that has been surveyed or plotted and recorded abutting navigable waterfront shall not be divided or subdivided less than 20,000 square feet.)
- 11) **OUTLOT.** A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.
- 12) **PARCEL.** Contiguous lands under the control of a developer or developers not separated by streets, highway or railroad rights-of-way.
- 13) **PLAT.** A map of a subdivision prepared in conformity to the requirements of Ch. 236, Wis. Stats.
- 14) **PLAN COMMISSION.** The Town of Medford Plan Commission.
- 15) **PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision or land division, as described in this ordinance, submitted to the Town for purposes of preliminary consideration, prior to all final plats and, when required, prior to all land divisions.
- 16) **PUBLIC WAY.** Any public road, street, highway, walkway, drainage way, or part thereof.
- 17) **REPLAT.** Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but a land division.
- 18) **RESIDENTIAL DWELLING UNIT.** A single family dwelling or the part of a duplex, apartment, residential condominium or other multiple family dwelling occupied by one family or one distinct set of inhabitants.
- 19) **Cul-de-sac Streets -** Closed at one end with turnarounds.
- 20) **Dead-end Streets -** Streets closed at one end without turnarounds.
- 21) **DEVELOPER.** Any person, firm, corporation, partnership or other entity which divides or proposes to divide land in any manner which results in a land division or subdivision.
- 24) **SUBDIVISION.** A division of a parcel of land where the act of division creates either:
  - (A) One or more lots, parcels or building sites of 2 acres each or more in area; or
  - (B) One or more lots, parcels or building sites of 2 acres each or more in area by successive divisions within a period of five years.
- 25) **STRUCTURE.** Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

#### 6.04 WHAT LAND DEVELOPMENTS ARE COVERED BY THIS ORDINANCE

- 1) These regulations shall apply to all land and condominium developments within the Town of Medford.
- (2) Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits for projects occurring within this chapter's jurisdiction. State agencies are required to comply when Wisconsin Statutes Section 13.48(13) applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Wisconsin Statutes Section 30.12(4)(a) applies.

#### 6.05 THE PROCESS OF TOWN REVIEW OF PROPOSED LAND DEVELOPMENTS

- 1) Review Development Standards and Plans. Developers are responsible, before preparing a proposal, for reviewing the Town's development standards and plans to assure that their plans meet the requirements contained in those standards.
- 2) Informal conference. Before formally submitting an application for a proposed land division or subdivision, the applicant is encouraged to bring a concept plan to the Plan Commission for a pre-submission conference as provided for in sec. 6.07.
- 3) Application. The applicant shall submit the proposed land division for review to the Town of Medford Plan Commission for a recommendation to the Town of Medford Board.
- 4) Stages. Informal review includes a preliminary conference. Formal review of land divisions shall include the preliminary plat and final plat, which are provided for herein. Certified survey maps shall be reviewed in one phase.
- 6) Cost of review. All costs of review by the Town shall be paid by the party proposing the land division.

#### 6.06 LAND DEVELOPMENTS REQUIRED TO MEET TOWN STANDARDS.

All land divisions must comply with the standards of this Chapter.

- 1) No person, firm, corporation, partnership, or legal entity of any kind shall divide any land located within the Town of Medford in a manner which results in a land division or replat as defined herein, and no such land division or replat shall be entitled to record, and no street, highway or road shall be laid out or improvements made to land unless the land division or replat complies with all requirements of this ordinance and with the following standards, all of which are incorporated by reference, including future amendments thereto:
  - a) Land that has been surveyed or plotted and recorded shall not be divided or subdivided less than 2 acres in size with a minimum width of 200 feet to assure and provide adequate space for orderly development.
  - b) Land that has been surveyed or plotted and recorded abutting navigable waterfront shall not be divided or subdivided less than 20,000 square feet. Other lots in Shoreland Protection District one (1) acre minimum.
  - c) ~~For any newly developed driveway, the distance between driveways may not be less than 350 feet on all through roads within the Township~~
  - d) ~~On all shared driveways, entrances should be a minimum of 48 feet in width.~~

- e) ~~Building(s) shall be constructed or placed no less than 10 feet from the property line.~~  
Building(s) shall be constructed or placed no less than ten feet from a property line and no new surveyed property line shall be less than 10 feet from a building structure.
- f) The provisions of Chapter 236 of the Wisconsin Statutes regarding platting lands;
- g) No driveway can be built within 10 feet from the property line and any installation of a shared driveway must be approved by the Town Board and must obtain a driveway permit.

#### 6.07 THE PRELIMINARY CONFERENCE

- (1) Prior to the filing of an application for the approval of a certified survey map or a preliminary plat, the developer or divider shall consult with the Town Board Plan Commission to obtain its advice and assistance. This consultation is intended to inform the developer of the purpose and objectives of these regulations, any applicable master plans and plan implementation devices and to otherwise assist the developer in planning the development. Consultation with the Taylor County Zoning Department is also recommended. No such consultations shall in any manner bind the Town Plan Commission or the Town Board to approve a plat, a land division or any other land-use control. Further, no developer may rely upon or cite any advice or information provided by the Town Plan Commission or Town Board as evidence of the official actions of the Town.

#### 6.08 THE PRELIMINARY PLAT

- (1) Before submitting a final plat for approval, the developer shall prepare and submit to the Town Plan Commission:
  - (a) a preliminary plat,
  - (c) the written application for approval; and
  - (d) the required application fees.
- (2) The preliminary plat may include the entire contiguous area owned or controlled by the developer even though only a portion thereof is proposed for development at the time.
- (3) Every preliminary plat shall be prepared according to the following requirements:
  - (a) General. A preliminary plat shall be required for all land divisions.
  - (b) (b) The preliminary plat shall show all plat data as required by the Town of Medford Land Development Ordinance.
  - (c) The developer shall provide road and street plans and profiles showing existing ground surfaces, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall be approved by the Town Board.
  - (e) The Town Board shall require submission of a draft of all prospective covenants which the developer intends to regulate land use in the proposed land division and otherwise protect proposed development. No covenant may be recorded without the prior approval of the Town Board. All covenants, which insure to the benefit of the public, shall be drafted so as to be enforceable by the Town.
  - (f) The surveyor preparing the preliminary plat shall certify on the face of the plat that he has fully complied with the provisions of this ordinance.
- (3) The developer shall file ten (10) copies of the plat and the application with the Clerk at least twenty-one (21) days prior to the meeting of the Town Plan Commission at which action is desired. The Town Plan Commission may waive the requirement that the preliminary plat

include the entire area owned by the developer where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict enforcement of this provision. Where a developer has control of lands which are equal to or in excess of 80 acres in area, or are smaller parcels separated only by existing public roads, in lieu of a preliminary plat on the entire area, the developer may elect to submit a comprehensive development plan.

(4) The Clerk shall forward five (5) copies of the preliminary plat to the Town Plan Commission which shall examine it for conformity with all ordinances, administrative rules and regulations and for compliance with any applicable Town master plan.

(5) (a) The Town Plan Commission shall recommend approval, conditional approval or rejection of the proposed plat to the Town Board.

(b) If approval or conditional approval is recommended, the preliminary plat shall be referred to the Board for consideration. The Town Board shall then approve, conditionally approve, or reject the preliminary plat.

(c) One copy of the plat shall be returned to the developer, along with a copy of the Town Board minutes indicating the action taken. If the plat is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto.

## 6.09 THE FINAL PLAT

(1) The developer shall prepare and file five (5) copies of the final plat together with a written application for approval with the Clerk within six months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Town Board at which action is desired.

(2) The Clerk shall forward a copy of the plat to each Town Board member. The Town Board shall examine it for conformity with the preliminary plat and any conditions or approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it. The Plat shall be prepared in conformity with the following standards:

(a) A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of this Chapter, Section 236.20 of the Wisconsin Statutes and the Town of Medford Subdivision Ordinance.

(c) The final plat shall show, correctly and on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes and this ordinance, the following:

(i) Exact length and bearing of the centerline of all streets.

(ii) Exact street width along the line of any obliquely intersecting street.

(iii) Size of culvert, if any, for each driveway of each lot in the land division.

(iv) All land reserved for future public acquisition or reserved for the common use of property owners within the plat.

(v) Special restrictions required by the Town Board relating to access control along public ways or to the provisions of planting strips.

(3) All improvements required by this ordinance shall be made or guaranteed in the manner described in this Chapter. If the final plat meets the requirements of this ordinance, and has been submitted within six (6) months from the approval date of the preliminary plat and the conditions have been met in the case of preliminary plat given conditional approval, the Town shall approve the final plat of the subdivision within sixty (60) days from the date officially submitted to the Town Clerk.

- (4) The Town Board shall require that restrictive covenants or deed restrictions be filed with the final plat. Any easements noted on the plat for the benefit of private parties, including adjacent landowners, shall be embodied on in written easement deeds which shall be recorded.
- (5) All final plats shall meet all the surveying and monuments requirements of Section 236.15 of the Wisconsin Statutes. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this ordinance.
- (6) The Town Board shall approve or shall reject the plat. The Town Board shall indicate the reasons for any rejection of the plat. One copy of the plat shall then be returned to the developer, with a copy of the minutes indicating the formal action taken, and if approved or rejected, the conditions or requirements of approval or reasons for rejection shall be endorsed thereon or attached thereto.
- (7) The final plat may, if permitted by the Town Board, include only that portion of the approved preliminary plat, which the developer proposes to record at this time.
- (8) The final plat shall be approved if it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to any applicable Town plans and ordinances. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the Plan Commission may reject the final plat regardless of any prior action on the preliminary plat.
- (9) After the final plat has been approved by the Board and the contract and security filed in accordance with this ordinance, the developer shall submit the final plat to the Clerk. After the developer has executed the developer's agreement to provide all required improvements, has posted the security required by this ordinance, has paid all fees imposed pursuant to the ordinance and any area assessments, and after the developer has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the developer for recording. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed. The plat shall be returned to the developer for recording.
- (10) The developer shall record the final plat, and shall file a certified copy of the final plat with the Clerk within ten days after it has been recorded.

#### 6.10 LAND DIVISION BY A CERTIFIED SURVEY MAP

- (1). All unpaid or outstanding taxes, assessments and special assessments shall be paid prior to the approval unless determined otherwise by the Town Board.
- (2) An applicant for a land division by CSM shall file ten (10) copies of the certified survey map and a written application for approval with the Clerk. The certified survey map must be prepared in conformance with the requirements of the Town of Medford Subdivision Ordinance.
- (3) After the certified survey map has been approved by the Town Board, the development agreement has been executed and recorded, the security filed in accordance with this ordinance and any fee imposed pursuant to this ordinance has been paid, the developer shall submit the certified survey map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed. The certified survey map shall be returned to the developer for recording.

(4) The developer shall record the certified survey map with the Register of Deeds for Taylor County after it has been approved, and shall file a certified copy of the recorded map with the Clerk within ten (10) days after the certified survey map is recorded.

(5) General. A certified survey map prepared by a surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes and conform to the requirements of the Town of Medford Subdivision Ordinance.

(7) INFORMATION REQUIRED. A sketch showing the present zoning and any proposed zoning change for the land division and all adjacent lands shall be submitted along with the map. The map itself shall show correctly on its face, in addition to the information required by section 236.34 of the Wisconsin Statutes, the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (b) Setbacks or building lines required by Town Ordinance.
- (c) All lands reserved for future acquisition.
- (d) Date of map.
- (e) Size of culvert, if any, for the driveway of each lot.

(8) CERTIFICATES.

(a) The surveyor shall certify on the face of the map that the surveyor has fully complied with all the provisions of this ordinance. The Board shall certify its approval on the face of the map.

(b) The following certificate of approval shall be provided legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly approved by the Town Board of the Town of Medford, Taylor County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_ Clerk

## 6.11 DESIGN STANDARDS

(1) STREET ARRANGEMENT. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on any official map, master plan or component neighborhood development plan of the Town. In areas for which plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of the subdivision or land division shall have access to a public street which is, at a minimum, sufficient to allow ingress and egress of motor vehicles.

(a) Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they connect.

(b) Collector Streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly



related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

(c) Local Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) 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 the adjacent tracts. Temporary turnarounds shall be required where the street ends at the boundary of the subdivision. The road right-of-way shall continue to the adjacent lands and connect to roads constructed on such lands if approved by the Town Board.

(e) Arterial and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen plantings contained in a non-access reservation along the rear property line, or by the use of frontage streets.

(f) Reserve Strips controlling access to roads or highways are prohibited except where control of such strips is placed with the Town under conditions approved by the Town Board.

## (2) STREET NAMES AND NUMBERING.

(A) Street names must be approved by the Town Board. Building numbers shall be assigned in accordance with the provisions of the Taylor County Zoning Department.

## (4) STREET DESIGN STANDARDS.

A) Minimum Right-of-way. The minimum right-of-way for all proposed streets and roads shall be 66 feet or such other width as is specified by the Town comprehensive plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be 66 feet. Road bed width for traffic should be thirty (30) feet minimum, including shoulder of four (4) feet minimum and twenty-two feet of hard surface, blacktop or concrete.

B) Before a road is plotted or laid out, the developer must appear before the Township of Medford Board to present the road specification plans to determine whether the said road will conform with the Department of Transportation standards. This applies to roads intended for the Township road system; not private.

C). Owner of a newly laid out road shall put in new, certified AADFHTO corrugated dual wall polyethylene culverts needed for road way at developer cost. Adequate and sloped ditches large enough to carry and drain water away from road bed plus room for snow removal. Slope from roadbed to ditch bottoms will be a minimum of 3 to 1 slope. Preferably 4 to 1 slope and have uniform and smooth surface. On blacktop roads slope from the center of roadway to edge of blacktop should be 8 inches. Shoulder slope from blacktop edge to edge of shoulder should be a

2 percent slope. The blacktop shall have a gentle slope, not a straight up and down cut. The shoulder should be 4 feet wide with no less than 3 inches of ¾ inch gravel.

D) Gravel base for the road bed construction shall consist of 14 inches of breaker run material, 6 inches maximum; material consisting of fractured rock, sand, 10 percent binder material. Top base should consist of 6 inches of ¾ inch minus crushed gravel with 12 percent to 16 percent binder material. Geo textile must be used in unstable ground at the request of the Town Board. *Owner or developer must call Township road maintenance personnel to inspect the roadwork when gravel or blacktop work is being performed.* Road will be inspected at intervals (1) Preparation site, (2) Gravel/breaker run (sub-base), (3) Crushed gravel base.

E) All new private road construction offered to the Township of Medford for acceptance to their road system must include hard surface road of blacktop or concrete.

F. Owner or developer to furnish all necessary road signs to control traffic and insure safety. Owner or developer will be responsible for any road maintenance due to deterioration of road up to ~~4~~3 years from when the road is deeded over to the township. A security bond shall be issued in the amount of \$50,000 to cover expenses that may occur for the ~~four~~ three year term.

G) Cul-de-Sac Streets.

All dead end roads or cul-de-sacs shall have a minimum right-of-way width of ~~50~~ 66 feet with a turnaround having an outside right-of-way diameter of at least ~~120~~ 140 feet of which 120 feet is hard surface; and each lot or parcel abutting on a cul-de-sac shall have a minimum of 40 feet of frontage of that cul-de-sac. Effective June 14, 2005 a moratorium is placed on the construction of cul-de-sac's in subdivisions.

H) Owner or developer must survey and plot road before Township will acquire and must supply Township with deed of the road. The town road must be surveyed as an outlot.

I): Owner or developer must survey as a subdivision with the intention to develop the subdivision before the Township will acquire the road.

J) Geo textile material must be installed in the road bed where unstable ground is. A board member will determine if geo textile material will be used.

Drainage Easements Where a subdivision is traversed by a water course, drainage way, channel or stream, an adequate drainage way or easement shall be provided as required by the Town Board. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Town Board. Parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels or adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Town Road Supervisor and Town Board. Drainage easements shall maintain existing water flow patterns onto neighboring lands.

(11) RESERVATION AND DEDICATION OF LAND.

(a) Public Ways. Whenever a tract of land to be divided or subdivided abuts, includes or is adjacent to all or any part of a street, an arterial street, drainage way or other public way which has been designated in any applicable master plan or official map, said public way or street shall be incorporated into the plat and dedicated to the public or to the Town by the developer in the locations and dimensions indicated on said plan or map.

(b) Public Sites and Open Spaces. In designing a land division or subdivision, due consideration shall be given by the developer to the reservation of suitable sites of adequate area for future drainage ways or other public purposes. In the location of such facilities, consideration shall be given to the protection and preservation of scenic and historic sites, stands of trees, marshes, lakes and ponds, water courses, watersheds, wetlands, wildlife habitat and ravines.

(c) Storm water management. The deed covenants of every land division shall provide that the Town shall have the right to maintain or repair all storm water management features, including all easements, structures and ditches, if the owner or homeowners' association fails to maintain the same after notice has been given by the Town. The Town may recover the cost of such repairs from the responsible property owners.

## 6.12 BUILDING PERMITS

No building permits shall be issued for erection of a structure on any lot created by a land division or subdivision until all the requirements of this ordinance have been met. No construction of any kind may commence until the final plat has been recorded.

## 6.13 FEES

(1) GENERAL. The developer shall pay the Town or Building Inspector all costs incurred by the Town and all fees as hereinafter required and at the times specified.

(2) PRELIMINARY PLAT AND CERTIFIED SURVEY REVIEW FEE, ENGINEERING, INSPECTION AND ATTORNEY FEES.

(a) The developer shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of legal documents, and with such inspections as the Town Road Supervisor deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.

(b) To guarantee payment of the engineering, inspection and attorneys fees, the Town may require the developer to deposit the sum of \$1,000.00 plus \$100.00 for each lot or parcel within the preliminary plat or certified survey with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is approved by the Town Board or thirty days after the preliminary plat, certified survey, or final plat is rejected. In the event that the developer fails to pay such fees within fourteen (14) days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the security deposit.

The developer shall replenish the deposit. Failure to maintain the required security balance shall constitute grounds for issuance of a "stop work" order by the Town.

(c) The developer shall reimburse the Town for the cost of time of Town officers or employees who are engaged in providing services or assistance to the developer in connection with the proposed or approved plat or land division. The developer shall also reimburse the Town for the cost of per diems, mileage and advertising or notices of any special meetings called solely to accommodate a request from the developer.

(d) The Clerk shall not sign the plat or certified survey map until such time as all fees and expenses have been paid and all dedications or fees in lieu of dedications have been paid.

#### 6.14 OFFENSES AND PENALTIES.

(1) No person may subdivide land, advertise, vend, sell or convey an interest in property without first obtaining any and all necessary approvals of any land division, plat, or certified survey map required to create a legal lot.

(2) No person may construct a public improvement serving a land division without obtaining the required approval thereof.

(3) No person may construct a structure unless the structure is located on a lawful lot of record.

(4) Any person who violates this ordinance shall forfeit not less than one hundred nor more than two thousand dollars per violation plus the costs of prosecution. The Town may also obtain an injunction to forbid the violator from continuing the violation. The Town Board hereby finds that a violation of this ordinance, by reason of irreversible effects on the land, air and water resources of the Town, constitutes an irreparable injury to the Town.

#### 6.16 WAIVER

(1) Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions of this ordinance to a land division because extraordinary or undue hardship resulting from the characteristics of the land would result, the Town Board may waive or modify any requirement, other than requirements of state law or the recording of the certified survey map or plat map, and only to the extent a waiver is found to be just and proper.

(2) The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this ordinance, or impair the desirable general development of the community in accordance with the master plan.

(3) Any developer who requests a waiver of a provision of this ordinance shall make a written application for a waiver and file the application with the Town Clerk. The Town Board shall hold a public hearing on the application after its required posting or publication. The Town Clerk shall mail a notice of the hearing to all adjacent landowners and to the Town Highway Department. The waiver application shall state the basis for the application and the specific hardship, which is claimed to exist.

(4) Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified its and shall be filed with the Town Clerk. Neither the grant or denial of a waiver by the Town shall constitute a precedent which in any way restricts the discretion of the Town to grant or deny a similar variance request in the future.

This ordinance shall take effect after adoption by the Town Board and publication.

Dated this 13<sup>th</sup> day of March, 2007.

Revised December 13, 2016

Revised January 17, 2017 to Section (4) Street Design Standards.

Revised April 14, 2020 to Section (6.06) 2, Land Developments Required to Meet Town Revised

August 10, 2020 to Section (6.06) c & d eliminated, g revised, Land Developments Required to

Meet Town Revised Standards

Revised May 11, 2021 to Section 6.06 e - to state that no building(s), shall be constructed or placed no less than ten feet from a property line and no surveyed property line shall be less than 10 feet from a building structure.

\_\_\_\_\_ Stanley Schmidt, Chairman

\_\_\_\_\_ Gary Czarnezki, Supervisor

\_\_\_\_\_ Nick Nice, Supervisor

\_\_\_\_\_ Attest: Diane Maar, Town Clerk

TOWN BOARD, TOWN OF MEDFORD

Section 6.06 Land Developments Required to meet Town Standards was amended on January 8, 2008 to include (g) No driveway can be built within 10 feet from the property line and any installation of a shared driveway must be approved by the Town Board prior to construction.

Section 6.06 Land Developments Required to meet Town Standards was amended on January 13, 2009 (a) to include that the 2 acres in size should have a minimum width of 200 feet.

Diane Maar, Clerk