

## CHAPTER 18

### LAND DIVISION AND PLATTING CONTROL

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## **18.01 AUTHORITY.**

This chapter is adopted under the authority granted by §236.45 of the Wisconsin Statutes and Chapters 60, 61 and 66 of the Wisconsin Statutes, as amended.

## **18.02 PURPOSE.**

The purpose of this chapter is to regulate and control the division and physical improvements of land setting minimum standards for development within the limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town and its environs.

## **18.03 INTENT.**

It is the general intent of this chapter to regulate the division of land so as to:

(A) Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

(B) Lessen congestion in the streets and highways.

(C) Further the orderly layout and appropriate use of land.

(D) Further safety from fire, panic and other danger.

(E) Facilitate adequate provision for housing, transportation, water supply, storm water, waste water, parks, playgrounds and other public facilities and services.

(F) Secure safety from flooding, water pollution, disease and other hazards.

(G) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.

(H) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.

(I) Preserve natural vegetation and cover and promote the natural beauty of the Town.

(J) Restrict building sites on areas covered by soils poorly suited for development.

(K) Facilitate the further division of larger tracts into smaller parcels of land.

(L) Ensure adequate legal description and proper monumentation of subdivided land.

(M) Provide for the administration and enforcement of this chapter.

(N) Provide penalties for violation of this chapter.

(O) Implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the Town and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans, adopted plan components, county zoning ordinance and Town building ordinance.

(P) Avoid the harmful effects of premature division of land.

(Q) Preserve primary agricultural land.

#### **18.04 ABROGATION AND GREATER RESTRICTION.**

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, this chapter shall govern.

#### **18.05 INTERPRETATION.**

In their interpretation and application, the provisions of this chapter 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.

#### **18.06 SEVERABILITY AND NON-LIABILITY.**

(A) If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(B) The Town does not guarantee, warrant or represent that only those soils listed as being unsuitable for specific uses are the only unsuitable soils within the Town and thereby asserts that there is no liability on the part of the Town Board, its agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

#### **18.07 DEFINITIONS.**

For purposes of this chapter, the following specific words and phrases and their definitions shall apply:

- (A) **Alley**. A special public way affording only secondary access to abutting properties.
- (B) **Arterial Street**. A street used or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
- (C) **Block**. A tract of land bounded by streets, a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters and municipal boundaries.
- (D) **Building Line**. A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.
- (E) **Certified Survey Map**. A plat or map prepared for a minor land division as defined in §18.07(T) and prepared and recorded as set forth in §236.34 of the Wisconsin Statutes.
- (F) **Collector Street**. A street used or intended to be used to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.
- (G) **Community**. Town of Somers, Kenosha County, municipality, or a group of adjacent towns or municipalities having common social, economic or physical interests.
- (H) **Condominium**. Property subject to a condominium declaration as defined and regulated by Chapter 703 of the Wisconsin Statutes.
- (I) **Comprehensive Plan**. The extensively developed plan, also called a master plan, recommended by the Town Plan Commission and adopted by the Town Board pursuant to the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities pursuant to §66.1001 of the Wisconsin Statutes
- (J) **Cul-de-sac**. A local street with only one (1) outlet and having an appropriate turnaround reversal of traffic movement.
- (K) **Developer**. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, other minor land division or replat.
- (L) **Floodlands**. Those lands including floodplains, floodways and channels subject to inundation by the one hundred (100) year recurrence interval flood or where such data is not available the maximum flood of record.
- (M) **Frontage Street**. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (N) **High Water Elevation (Surface Water)**. The average annual high water level of

a pond, stream, lake, flowage or wetland referenced to an established datum plane or where such elevation is not available the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change or destruction of vegetation or other easily recognized topographic, geologic or vegetative characteristics.

(O) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, colors of gray, yellow, red and brown are intermingled giving a multi-colored effect.

(P) **Lot.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in the Kenosha County zoning ordinance.

(Q) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135 °) degrees or less measured on the lot side.

(R) **Lot, Double Frontage.** A lot other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards, two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

(S) **Minor Street.** A street used or intended to be used primarily for access to abutting properties.

(T) **Minor Land Division, a/k/a Certified Survey Map.** The division of land by the owner or developer resulting in the creation of one (1) but not more than four (4) parcels or building sites any of which is twenty (20) acres in size or less, the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of the block, lot or outlot or any division of land greater than five (5) acres that does not meet the standards required of a subdivision.

(U) **Municipality.** Shall mean the Town of Somers, Kenosha County, Wisconsin.

(V) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards having been fully reproduced in Appendix F of the Southeastern Wisconsin Regional Planning Commission Technical Report #7, 2nd Edition Horizontal and Vertical Survey Control in Southeastern Wisconsin.

(W) **Navigable Stream.** Any stream capable of floating any boat, skiff or canoe of the shallowest draft used for recreational purposes and meeting other requirements of the Wisconsin Department of Natural Resources.

(X) **Other Minor Land Divisions**. Any division of land resulting in at least two (2) parcels of land over twenty (20) acres.

(Y) **Outlot**. A parcel of land other than a lot or block designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots.

(Z) **Preliminary Plat**. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

(AA) **Public Way**. Any public road, street, highway, walkway, drainageway or part thereof.

(BB) **Replat**. The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat, certified survey map, or outlot. The division of a larger block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of the block, lot or outlot is not a replat.

(CC) **Shorelands**. Those lands within the Town lying within one thousand (1,000') feet from the ordinary high water elevation of navigable lakes, ponds and flowages or three hundred (300') feet from the ordinary high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

(DD) **Soil Mapping Unit**. Soil type, slope and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

(EE) **Subdivision**. The division of a lot, outlot, parcel or tract of land by the owners or their agents for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years irrespective of size and which require submission and approval of preliminary and final plat.

(FF) **Town**. Shall mean the Town of Somers, Kenosha County, Wisconsin.

(GG) **Wetlands**. As defined in Chapter NR103 of the Wisconsin Administrative Code wetlands are an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(HH) **Wisconsin Administrative Code**. The rules of administrative agencies having rule-making authority in Wisconsin, published in loose-leaf, continual revision system as directed by §35.93 and Chapter 227 of the Wisconsin Statutes including subsequent amendments to those rules.

## **18.08 JURISDICTION.**

Jurisdiction of this chapter shall include all lands within the Town. All divisions of land within the Town, including condominiums, no matter if they are considered major, minor, or other, shall be submitted to the Town Plan Commission for review and recommendation to the Town Board for approval or rejection. The provisions of this chapter as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

(A) Transfer of interest in land by will or pursuant to court order.

(B) Leases for a term not to exceed ten (10) years, mortgages or easements.

(C) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not created and the lots resulting are not reduced below the minimum size required by this chapter, the zoning ordinance or other applicable laws or ordinances.

## **18.09 COMPLIANCE.**

No person shall divide any land located within the jurisdictional limits of the Town which results in a subdivision, minor land division, other minor land division, condominium or a replat as defined in this chapter. No subdivision, minor land division, other minor land division, condominium or replat shall be entitled to recording and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

(A) Chapter 236 of the Wisconsin Statutes.

(B) Chapter 703 of the Wisconsin Statutes.

(C) Rules of the Wisconsin Department of Commerce Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

(D) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the developer abuts on a state trunk highway or connecting street.

(E) Duly approved comprehensive plans or comprehensive plan components of the Town.

(F) Kenosha County zoning ordinance and all other applicable local and county ordinances.

(G) Rules of the Wisconsin Department of Natural Resources, Army Corp of Engineers and the Environmental Protection Agency.

(H) **Compliance.** Adopted land use and transportation plans, the official map, land



division provisions, building line provisions and capital improvement programs.

## **18.095 ADOPTION OF COMPREHENSIVE PLAN.**

(A) **Authority.** Pursuant to §62.23(2) and (3), §61.35 and §60.22(3) of the Wisconsin Statutes, the Town of Somers is authorized to prepare and adopt a comprehensive plan as defined in §66.1001(1)(a) and §66.1001(2) of the Wisconsin Statutes.

(B) **Public Participation.** The Town Board of the Town of Somers, Wisconsin, had adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan, as required by §66.1001(4)(a) of the Wisconsin Statutes.

(C) **Intergovernmental Cooperation.** The Town has cooperated with Kenosha County, UW-Extension, and SEWRPC to prepare a multi-jurisdictional comprehensive plan that will serve as the comprehensive plan for the Town of Somers and for Kenosha County, which is documented in the report titled "A Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035".

(D) **Plan Commission Review.** The Plan Commission of the Town of Somers, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution approving the comprehensive plan and recommending to the Town Board the adoption of the document entitled "A Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035", containing all of the elements specified in §66.1001(2) of the Wisconsin Statutes.

(E) **Public Hearing.** The Town has duly noticed and held at least one (1) public hearing on the comprehensive plan, in compliance with the requirements of §66.1001(4)(d) of the Wisconsin Statutes.

(F) **Adoption.** The Town Board of the Town of Somers, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, "A Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035", pursuant to §66.1001(4)(c) of the Wisconsin Statutes, as the Town of Somers comprehensive plan.

(G) **Effective Date.** This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication or posting as required by law.

## **18.10 DEDICATION AND RESERVATION OF LANDS.**

(A) **Streets, Highways and Drainageways.** Whenever a tract of land to be divided within the Town encompasses all or any part of an arterial or collector street, drainageway, Town road, or any other public way which has been designated on a duly adopted Town, regional comprehensive plan, comprehensive plan, comprehensive plan component or as otherwise determined by the Town, such public way shall be made a part of the plat or map and dedicated by the developer in the locations and dimensions indicated on the plat or map and in accordance with the procedures set forth in this chapter.

(B) **Parks and Playgrounds.** Whenever a tract of land to be divided within the Town encompasses all or any part of a park or playground which has been designated on a duly adopted Town, regional comprehensive plan, comprehensive plan component or as otherwise determined by the Town, such park or playground shall be made a part of the plat and dedicated or reserved by the developer in the locations and dimensions indicated on such plan or map and in accordance with the procedures set forth in this chapter.

## **18.11 IMPROVEMENTS.**

(A) **Developer's Agreement.** Before final approval by the Town Board of any plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat, the developer shall enter into a developer's agreement with the Town. The agreement shall provide that the Town shall oversee the construction of all improvements required by the development including streets, street signs, sanitary sewer, municipal water, storm water management improvements and implementation of grading plans. The developer shall provide the Town evidence of competitive bidding satisfactory to the Town and the response of the low responsible bidder with whom the developer intends to enter into a contract. The developer shall be responsible for paying all costs associated with the proposed improvements as they come due. The Town may review and receive recommendations from the Town Engineer regarding the estimated cost of the proposed improvements and the developer bids. The developer shall deposit with the Town in the form of cash or letter of credit one hundred twenty-five (125%) percent of the estimated cost of the proposed improvements including the estimated cost of all engineering, legal and administrative costs of the Town associated with the proposed improvements. The letter of credit shall be approved in substance and in form by the Town and Town Attorney. The letter of credit may be unilaterally used by the Town to pay for the improvements and any other costs as they become due if the developer fails to do so. Any funds or portion of the letter of credit remaining after all improvements have been completed and all costs paid will be refunded or released to the developer. Any costs which exceed the developer's estimates or are incurred as a result of any change orders shall be billed to the developer and paid within thirty (30) days of billing. The developer shall be required to deposit with the Town additional cash or a letter of credit in the amount of one hundred twenty-five (125%) percent of any costs which exceed the developer's estimates or which are incurred as a result of any change orders within thirty (30) days of incurring such costs as a condition of being allowed to continue the development. The agreement shall also require the developer to indemnify and hold harmless the Town from any and all claims arising out of the development including the payment of all expenses, including expert and attorney fees, incurred by the Town in connection with any such claims. The developer's deposit with the Town shall be increased accordingly to provide for the payment of any such expenses incurred by the Town.

(B) **Engineer Option.** The developer shall use his own engineer to design and document all required improvements as listed in §18.11(A) above and subject to the following:

- (1) There will be only one (1) engineer responsible for the design portion of all the project improvements and their credentials shall include a minimum of 10 years experience in municipal work.

(2) The credentials of the developer's engineer must be reviewed by the Town Board.

(3) The Town Engineer shall review all plans, specifications and other documents related to the project and work with the developer's engineer to resolve any problems and insure compliance with minimum Town standards.

(4) Upon completion and review of the working drawings, the developer's engineer shall submit one (1) set of mylar sepia's and one (1) CD of the working drawings in approved format to the Town Engineer. If the development proceeds to construction, the developer shall be responsible for the payment of all construction related services of the Town Engineer for staking, observing and preparing record drawings for the development.

(5) All engineering fees of the Town Engineer for design coordination with the developer's engineer shall be paid in full to date and projected construction observation fees shall be deposited with the Town Clerk /Treasurer prior to any work commencing. These fees shall be included in the calculation of the one hundred twenty-five (125%) percent cash or letter of credit required to be deposited with the Town pursuant to §18.11(A) of this chapter.

(6) The developer shall pay all costs as listed elsewhere in this chapter along with all costs of the Town Engineer as the project progresses.

(7) The special options listed in this section shall be clearly stated and agreed to in the developer's agreement including the naming of the design engineer.

(8) The construction requirements set forth in §18.28(B) of this chapter.

(C) **Survey Monuments.** Before final approval of any plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat, the developer shall install survey monuments placed in accordance with the requirements of §236.15 of the Wisconsin Statutes and the Town Engineer.

## **18.12 VARIANCES.**

(A) Where in the judgment of the developer it would be inappropriate to literally apply the provisions of §18.26 and §18.27 of this chapter because exceptional or undue hardship would result, the developer may apply to the Board of Appeals for a variance to waive or modify the requirements to the extent deemed just and proper. No variance shall be granted unless the Board of Appeals finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(1) **Exceptional circumstances.** That exceptional, extraordinary or unusual circumstances or conditions exist where a literal enforcement of the provisions of this chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division ordinance should be amended.

(2) **Preservation of property rights.** That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(3) **Absence of detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(B) The Town Board may waive the placing of monuments required under §236.15(b), (c) and (d) of the Wisconsin Statutes for a reasonable time on the condition that the developer execute a surety bond to ensure the placing of such monuments within the required time limits established by statute.

### **18.13 LAND SUITABILITY.**

(A) No land shall be subdivided for residential, commercial, industrial or other use which is determined to be unsuitable for such use by the Town Board for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents or occupants of the proposed development or of the Town.

(B) The Town Board in applying the provisions of this section shall recite in writing the particular facts upon which the Town Board bases its conclusion that the land is unsuitable for residential, commercial, industrial or other use and afford the developer an opportunity to present evidence in rebuttal to the finding of unsuitability. Thereafter the Town Board may affirm, modify or withdraw its determination of unsuitability.

### **18.14 VIOLATIONS.**

No person shall build upon, divide, convey or place monuments on any land in violation of this chapter or the Wisconsin Statutes, and no person shall be issued a building permit by the Town unless all provisions and requirements of this chapter have been met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the Wisconsin Statutes.

### **18.15 PENALTIES AND REMEDIES.**

(A) Any person who violates or fails to comply with the provisions of this chapter shall

upon conviction forfeit not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, plus the costs of prosecution for each offense. The penalty for nonpayment of the forfeiture and costs shall be imprisonment in the county jail until payment, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

(1) Recordation improperly made carries penalties as provided in §236.30 of the Wisconsin Statutes.

(2) Conveyance of lots in unrecorded plats carries penalties as provided in §236.31 of the Wisconsin Statutes.

(3) Monuments disturbed or not placed carries penalties as provided in §236.32 of the Wisconsin Statutes.

(B) An assessor's plat made under §70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the developer, when a subdivision is created by successive divisions.

## **18.16 APPEALS.**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal as provided in §236.13(5) and Chapter 68 of the Wisconsin Statutes within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

## **18.17 PREAPPLICATION CONSULTATION.**

Prior to the filing of an application for the approval of a preliminary plat, the developer shall meet with the Town staff and the staff of the Kenosha County Department of Planning and Development in order to obtain their advice and assistance. This meeting shall be termed the pre-preliminary plat stage of the land division procedure and is intended to inform the developer of the purpose and objectives of this chapter, the comprehensive plan, comprehensive plan components, the duly adopted plan implementation devices of the Town, and to otherwise assist the developer in planning the development. Both the developer and planning agency, whether the Town or Kenosha County, may reach mutual conclusions regarding the general programs and objectives of the proposed development and its possible effects on the neighborhood and community so the developer will gain a better understanding of the subsequent required procedures. The pre-preliminary plat stage of the land division procedure shall include the following steps and the following information shall be provided to the Town staff:

(A) The developer shall prepare a conceptual development plan at a scale no smaller than of one (1") inch = one hundred (100') feet for all the contiguous lands in which the developer has legal

or equitable interest.

(B) The conceptual development plan shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the Town staff and shall include at least the following:

- (1) Topographic mapping at not greater than four (4') foot contour intervals;
- (2) Soil characteristics or interpretations secured from detail soil maps prepared by the U.S.D.A. Soil Conservation Service.
- (3) The limits of woodland cover and wetlands on the entire parcel.
- (4) Location of lakes, ponds, streams or "kettles", standing water and designated floodplain(s) and lowland conservancy areas on the parcel.
- (5) Areas of steep (twelve (12%) percent or more) slope conditions, high water table conditions, and potential drainage and erosion problems.
- (6) Existing and proposed access from proposed parcels to adjacent streets, roads, or properties.
- (7) Proposed street location and width.
- (8) Proposed lots including size to the nearest one-tenth (1/10) acre.
- (9) Any other pertinent information useful to the developer and the Town Plan Commission in their determination of the developability of the parcel.
- (10) Conceptual utility layout depicting the locations of all proposed sanitary sewer, water main and storm water management facilities.
- (11) Phasing limits, as appropriate.

(C) Following review of and comments on the conceptual development plan by Town staff, the Town Plan Commission shall either reject the conceptual development plan giving reasons for rejection, or approve the conceptual development plan and make necessary and appropriate recommendations and conditions regarding rezoning of the parcel. Review and approval of the conceptual development plan shall not bind the Town Plan Commission or the Town Board to approval of the preliminary plat when submitted.

(D) Through the conceptual development plan procedure it is expected that the developer, Town staff, Town Plan Commission and Kenosha County Planning and Development staff will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the Town. The developer will also gain a better understanding of the subsequent

required procedures so the entire process may be expedited.

### **18.18 PRELIMINARY PLAT REVIEW.**

(A) Before submitting a final plat for approval, the developer shall prepare a preliminary plat and a letter of application which shall be filed concurrently with the Town Clerk/Treasurer, the Kenosha County Clerk and the Kenosha County Office of Planning and Development. The preliminary plat shall be prepared in accordance with this chapter and the developer shall file not less than twenty (20) copies of the plat and the application with the Town Clerk/Treasurer at least thirty (30) days prior to the meeting of the Town Plan Commission at which action is desired. The developer shall consult with Kenosha County to review the required number of plats which shall be submitted to Kenosha County for review and required action. The Town Clerk/Treasurer shall consult with the Clerk of Kenosha County to be sure that the developer is not required to file unnecessary plats.

(B) The Town Clerk/Treasurer shall transmit a copy of the preliminary plat to all affected Town boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the date the plat is filed. The preliminary plat shall be reviewed by the Town Plan Commission for conformance with this chapter and all rules, regulations, comprehensive plans and comprehensive plan components.

### **18.19 PRELIMINARY PLAT APPROVAL.**

(A) The objecting agencies shall within twenty (20) days of the date of receiving their copies of the preliminary plat notify the developer and all other approving and objecting agencies of any objections. If there are no objections, the objecting agencies shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk/Treasurer. If an agency fails to act within twenty (20) days, the objecting agency shall be deemed to have no objection to the plat.

(B) The Town Plan Commission shall within sixty (60) days of the date of filing a preliminary plat with the Town Clerk/Treasurer recommend approval, conditional approval or rejection of the plat and shall transmit the preliminary plat and application along with its recommendations to the Town Board.

(C) When the Town Plan Commission schedules review of proposed preliminary plat, the Town Clerk/Treasurer shall give at least ten (10) days prior written notice of the Town Plan Commission meeting to the Clerk of any municipality whose boundaries are within one thousand (1,000') feet of any portion of the proposed plat. Failure to give such notice shall not invalidate the plat.

(D) The Town Board shall within ninety (90) days of the date of filing of the preliminary plat with the Town Clerk/Treasurer approve, approve conditionally or reject the preliminary plat unless the time is extended by written agreement with the developer.

(E) Failure of the Town Board to act within ninety (90) days or during any agreed extension period shall constitute an approval of the preliminary plat as filed.

(F) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as provided in §236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Town Plan Commission and Town Board at the time of its submission.

## **18.20 PRELIMINARY PLAT.**

(A) **General.** A preliminary plat shall be required for all subdivisions. The preliminary plat shall be based upon a survey by a registered land surveyor prepared at a map scale no smaller than one hundred (100') feet to the inch showing correctly on its face the following information:

- (1) Title or name under which the proposed subdivision is to be recorded. The title or name shall not be the same or similar to the title or name of a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- (2) Property location of the proposed subdivision by government lot, quarter-section, township, range, county and state.
- (3) General location sketch showing the location of the subdivision within the U.S. Public Land Survey sections.
- (4) Date, graphic scale and north point.
- (5) Name and address of the owner(s), developer and land surveyor preparing the plat.
- (6) Entire area contiguous to the proposed plat owned or controlled by the developer shall be included on the preliminary plat even though only a portion of the area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from its strict application.

(B) **Preliminary Plat Data.** All preliminary plats shall show the following:

- (1) Exact 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.



(2) Contours at vertical intervals of not more than two (2') feet where the slope of the ground surface is less than ten (10%) percent and of not more than five (5') feet where the slope of the ground surface is ten (10%) percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 mean sea level.

(3) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations all referenced to mean sea level 1929 datum.

(4) Floodplain limits and the contour line lying a vertical distance of two (2') feet above the elevation of the one hundred (100) year recurrence interval flood. Where such data is not available, five (5') feet above the elevation of the maximum flood of record shall be shown.

(5) Location, right-of-way width and names of all existing 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.

(6) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevation all referenced to mean sea level 1929 datum.

(7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

(8) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the size and invert elevations of the nearest sewers or water mains which might be extended to serve the land shall be indicated by their direction and distance from the nearest exterior boundary of the plat.

(9) Location of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the land being subdivided or immediately adjacent thereto.

(10) Location, width and names of all proposed streets, public rights-of-way and easements.

- (11) Approximate dimensions of all lots together with proposed lot and block numbers.
- (12) Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, schools, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring platting.
- (13) Radii of all curves.
- (14) Existing zoning on and adjacent to the proposed subdivision.
- (15) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed lake and stream access.
- (16) Any proposed lake and stream improvement or relocation.
- (17) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S.D.A. Soil Conservation Service.
- (18) Conceptual sanitary sewer, water main and storm sewer layout.

(C) **Testing.** The Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions including depth to bedrock and depth to the ground water table.

(D) **Sanitation Requirements.** No subdivision as defined in this chapter shall be allowed unless it is served by a municipal sanitary sewer. Minor land divisions as defined in this chapter shall be required to conform to the provisions of Comm 83, Wisconsin Administrative Code. Soil and site evaluation proof that the property can be served with an on-site waste disposal system shall be submitted with the certified survey map. The provisions of the Kenosha County Sanitary Code shall also be complied with on lots not served by municipal sanitary sewer.

(E) **Municipal Water.** No subdivision as defined in this chapter shall be allowed unless it is served by municipal water. Minor land divisions as defined in this chapter may be required to be served by municipal water as determined by the Town Board.

(F) **Soil and Water Conservation.** Upon determining from its review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the development of the subdivision or otherwise entail a severe erosion hazard, the Town Board shall require the developer to provide soil erosion and sedimentation control plans and specifications. These plans shall generally follow the guidelines and standards set forth in the U.S.D.A. Conservation Technical Guide prepared by the U.S.D.A. Soil Conservation Service, and the Wisconsin Construction Site Best Management Practices Handbook, (reference 144.25(2)(A), Water Quality Control) prepared by the Wisconsin Department of

Natural Resources. In addition,

(1) Tree cutting and shrubbery clearing shall be kept to a minimum so as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage substantially screen any development from stream or lake users.

(2) Paths and trails in wooded and wetland areas shall not exceed ten (10') feet in width unless otherwise approved by the Town Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

(3) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.

(4) The Town Engineer or Town Plan Commission may request review of the manner of cutting, clearing and moving by the Kenosha County Soil and Water Conservation District Supervisors, the Wisconsin District Fish and Game Managers, and the Wisconsin District Forester.

(5) The Town Plan Commission shall require submission of a draft of protective covenants whereby the developer intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(G) **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 the surveyor has fully complied with the provisions of this chapter.

(H) **Phasing**. All proposed phases of the proposed subdivision shall be identified on the preliminary plat.

## **18.21 FINAL PLAT REVIEW.**

(A) **General**. The developer shall prepare a final plat and letter of application in accordance with this section and shall file twenty (20) copies of the final plat and the application with the Town Clerk/Treasurer at least thirty (30) days prior to the meeting of the Town Plan Commission at which action is desired.

(B) **Specifications**. The final plat shall conform to all technical requirements set forth in §18.20 and §18.23 of this chapter as well as applicable provisions of the Kenosha County zoning ordinance, the Wisconsin Administrative Code and the Wisconsin Statutes.

(C) **Plan Commission Action.** The Town Plan Commission shall examine the final plat within thirty (30) days for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter, and all rules, regulations, comprehensive plans and comprehensive plan components which may affect the final plat and shall recommend approval, conditional approval or rejection of the final plat to the Town Board.

(D) **Partial Platting.** If permitted by the Town Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the developer proposes to record at one time. However, it is required that each such phase be final platted and be designated as a "phase" of the approved preliminary plat.

## **18.22 FINAL PLAT APPROVAL.**

(A) The objecting agencies shall within twenty (20) days of the date of receiving their copies of the final plat notify the developer and all other approving and objecting agencies of any objections. If there are no objections, the objecting agencies shall so certify on the face of the copy of the final plat and shall return that copy to the Town Clerk/Treasurer. If an objecting agency fails to act within twenty (20) days, the objecting agency shall be deemed to have no objection to the plat.

(B) If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.

(C) The Town Plan Commission shall within thirty (30) days of the date of filing of the final plat with the Town Clerk/Treasurer recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Board.

(D) When the Town Plan Commission schedules review of a proposed plat, the Town Clerk/Treasurer shall give at least ten (10) days prior written notice of the Town Plan Commission meeting to the Clerk of any municipality whose boundaries are within one thousand (1,000') feet of any portion of the proposed plat. Failure to give such notice shall not invalidate the plat.

(E) The Town Board shall within sixty (60) days of the date of filing the original final plat with the Town Clerk/Treasurer approve or reject the final plat unless the time is extended by written agreement with the developer. If the final plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons shall be forwarded to the developer. The Town Board may not approve the final plat unless the Town Clerk/Treasurer certifies on the face of the plat that copies were forwarded to the required objecting agencies, the date of forwarding, and that no objections have been filed within twenty (20) days or, if filed, have been met.

(F) If the Town Board fails to take action on the final plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the final plat shall be deemed approved.

(G) After the final plat has been approved by the Town Board, a contract and sureties

insuring the installation of all improvements is filed, a developer's agreement has been executed, and all fees required by this chapter have been paid, the Town Clerk/Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and shall return the final plat to the developer for recording with the Kenosha County Register of Deeds. The Kenosha County Register of Deeds shall not record the final plat unless it is offered within thirty (30) days from the date of the last approval and within six (6) months of the first approval.

(H) The developer shall file five (5) copies of the approved and recorded final plat with the Town Clerk/Treasurer for distribution to the Town Engineer and other affected departments.

### **18.23 FINAL PLAT DATA.**

(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 of the Wisconsin Statutes.

(B) **Additional Information.** In addition to the information required by §236.20 of the Wisconsin Statutes, the plat shall show correctly on its face the following:

- (1) Exact length and bearing of the centerline of all streets.
- (2) Exact street width along the line of any obliquely intersecting street.
- (3) Railroad rights-of-way within and abutting the plat.
- (4) Setbacks or building lines required by the Town Plan Commission or other Town regulations.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (6) Special restrictions required by the Town Plan Commission relating to access control along public ways or the provision of planting strips.
- (7) Wetland and/or floodplain boundaries.

(C) **Deed Restrictions.** The Town Plan Commission and the Town Board shall require that any deed restrictions be filed with the final plat.

(D) **Survey Accuracy.** The developer shall be responsible for obtaining all state reviews and approvals. The Town Engineer as directed by the Town Board shall examine all final plats within the Town and shall make field checks for the accuracy and closure of the survey, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition:

- (1) The survey shall be performed by a land surveyor registered in Wisconsin

and if the error in the latitude and departure closure of the survey or any part thereof is greater than the ratio of one (1) in three thousand (3,000), the plat may be rejected.

(2) Where the plat is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and coordinated by Kenosha County or the Town, the tie required by §236.20(3)(b) of the Wisconsin Statutes shall be expressed in terms of grid bearing and distance, 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. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified above for the survey of the exterior boundaries of the subdivision.

(E) **Surveying and Monumenting.** All final plats shall meet all the surveying and monumenting requirements of §236.15 of the Wisconsin Statutes.

(F) **State Plane Coordinate System.** Where the plat is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by Kenosha County, the plat shall be tied directly to one (1) 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 relocation section of quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Kenosha County control survey.

(G) **Certificates.** A final plat shall not be entitled to be recorded without the surveyor's certificate of compliance as set forth in §236.21(1) of the Wisconsin Statutes, and the owner's certificate, as set forth in §236.21(2)(a) of the Wisconsin Statutes. The Town Board may request the owner to provide an abstract of title or a policy of title insurance as set forth in §236.21(b) of the Wisconsin Statutes, to ascertain that all parties in interest have signed the owner's certificate. Further, a certificate by the Town Clerk/Treasurer and a certificate by the Kenosha County Treasurer, stating that there are no unpaid taxes, or unpaid special assessments on the lands included within the plat shall be required.

(H) **Recordation.** The final plat shall only be recorded with the Kenosha County Register of Deeds after the certificates of the Wisconsin Department of Commerce, Kenosha County, the Town Board, the surveyor and those certificates required by §236.21 of the Wisconsin Statutes, are placed on the face of the plat. The plat shall not be recorded until all required conditions of the approving agencies have been satisfied. The final plat must be recorded within twelve (12) months of the last approval and within thirty-six (36) months from the first approval or shall be void.

## **18.24 MINOR LAND DIVISION BY CERTIFIED SURVEY MAP.**

(A) When it is proposed to divide land into not more than four (4) parcels or building sites any one (1) of which is twenty (20) acres or less in size, or when it is proposed to divide a block, lot

or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the boundaries of said block, lot or outlot, the developer shall subdivide by use of a certified survey map.

(B) The developer shall prepare a certified survey map and letter of application in accordance with this section and shall file twenty (20) copies of the certified survey map and the application with the Town Clerk/Treasurer at least thirty (30) days prior to the meeting of the Town Plan Commission at which action is desired.

(C) The Town Clerk/Treasurer shall within two (2) working days after filing, transmit copies of the map and letter of application to the Town Plan Commission.

(D) The Town Clerk/Treasurer shall transmit a copy of the map to all affected Town boards, commissions or departments for their review and recommendation concerning matters within their jurisdiction. The recommendations shall be transmitted to the Town Plan Commission within ten (10) working days from the date the map is filed. The map shall be reviewed by the Town Plan Commission for compliance with this chapter and all rules, regulations, comprehensive plans and comprehensive plan components.

(E) The Town Plan Commission shall within sixty (60) days from the date of filing of the map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Town Board.

(F) The Town Board shall approve, approve conditionally and thereby require submission of a corrected map, or reject the map within sixty (60) days from the date of filing of the map unless the time is extended by written agreement with the developer. If the map is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons shall be forwarded to the developer. If the map is approved, the Town Board shall cause the Town Clerk/Treasurer to so certify on the face of the original map and return the map to the developer.

(G) The developer shall record the map with the Kenosha County Register of Deeds within thirty (30) days of its approval by the Town Board. Failure to record the map within the thirty (30) days shall require the certified survey map to be recertified.

(H) The developer shall file five (5) copies of the approved and recorded certified survey map with the Town Clerk/Treasurer.

(I) All other land divisions within the Town shall also be submitted to the Town Plan Commission for review and recommendation to the Town Board for approval, conditional approval or rejection. All other land divisions that are not divided by certified survey map or subdivision plat shall also be submitted to the Town Plan Commission for review and recommendation to the Town Board and shall substantially comply with §18.24(B) through (G) of this chapter, and if applicable §18.30 and §18.31 of this chapter, no matter what size lot is created.

## 18.25 CERTIFIED SURVEY MAP.

(A) **General.** Prior to submitting a certified survey map, the developer shall seek a preliminary review of the proposed certified survey map with the Town staff. The certified survey map shall comply in all respects with the requirements of §236.34 of the Wisconsin Statutes. The certified survey map shall comply with the design standards and improvement requirements set forth in §18.27, §18.28, §18.29, §18.30 and §18.31 of this chapter.

(B) **Additional Information.** In addition to the information required by §236.34 of the Wisconsin Statutes, the certified survey map shall show correctly on its face the following:

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to the land division.
- (2) Setbacks or building lines required by the Town Board or other Town ordinances.
- (3) All lands reserved for future acquisition.
- (4) Date of map.
- (5) Graphic scale and north arrow.
- (6) Name and address of the owner(s), developer and surveyor.
- (7) Soil borings and soil percolation test results from tests conducted in accordance with Comm 85, Wisconsin Administrative Code.
- (8) Proof of sanitary sewer availability or proof of septic, mound or holding tank permit.
- (9) Wetland and/or floodplain boundaries.
- (10) All lands dedicated for public purposes.
- (11) All easements required by the Town or utility districts.
- (12) Existing and proposed topographic contours at vertical intervals of not more than two (2') feet.
- (13) Drainage/erosion control plan.
- (14) After the certified survey map has been approved by the Town Board, the required improvements either installed or a contract and sureties insuring their installation is filed, a developer's agreement is executed, and all fees required by



this chapter are paid, the Town Clerk/Treasurer shall cause the certificate inscribed upon the certified survey map attesting to such approval to be duly executed and shall return the certified survey map to the developer for recording with the Kenosha County Register of Deeds. The Kenosha County Register of Deeds shall not record the certified survey map unless it is offered within thirty (30) days from the date of the last approval and within six (6) months of the first approval.

(C) **State Plane Coordinate System.** Where the certified survey map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by Kenosha County, the certified survey map shall be tied directly to one (1) 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 relocation section of the quarter corner to which the certified survey map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Kenosha County control survey.

(D) **Certificates.**

(1) The surveyor shall certify on the face of the certified survey map that he has fully complied with all of the provisions of §236.34 of the Wisconsin Statutes. After receiving recommendations of the reviewing agencies, the certified survey map shall be referred to the Town Board for its approval. If the Town Board finds that the certified survey map complies with state statutes and this chapter, the Town Board shall certify its approval on the face of the certified survey map.

(2) Certificates required by §18.23(G) of this chapter shall also be required whenever there is a dedication of streets or other public areas or at such other times as the Town Board shall deem necessary.

(E) **Recordation.** The certified survey map shall only be recorded with the Kenosha County Register of Deeds after the certificates of the Town Board and the surveyor are placed on the face of the certified survey map. The certified survey map shall be recorded within thirty (30) days of its approval by the Town Board.

## **18.26 REPLAT.**

(A) When it is proposed to replat a recorded subdivision or part thereof so as to change the boundaries of a recorded subdivision or part thereof the developer or person wishing to replat shall vacate or alter the recorded plat as provided in §236.36 through §236.44 of the Wisconsin Statutes. The developer, or persons wishing to replat shall then proceed as specified in §18.17 through §18.23 of this chapter.

(B) The Town Clerk/Treasurer shall schedule a public hearing before the Town Plan

Commission when a preliminary plat of a replat is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to owners of all properties within two hundred (200') feet of the exterior boundaries of the proposed replat.

## **18.27 ROADWAY AND LOT DESIGN STANDARDS.**

(A) **Street Arrangement.** In any new subdivision or certified survey map the street layout shall conform to the arrangement, width and location indicated on the official map, county jurisdictional highway system, comprehensive plan, comprehensive plan component, or neighborhood unit development plan of the Town. In areas for which such 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, the topography, the natural features such as streams and tree growth, public convenience and safety, the proposed use of the land to be served by such streets, and the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as required by the Kenosha County zoning ordinance. In addition:

- (1) Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of government 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 are to connect.
- (2) 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, other concentrations of population, and to the major streets to which they connect.
- (3) Minor streets shall be arranged to conform to the topography, discourage use of through traffic, permit the design of efficient storm and sanitary sewerage systems, and require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) Proposed streets shall extend to the boundary lines of the land 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 future development of the adjacent lands.
- (5) Whenever the proposed subdivision or certified survey map contains or is

adjacent to a major street or highway, adequate protection of residential properties and limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a nonaccess reservation along the rear property line or by the use of frontage streets.

(6) Stream or lake shores shall have a minimum of sixty (60') feet of public access platted to the low water mark at intervals of not more than one-half (½) mile as required by §236.16(3) of the Wisconsin Statutes.

(7) Reverse strips shall not be provided on any plat to control access to streets except where control of such strips is placed with the Town Board.

(8) There shall be no alleys allowed within the Town.

(9) Street names shall not duplicate or be similar to existing street names elsewhere in the Town and existing street names shall be extended whenever possible all in accordance with Kenosha County ordinance. All costs for road marking shall be paid by the developer.

(B) **Limited Access Highway and Railroad Right-Of-Way Treatment.** Whenever the proposed subdivision or certified survey map contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following:

(1) When lots within the proposed subdivision or certified survey map back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip easement at least thirty (30') feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This planting strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat or certified survey map: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."

(2) Commercial and industrial properties shall have provided on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highways or railroads but not less than one hundred fifty (150') feet.

(3) Streets parallel to a limited access highway or railroad right-of-way when intersecting a major street and highway or collector street which crosses such railroad or highway shall be located at a minimum distance of four hundred (400') feet from such highway or railroad right-of-way. This distance shall be determined with due consideration for the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(4) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided and the location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

(C) **Street Design Standards.** The minimum right-of-way and roadway width of all proposed streets shall be as specified in the comprehensive plan, comprehensive plan component, official map, neighborhood development study or jurisdictional highway system plan. If no width is specified in any of the foregoing, the minimum widths shall be as follows:

<u>Type of Streets</u>	<u>Minimum Right-of-Way Width to be Dedicated</u>
Divided Town Arterial	110'
Undivided Town Arterial	90'
Town Collector Streets	80'
Town Rural Minor Streets	66'
Town Urban Minor Streets	66'
Town Pedestrian Ways	20'
State or County Arterials (Divided)	[As specified in the Kenosha County Highway Jurisdictional Plan]
State of County Arterials (Undivided)	
State or County Collectors	

Typical street sections for both urban and rural construction of Town collector and Town minor streets are shown in Figures 15, 16, 17, 18, 19 and 20. The use of urban design is required and should include the installation of curb and gutter, storm sewer, sanitary sewer and municipal water service. Street sections for arterial streets shall be based upon detailed engineering studies.

(1) Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed seven hundred fifty (750') feet in length and shall terminate in a turnaround meeting the Town's requirements as shown in Figures 19 and 20 having a minimum right-of-way radius of seventy-five (75') feet and shall be designed with an island and a minimum outside curb or shoulder radius of sixty (60') feet.

(2) Temporary termination of streets intended to be extended at a later date shall be constructed with a temporary cul-de-sac in accordance with the standards set forth above or by construction of a temporary "T" twenty-five (25') feet wide extending to each adjacent right-of-way.

(3) Unless necessitated by exceptional topography and subject to the approval of the Town Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:

(a) Pedestrian ways shall comply with current Americans with Disabilities Act standards.

(b) All residential streets shall have a minimum vertical grade of one-half (0.5%) percent with a maximum vertical grade of seven (7%) percent for Town collector streets and ten (10%) percent for Town minor streets and cul-de-sacs.

(c) Street grades shall be established wherever practicable so as to avoid excessive grading, the unnecessary removal of ground cover and tree growth, and general leveling of the topography.

(4) Where there is a change in street centerline profiles of more than one (1%) percent a vertical curve shall be provided. Vertical curve requirements shall comply with Wisconsin Department of Transportation requirements. Minimum vertical curve lengths shall provide a sight distance of not less than three hundred (300') feet measured from an eye level of four (4') feet high with a clear view of an obstacle not over two (2') feet high.

(5) When a continuous street centerline deflects at any one (1) point by more than two (2°) degrees a circular curve shall be introduced having a radius of curvature on the centerline of not less than the following:

(a) Town arterial streets and highways - 500 feet

(b) Town collector streets - 300 feet

(c) Town minor streets and cul-de-sac - 100 feet

A tangent at least one hundred fifty (150') feet in length shall be provided between reverse curves on Town arterial and collector streets.

(D) **Street Intersection.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(1) The number of streets converging at one (1) intersection shall be limited to two (2) streets.

(2) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than five hundred (500') feet.

(3) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15') feet or of a greater radius when required by the Town Plan Commission. Property line radii at intersections of residential streets with arterial

streets or highways shall be determined on an individual basis with a minimum radii of twenty (20') feet.

(4) Minor streets shall not necessarily continue across arterial or collector streets but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300') feet of each other measured along the centerline of the arterial or collector street then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.

(E) **Blocks.** The widths, lengths and shapes of blocks shall be suited to the proposed use of the land, zoning requirements needed for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

(1) The length of blocks in residential areas shall not as a general rule be less than six hundred (600') feet nor more than one thousand five hundred (1,500') feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(2) Pedestrian ways of not less than twenty (20') feet in width may be required near the center and entirely across any block over nine hundred (900') feet in length where deemed essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

(3) The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(4) Utility easements for electric power, telephone or cable service shall where practical be placed on mid-block easements and along rear lot lines.

(F) **Lots.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision or certified survey map 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. In addition:

(1) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) Double frontage and reverse frontage lots shall be prohibited except

where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Every lot shall front or abut on a public street for at least the distance required by the Kenosha County zoning ordinance.

(4) Area and dimensions of all lots shall conform to the applicable Kenosha County zoning and sanitary ordinances.

(5) Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a maximum ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

(6) Width of lots shall conform to the requirements of the Kenosha County zoning ordinance or other applicable provisions and in no case shall a lot be less than eighty (80') feet in width at the building setback line.

(7) Corner lots shall have an extra width of ten (10') feet to permit adequate building setbacks from side streets.

(8) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision or certified map and the water's edge shall be included as part of lots, outlots or public dedications in any plat or certified survey map abutting a lake or stream.

(G) **Building Setback Lines.** Building setback lines appropriate to the location and type of development contemplated which are more restrictive than the regulation of the zoning district in which the plat or certified survey map is located may be required by the Town Board.

(H) **Easements.**

(1) The Town Board shall require separate utility easements of widths deemed adequate for the intended use on each side of all rear lot lines, side lot lines, or across lots where necessary or advisable for electric power and communication lines, wires, conduits, storm and sanitary sewers, gas, water and other utility lines.

(2) When a subdivision or certified survey map is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Town Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town. Parallel streets or parkways may be required. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum

potential rates and volumes of flow. These design details are subject to review and approval by the Town.

(I) **Public Sites and Open Spaces.**

(1) In the design of a plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat,, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map or component neighborhood development plan, such areas shall be made a part of the plat, certified survey map, planned unit development, multi-unit dwelling plan, or condominium plat, as provided in §18.10 of this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, ponds, watercourses, watersheds and ravines.

(2) Each developer of a plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall, at the discretion and direction of the Town Board, after review and recommendation by the Town Plan Commission, either dedicate open space lands designated on the Town land use plan, reserve such open space lands and pay a public park impact fee or where no open space lands are directly involved, pay a public park impact fee. The Town Board shall, at the time of reviewing the preliminary plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat, and after reviewing the recommendation of the Town Plan Commission, select one (1) of the following options and record such selection in the minutes of the meeting at which the land division is presented for approval:

(a) **Dedication of site option.** Whenever a proposed playground, park or other public open space land designated on the Town's comprehensive plan, comprehensive plan component, official map or neighborhood development plan is encompassed all or in part within the land to be divided, the public lands shall be made a part of the plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat and shall be dedicated to the public for park purposes by the developer at a rate of one (1) acre for each twenty-five (25) proposed or potential dwelling units and one (1) acre for each twenty-five (25) proposed or potential dwelling units for school purposes. Any proposed public lands in excess of the rate established above shall be reserved for a period not to exceed three (3) years, unless extended by mutual written agreement, for purchase at undeveloped land prices by the public agency having jurisdiction. If the lands in excess of the rate established above are not acquired within the three (3) year period, unless extended by mutual written agreement, the lands will be released



from the reservation to the owner.

(b) **Reservation of site option.** Whenever a proposed playground, park or other public open space land designated on the Town's comprehensive plan, comprehensive plan component, official map or neighborhood development plan is encompassed all or in part within the land to be divided, the public lands shall be reserved at the time of final approval for a period not to exceed three (3) years, unless extended by mutual written agreement, for purchase at undeveloped land prices by the public agency having jurisdiction. The developer shall pay a public park impact fee at the time of application for final approval of the land division as required by §18.30 of this chapter. If the land is not acquired within the three (3) year period, unless extended by mutual written agreement, the land shall be released to the owner.

(c) **Public site fee option.** If the proposed land division does not encompass a proposed playground, park or other public open space land, or if the Town Board requires a reservation of land as set forth in §18.27(l)(2)(b) of this chapter, a public park impact fee for the acquisition of public sites to serve the proposed development and residents of the Town shall be paid to the Town Clerk/Treasurer as required by §18.30 of this chapter.

(d) **Applicability.** Sections 18.27(l)(2)(a), (b), and (c) above shall be applicable to all divisions of land within the Town.

## **18.28 REQUIRED IMPROVEMENTS.**

(A) **Survey Monuments.** The developer shall install survey monuments as required by §236.15 of the Wisconsin Statutes and the Town.

(B) **Improvements Installed by Developer.** All public works improvements including streets, sanitary sewers, drainage improvements, final grading, water mains, curb and gutters, sidewalks and storm sewers shall be designed and constructed by the developer. Granular backfill meeting the Town's standards shall be required for all trenches within every road right-of-way. The developer shall be responsible for all costs involved in the design, bidding and construction of the public improvements including any legal, engineering and administrative costs incurred by the Town.

(1) **Grading.**

(a) All plans for improvements shall be prepared at a scale of no greater than one (1") inch = forty (40') feet horizontal and one (1") inch = four (4') feet vertical.

(b) After the installation of temporary block corner monuments by the developer and field establishment of the street grades by the Town Engineer, the developer shall cause the full width of the right-of-way of all streets and all proposed lots to be graded in accordance with the approved grading plans reviewed by the Town Engineer. All lots shall be final graded. Interim grading shall not be allowed.

(c) Cut and filled lands shall be graded to a maximum slope of one (1) on four (4) or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.

(d) As a condition of approval the developer shall provide the Town with a complete grading plan including sections and calculations substantiating a balance between cut and fill.

(e) At completion of the grading and prior to issuing building permits an as-built topographic survey of the entire subdivision shall be prepared by the Town at the developer's cost, substantiating the developer's compliance with the approved grading plan.

(f) Any developer of a plat or certified survey map where public road access is required shall construct the public right-of-way as outlined in §18.11 of this chapter.

(2) **Roadway base course--First year construction.** After the installation of all utility and stormwater drainage improvements, the Town Board shall require the developer to proceed with the grading and installation of the base course of all roadways and streets proposed to be dedicated in accordance with plans and specifications as reviewed by the Town Engineer. The Town shall stake and inspect all roadway construction.

(3) **Curb and gutter--Second year construction.** The Town Board shall require the developer to proceed with the installation of concrete curb and gutter in accordance with approved plans and specifications as reviewed by the Town Engineer. Curbs shall be designed and constructed in such a manner to provide "barrier free" access for the handicapped at all cross walks. Whenever possible provisions shall be made at the time of construction for driveway access curb cuts or for the construction of "mountable type" curb and gutter.

(4) **Asphalt--Lower level--Second year construction.** The Town Board shall require the developer to proceed with the installation of an asphaltic lower level course in accordance with the approved plans and specifications as reviewed by the Town Engineer. The installation shall only occur after the base course has been proof rolled and any necessary improvements or repairs have been completed to the satisfaction of the Town Engineer.

(5) **Asphalt--Upper level--Third year construction.** The Town Board shall require the developer to proceed with the installation of an asphaltic upper level in accordance with approved plans and specifications as reviewed by the Town Engineer. The installation shall only occur after a complete inspection of the lower level course by the Town Engineer and any repairs as called for as a result of said inspection have been completed to the satisfaction of the Town Engineer. Third year installation of the asphaltic upper level may be delayed by the Town Board after review of the lot sales and the number of new buildings under construction.

(6) **Sidewalks.**

(a) The Town Board may require the construction of a concrete sidewalk on one (1) side of all frontage streets and cul-de-sacs and on one (1) or both sides of all other streets within the subdivision or certified survey map. The construction of all sidewalks shall comply with the requirements of the Americans with Disabilities Act.

(b) Wider sidewalks may be required by the Town Board in the vicinity of schools, commercial areas and other places of public assemblage. The Town Board may require the construction of sidewalks in locations other than required under the preceding provision if the Town Board determines that sidewalks are necessary for safe and adequate pedestrian circulation.

(7) **Public sanitary sewerage.** Public sanitary sewerage facilities are required for all new subdivisions or certified survey maps of two (2) lots or more within the Town. Except as otherwise provided below, the developer shall be responsible for designing said facilities to ensure compliance with the requirements of the Town utilities and all governing agencies. In addition:

(a) The size, type and installation of all sanitary sewer laterals proposed to be constructed shall be in accordance with approved plans and specifications as reviewed by the Town Engineer.

(b) The developer shall be responsible for all costs of installing all sanitary sewers, sewer laterals and sewer appurtenances within the proposed subdivision or certified survey map except for the added pipe material costs of installing sewers greater than twelve (12") inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division. In addition, if the proposed subdivision or certified survey map utilizes an existing lift station or force main, or requires the construction of a new lift station, force main or appurtenances to properly serve the area, the Town Board shall require the developer to pay the cost of such facilities with a right of recovery. The Town of Somers Water Utility shall be responsible for the design and

plan and specification preparation of such facilities. The total cost of such facilities shall be prorated in proportion to the ratio which the total developable area of the proposed subdivision or certified survey map is to the total developable area to be served by such facilities. The Town shall reimburse the developer for such oversizing costs upon completion and acceptance of construction subject to any other offsets in favor of the Town.

(8) **Water mains.** Public municipal water facilities are required for all new subdivisions or certified survey maps of two (2) lots or more within the Town. Except as otherwise provided below, the developer shall be responsible for designing said facilities to ensure compliance with the requirements of the Town utilities and all governing agencies. In addition:

(a) The size, type and installation of all municipal water mains and services proposed to be constructed shall be in accordance with approved plans and specifications as reviewed by the Town Engineer.

(b) The Town may require the developer to design other water system components including check valves and pressure reducing valves. The Town of Somers Water Utility shall be responsible for the design and plan and specification preparation for booster stations, water towers and other appurtenances.

(c) The developer shall be responsible for all costs of installing all water mains within the proposed subdivision or certified survey map except for the added pipe material costs of installing water mains greater than twelve (12") inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division. The Town shall reimburse the developer for such oversizing costs upon completion and acceptance of construction subject to any other offsets in favor of the Town.

(9) **Storm water drainage facilities.** Storm water drainage facilities are required for all new subdivisions or certified survey maps of two (2) lots or more within the Town. The developer shall be responsible for designing and constructing storm water drainage facilities adequate to serve the subdivision or certified survey map which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures, settling basins and storm water laterals serving each proposed lot. All such facilities shall be of adequate size and grade to hydraulically accommodate the required rates and volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to minimize hazards to life or property.

(a) Prior to approval of a preliminary plat or certified survey map, the

developer shall submit to the Town a surface water drainage plan for all blocks within the plat or certified survey map. The surface water drainage plan shall include, but not be limited to the following:

- (i) Existing and proposed topography at two (2') foot contour intervals of the proposed land division and adjacent property.
  - (ii) Proposed elevations of all streets.
  - (iii) Proposed drainage swales.
  - (iv) Proposed storm sewers, manholes and inlets.
  - (v) Construction site erosion control facilities.
  - (vi) Storm water laterals to service each lot.
  - (vii) A report showing the drainage basin for the entire area where the land division is located including estimates as to total acreage in the drainage basin and percentage of the drainage basin within the proposed land division.
- (b) Surface water drainage facilities shall be designed to convey runoff from the ten (10) year recurrence interval storm as published by the Southeastern Wisconsin Regional Planning Commission. The "Rational Formula" shall be used to compute runoff rates.
- (c) Storm sewers are required.
- (i) Velocities within storm sewers shall not exceed twelve (12') feet per second.
  - (ii) Storm sewer catch basins, manholes, storm sewer materials and backfill requirements shall be in accordance with Town standards.
  - (iii) Storm sewer catch basins shall be located at all intersections to prevent surface runoff from crossing the roadways and at four hundred (400') foot maximum intervals along residential streets. Vertical sag curves shall be provided with multiple catch basins where overtopping of the roadway would cause property damage.
  - (iv) All storm sewer mains shall be a minimum of fifteen (15") inches in diameter. All catch basin leads shall be a minimum of

twelve (12") inches in diameter.

(d) In the event of inadequate downstream storm water drainage facilities:

(i) If adequate downstream storm water drainage facilities are not available, or at the direction of the Town Plan Commission or Town Board, detention basins shall be provided to store runoff. Detention basins shall be sized using the USDA Soil Conservation Service procedures for a design one hundred (100) year recurrence interval storm based upon developed conditions. The maximum release rate shall be the ten (10) year recurrence interval storm based upon existing conditions or the capacity of downstream facilities whichever is less. Detention basins shall be designed with variable release control devices to utilize the available storage during more frequent rain fall events such as one (1) and two (2) year recurrence interval storms. Detention basins must comply with all Wisconsin Department of Natural Resources requirements including infiltration and water quality.

(ii) Unpaved ditches shall be shaped, seeded or sodded as grassed waterways. Where the velocity of flow is in excess of four (4') feet per second on soils having a severe or very severe erosion hazard, and in excess of six (6') feet per second on soils having moderate, slight or very slight erosion hazard, a system providing for the installation of a paved invert or check dams, flumes or other energy dissipating devices shall be required.

(iii) The developer shall be responsible for replacing field tile used for the drainage of adjacent lands or provide adequate replacement drainage for field tiles that are damaged or removed during development.

(iv) The developer shall be responsible for all costs of installing all storm water drainage facilities within the proposed land division except for the added pipe material costs of installing storm sewers greater than thirty-six (36") inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division. The Town shall reimburse the developer for such oversizing costs upon completion and acceptance of construction subject to any other offsets in favor of the Town. The developer shall also be required to pay for off site storm water management improvements required by the Town.

(10) **Other utilities.**

(a) The developer shall cause gas, electrical power, telephone and, where available, cable service facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or certified survey map. No electrical, telephone or cable service shall be located on overhead poles. Installation of utilities shall occur prior to fine graded topsoiling and seeding of the proposed lots. The developer shall then instruct the contractor responsible for the development to proceed with all necessary reshaping, filling or restoration necessary to allow for fine graded topsoiling and seeding. All costs for the above shall be paid by the developer.

(b) Plans indicating the proposed location of all gas, electrical power, telephone and cable distribution and transmission lines required to service the plat or certified survey map shall be approved by the Town.

(11) **Street signs.** The Town shall install at the developer's cost, at the intersection of all streets proposed to be dedicated, street signs approved by the Kenosha County ordinance and such other traffic control signs as needed within the subdivision or certified survey map.

(12) **Street trees.** Following installation of curb and gutter, the developer, at developer's cost, shall plant at least one (1) tree of an approved species and of at least three (3") inch caliper and ten (10') feet in height for each fifty (50') feet of frontage on all streets proposed to be dedicated. Tree planting shall be completed in accordance with approved plans and specifications and at such time as directed by the Town Board.

(13) **Street lighting.** Street lighting shall be provided for each new subdivision or certified survey map at the entrance intersection or intersections which provide for entering or exiting the development. No internal lighting of streets will be provided by the Town. In the event the developer or the residents of the subdivision desire internal street lighting, the Town will support the petition from the residents or the developer to form a lighting district and the cost for the lighting shall be paid for by the residents by adding this cost to the property tax on an annual basis.

(14) **Erosion control.**

(a) Construction site erosion control shall be provided during all phases of residential street construction to prevent sediment from entering storm sewers or adjacent property. An erosion control plan shall be submitted to the Town for approval prior to commencing construction.

(b) Erosion control techniques shall include silt fences, erosion bales and sediment ponds and shall be maintained until the potential for erosion

has been eliminated.

## **18.29 CONSTRUCTION.**

(A) **Commencement**. No construction or installation of improvements shall commence in a proposed subdivision or certified survey map until a developer's agreement and final plat or certified survey map has been approved by the Town Board. The developer shall pay the fees required pursuant to §18.30 of this chapter.

(B) **Building Permits**. No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter or any developer's agreement have been complied with including the construction and acceptance of all improvements.

(C) **Plans**. The following plans and accompanying construction specifications prepared by a Wisconsin licensed professional engineer shall be required by the Town 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) Complete grading plans showing existing and proposed grades, elevations and contour lines.
- (3) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (4) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (5) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (6) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall generally follow the guidelines and standards set forth in the publication, Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources.
- (7) Planting plans showing the locations, age, caliper and species of any required grasses, vines, shrubs and trees.
- (8) Additional special plans or information as required by the Town.



(9) The Town Engineer shall upon completion of the subdivision or certified survey map provide to the Town a complete set of "as built" plans, at the developer's cost, for each of the plans required in this section.

(D) **Erosion Control.** The Town Board shall require all grading, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented in accordance with the approved plans and specifications.

(1) Sod shall be laid in strips at intervals necessary to prevent erosion and at right angles to the direction of drainage.

(2) Temporary vegetation and mulching shall be used to protect critical areas. Permanent vegetation shall be installed as soon as practical.

(3) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

### **18.30 FEES.**

(A) **General.** As a condition of consideration by the Plan Commission and/or the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan, condominium plat, land use amendment, rezoning or a plat correction/adjustment, the developer shall pay to the Town Clerk/Treasurer all required fees due at such time. Fees as stated in this section apply to all proposed residential and non-residential uses and to any expansion or change of any residential or non-residential uses. Impact fees levied under §18.30(M), (N), (O), (P), (Q) and (R) are done so pursuant to the authority granted by §66.0617 of the Wisconsin Statutes as may be amended or renumbered from time to time.

(B) **Conceptual Plan Fee.** The developer shall pay to the Town Clerk/Treasurer at the time of filing any conceptual plan for a proposed final plat, planned unit development, multi-unit dwelling plan or condominium plat an initial fee of Six Hundred (\$600.00) Dollars plus Five (\$5.00) Dollars for each lot or unit included in the Conceptual Plan to be applied to the cost of review and evaluation. If it is determined that resubmittal of the Conceptual Plan is required, then a resubmittal fee of Two Hundred Fifty (\$250.00) Dollars shall be due and payable. Additional costs of review and evaluation and additional costs of review and evaluation to modifications to a previously filed conceptual plan shall be invoiced to and paid by the developer on a monthly basis.

(C) **Certified Survey Map Fee.** The developer shall pay to the Town Clerk/Treasurer at the time of filing a proposed certified survey map an initial fee of Six Hundred (\$600.00) Dollars plus Five (\$5.00) Dollars for each lot or unit included in the Certified Survey Map to be applied to the cost of review and evaluation. If it is determined that resubmittal of the Certified Survey Map is required, then a resubmittal fee of Two Hundred Fifty (\$250.00) Dollars shall be due and payable. Additional costs of

review and evaluation and additional costs of review and evaluation to modifications to a previously filed certified survey map shall be invoiced to and paid by the developer on a monthly basis.

(D) **Site Plan Fee.** The developer shall pay to the Town Clerk/Treasurer at the time of filing an application for site plan review an initial fee of Six Hundred (\$600.00) Dollars plus Five (\$5.00) Dollars for each lot or unit included in the Site Plan to be applied to the cost of review and evaluation. If it is determined that resubmittal of the Site Plan is required, then a resubmittal fee of Two Hundred Fifty (\$250.00) Dollars shall be due and payable. Additional costs of review and evaluation and additional costs of review and evaluation of modifications to a previously filed site plan shall be invoiced to and paid by the developer on a monthly basis.

(E) **Preliminary Plat Fee.** The developer shall pay to the Town Clerk/Treasurer at the time of filing a preliminary plat, planned unit development, multi-unit dwelling plan or condominium plat an initial fee of Six Hundred (\$600.00) Dollars plus Five (\$5.00) Dollars for each lot or unit included in the preliminary plat, planned unit development, multi-unit dwelling plan or condominium plat to be applied to the cost of review and evaluation. If it is determined that resubmittal of the preliminary plat, planned unit development, multi-unit dwelling plan or condominium plat is required, then a resubmittal fee of Two Hundred Fifty (\$250.00) Dollars shall be due and payable. Additional costs of review and evaluation and additional costs of review and evaluation of modifications to a previously filed preliminary plat, planned unit development, multi-unit dwelling plan or condominium plat shall be invoiced to and paid by the developer on a monthly basis.

(F) **Final Plat Fee.** The developer shall pay to the Town Clerk/Treasurer at the time of filing a final plat, planned unit development, multi-unit dwelling plan or condominium plat an initial fee of Six Hundred (\$600.00) Dollars plus Five (\$5.00) Dollars for each lot or unit included in the final plat, planned unit development, multi-unit dwelling plan or condominium plat to be applied to the cost of review and evaluation. If it is determined that resubmittal of the final plat, planned unit development, multi-unit dwelling plan or condominium plat is required, then a resubmittal fee of Two Hundred Fifty (\$250.00) Dollars shall be due and payable. Additional costs of review and evaluation and additional costs of review and evaluation of modifications to a previously filed final plat, planned unit development, multi-unit dwelling plan or condominium plat shall be invoiced to and paid by the developer on a monthly basis.

(G) **Land Use Amendment.** The developer shall pay to the Town Clerk/Treasurer at the time of filing a request for a land use amendment, a fee of Six Hundred (\$600.00) Dollars. Additional costs of review and evaluation by Town consultants shall be invoiced to and paid by the developer prior to final approval.

(H) **Rezoning.** The developer shall pay to the Town Clerk/Treasurer at the time of filing a request for rezoning, a fee of Six Hundred (\$600.00) Dollars. Additional costs of review and evaluation by Town consultants shall be invoiced to and paid by the developer prior to final approval.

(I) **Plat Correction/Adjustment.** The developer shall pay to the Town Clerk/Treasurer at the time of filing plat correction/adjustment, a fee of Six Hundred (\$600.00) Dollars. Additional costs of review and evaluation by Town consultants shall be invoiced to and paid by the developer prior to final approval.

(J) **Expert Assistance Fee.** The developer shall pay to the Town Clerk/Treasurer upon presentment of an itemized statement, a fee equal to the actual cost incurred by the Town for any legal, engineering, architectural, scientific, fiscal or other expert or technical services required by the Town staff, the Town Plan Commission or the Town Board in connection with the review and evaluation of any proposed plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat.

(K) **Administrative Fee.** In addition to the fee set forth in §18.30(J), the developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a fee equal to the following amounts for administrative and fiscal work which must be undertaken by the Town in connection with the proposed development:

**Percentage of Public Improvement Cost**

5% up to \$250,000.00  
2% \$250,001 to \$1,000,000.00  
1% \$1,000,001 and up

(L) **Sewer and Water Connection Fee.** In addition to the water connection impact fee set forth in §18.30(R), sewer and water connection fees shall be payable as set forth in Chapter 13 of the Town of Somers Code of Ordinances.

(M) **Public Park Impact Fee.**

(1) **Amount-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a public park impact fee of One Thousand Forty-five (\$1,045.00) Dollars for each buildable lot or unit included in the final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. Twenty-five (25%) percent of the total public park impact fee for the proposed residential use development shall be paid at the time of final approval by the Town Board and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. The remaining balance of the public park impact fee attributable to each buildable lot or unit within the proposed residential use development shall be payable upon the earlier of the issuance of a building permit or the sale, exchange or other conveyance of such buildable lot or unit, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(2) **Amount-Non-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site

plan, certified survey map, planned unit development or condominium plat a public park impact fee of One Thousand Forty-five (\$1,045.00) Dollars per residential equivalent density unit (REDU). The REDU is calculated by dividing the gross square footage of land included in the final plat, site plan, certified survey map, planned unit development or condominium plat by the R-4 Urban Single-Family Residential District minimum lot size of 15,000 square feet. The total public park impact fee for the proposed non-residential use development shall be paid at the time of final approval by the Town Board of the proposed non-residential use development and prior to the recording of a final plat, certified survey map, planned unit development or condominium plat, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(3) **Exemption.** No lot which is fully developed for residential purposes at the time of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be counted as a lot for purposes of this section provided the use of the fully developed lot for residential purposes remains unchanged.

(4) **Use.** Public park impact fees collected by the Town Clerk/Treasurer shall be placed in a segregated fund separate from the Town's general fund and shall be used exclusively for the Town's cost of acquiring and developing park, recreation and other open space areas to serve the proposed development and residents of the Town.

(N) **Public Museum Impact Fee.**

(1) **Amount-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a public museum impact fee of Two Hundred Ten (\$210.00) Dollars for each buildable lot or unit included in the final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. The total public museum impact fee for the proposed residential use development shall be paid at the time of final approval by the Town Board and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat.

(2) **Amount-Non-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development or condominium plat a public museum impact fee of Two Hundred Ten (\$210.00) Dollars per residential equivalent density unit (REDU). The REDU is calculated by dividing the gross square footage of land included in the final plat, site plan, certified survey map, planned unit development or condominium plat by the R-4 Urban Single-Family Residential District minimum lot size of 15,000 square feet. The total public

museum impact fee for the proposed non-residential use development shall be paid at the time of final approval by the Town Board of the proposed non-residential use development and prior to the recording of a final plat, certified survey map, planned unit development or condominium plat.

(3) **Exemption.** No lot which is fully developed for residential purposes at the time of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be counted as a lot for purposes of this section provided the use of the fully developed lot for residential purposes remains unchanged.

(4) **Use.** Public museum impact fees collected by the Town Clerk/Treasurer shall be placed in a segregated fund separate from the Town's general fund and shall be used exclusively for the Town's cost of development of a public museum and related facilities to serve the proposed development and residents of the Town.

(O) **Public Works Utility Impact Fee.**

(1) **Amount-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a public works utility impact fee of Four Hundred Thirty (\$430.00) Dollars for each buildable lot or unit included in the final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. Twenty-five (25%) percent of the total public works utility impact fee for the proposed residential use development shall be paid at the time of final approval by the Town Board and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. The remaining balance of the public works utility impact fee attributable to each buildable lot or unit within the proposed residential use development shall be payable upon the earlier of the issuance of a building permit or the sale, exchange or other conveyance of such buildable lot or unit, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(2) **Amount-Non-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development or condominium plat a public works utility impact fee of Four Hundred Thirty (\$430.00) Dollars per residential equivalent density unit (REDU). The REDU is calculated by dividing the gross square footage of land included in the final plat, site plan, certified survey map, planned unit development or condominium plat by the R-4 Urban Single-Family Residential District minimum lot size of 15,000 square feet. The total public works utility impact fee for the proposed non-residential use development shall be paid at the time of final approval by the Town Board of the proposed non-residential

use development and prior to the recording of a final plat, certified survey map, planned unit development or condominium plat, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(3) **Exemption.** No lot which is fully developed for residential purposes at the time of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be counted as a lot for purposes of this section provided the use of the fully developed lot for residential purposes remains unchanged.

(4) **Use.** Public works utility impact fees collected by the Town Clerk/Treasurer shall be placed in a segregated fund separate from the Town's general fund and shall be used exclusively for the Town's cost of acquiring land and constructing facilities for the Town's public works utility, equipping the Town's public works utility and for the Town's cost of related public works facilities to serve the proposed development and residents of the Town.

(P) **Fire Station Impact Fee.**

(1) **Amount-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a fire station impact fee of Two Thousand Five (\$2,005.00) Dollars for each buildable lot or unit included in the final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. Twenty-five (25%) percent of the total fire station impact fee for the proposed residential use development shall be paid at the time of final approval by the Town Board and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. The remaining balance of the fire station impact fee attributable to each buildable lot or unit within the proposed residential use development shall be payable upon the earlier of the issuance of a building permit or the sale, exchange or other conveyance of such buildable lot or unit, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(2) **Amount-Non-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development or condominium plat a fire station impact fee of Two Thousand Five (\$2,005.00) Dollars multiplied by the residential equivalency unit (REU) ratio for the applicable water meter size and type from the table set forth below for each buildable lot or unit included in the final plat, site plan, certified survey map, planned unit development or condominium plat. The total fire station impact fee attributable to each buildable lot or unit within the proposed non-residential use development shall be payable upon the issuance of a building permit, unless otherwise agreed by the Town and

the Developer by written Development Agreement.

Meter Size (Inches)	Meter Type	AWWA Standards Flow (GPM)	REU Ratio
¾" or less	Displacement	15	1.0
1	Displacement	25	1.7
1½	Displacement	50	3.3
2	Displacement	80	5.3
2	Compound	80	5.3
2	Turbine	100	6.7
3	Compound	160	10.7
3	Turbine	240	16.0
4	Compound	250	16.7
4	Turbine	420	28.0
6	Compound	500	33.3
6	Turbine	920	61.3
8	Compound	800	53.3
8	Turbine	1600	106.7
10	Compound	1150	76.7
10	Turbine	2500	166.7

(3) **Exemption.** No lot which is fully developed for residential purposes at the time of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be counted as a lot for purposes of this section provided the use of the fully developed lot for residential purposes remains unchanged.

(4) **Use.** Fire station impact fees collected by the Town Clerk/Treasurer shall be placed in a segregated fund separate from the Town's general fund and shall be used exclusively for the Town's cost of acquiring land and constructing fire and rescue squad stations, equipping the Town's fire department and rescue squad and for the Town's cost of related fire and rescue facilities to serve the proposed development and residents of the Town.

(Q) **Storm Water Management Impact Fee.**

(1) **Amount-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a storm water management impact fee of Nine Hundred

(\$900.00) Dollars for each buildable lot or unit included in the final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. The total storm water management impact fee for the proposed residential use development shall be paid at the time of final approval by the Town Board and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. Parcels zoned agricultural shall be exempt from the storm water management impact fee, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(2) **Amount–Non-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development or condominium plat a storm water management impact fee of three (3) times the residential use storm water management impact fee of Nine Hundred (\$900.00) Dollars per residential equivalent density unit (REDU). The REDU is calculated by dividing the gross square footage of land included in the final plat, site plan, certified survey map, planned unit development or condominium plat by the R-4 Urban Single-Family Residential District minimum lot size of 15,000 square feet. The total storm water management impact fee for the proposed non-residential use development shall be paid at the time of final approval by the Town Board of the proposed non-residential use development and prior to the recording of a final plat, certified survey map, planned unit development or condominium plat, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(3) **Exemption.** No lot which is fully developed for residential purposes at the time of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be counted as a lot for purposes of this section provided the use of the fully developed lot for residential purposes remains unchanged.

(4) **Use.** Storm water management impact fees collected by the Town Clerk/Treasurer shall be placed in a segregated fund separate from the Town's general fund and shall be used exclusively for the Town's cost of designing, constructing, installing and providing storm water management facilities needed to serve development in the drainage basin in which the proposed development is located.

(R) **Water Connection Impact Fee.**

(1) **Amount–Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat a water connection impact fee of One Thousand Three Hundred Fifty (\$1,350.00) Dollars multiplied by the residential equivalency unit



(REU) ratio for the applicable water meter size and type from the table set forth below for each buildable lot or unit included in the final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat. The total water connection impact fee for the proposed residential use development shall be paid at the time of final approval by the Town Board and prior to the recording of a final plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat, unless otherwise agreed by the Town and the Developer by written Development Agreement.

(2) **Amount–Non-Residential Use.** The developer shall pay to the Town Clerk/Treasurer as a condition of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development or condominium plat a water connection impact fee of One Thousand Three Hundred Fifty (\$1,350.00) Dollars multiplied by the residential equivalency unit (REU) ratio for the applicable water meter size and type from the table set forth below for each buildable lot or unit included in the final plat, site plan, certified survey map, planned unit development or condominium plat. The total water connection impact fee attributable to each buildable lot or unit within the proposed non-residential use development shall be payable upon the issuance of a building permit, unless otherwise agreed by the Town and the Developer by written Development Agreement.

Meter Size (Inches)	Meter Type	AWWA Standards Flow (GPM)	REU Ratio
¾" or less	Displacement	15	1.0
1	Displacement	25	1.7
1½	Displacement	50	3.3
2	Displacement	80	5.3
2	Compound	80	5.3
2	Turbine	100	6.7
3	Compound	160	10.7
3	Turbine	240	16.0
4	Compound	250	16.7
4	Turbine	420	28.0
6	Compound	500	33.3
6	Turbine	920	61.3
8	Compound	800	53.3
8	Turbine	1600	106.7
10	Compound	1150	76.7
10	Turbine	2500	166.7

(3) **Exemption.** No lot which is fully developed for residential purposes at the time of approval by the Town Board of a final plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be considered a lot for purposes of this section provided the use of the fully developed lot for residential purposes remains unchanged.

(4) **Use.** Water connection impact fees collected by the Town Clerk/Treasurer shall be placed in a segregated fund separate from the Town's general fund and shall be used exclusively for the Town's cost of designing, constructing, installing and providing primary distribution water transmission mains, water towers, booster stations and related facilities by the Town of Somers Water Utility to serve the proposed development and residents of the Town.

(S) **Effect of Nonpayment of Fees.** Notwithstanding any other provision of this chapter, no unconditional final approval of any plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be granted by the Town Board until such time as all fees imposed under this chapter have been paid in full, with the exception of that portion of the expert assistance fee, public park impact fee, public works utility impact fee, fire station impact fee and water connection impact fee which shall be paid after final approval. Any fees imposed under this chapter not paid when due shall be imposed as a special assessment against the benefitted parcel pursuant to Chapter 66 of the Wisconsin Statutes.

(T) **Refund of Impact Fees.** Pursuant Section 66.0617(9) of the Wisconsin Statutes., any impact fees that are imposed and collected under §18.30(M), (N), (O), (P), (Q) and which are not used within a reasonable period of time after they are collected to pay the capital costs for which they are imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed. For purposes of this subsection, the reasonable time periods within which the impact fees must be spent or refunded are as follows:

(1) Public park impact fees imposed under subsection (M), above, shall be spent or refunded within the greater of the length of the capital improvements budget in place at the time of the collection of such fees, five (5) years, the planning period for acquisition of public park lands or capital improvements as delineated in a separate written document adopted by the Town Board, or the term of any instrument of public financing including the amendments, refinancings or extensions thereof for the payment for acquisition of or improvement to any public park, recreation or other open space areas.

(2) Public museum impact fees imposed under subsection (N), above, shall be spent or refunded within thirty (30) years.

(3) Public works utility impact fees imposed under subsection (O), above, shall be spent or refunded within the greater of the length of the capital improvements budget in place at the time of the collection of such fees, ten (10) years, the planning period for acquisition of lands or capital improvements as

delineated in a separate written document adopted by the Town Board, or the term of any instrument of public financing including the amendments, refinancings or extensions thereof for the payment for acquisition of or improvement to any public works facilities or equipment.

(4) Fire station impact fees imposed under subsection (P), above, shall be spent or refunded within the greater of the length of the capital improvements budget in place at the time of the collection of such fees, ten (10) years, the planning period for acquisition of lands or construction of or purchase of capital improvements for the Town fire department/rescue squad as delineated in a separate written document adopted by the Town Board, or the term of any instrument of public financing including the amendments, refinancings or extensions thereof for the payment for acquisition of or improvement to any fire or rescue squad station or equipment.

(5) Storm water management impact fees imposed under subsection (Q), above, shall be spent or refunded within the greater of the length of the capital improvements budget in place at the time of the collection of such fees, ten (10) years, the planning period for storm water management facilities as delineated in a separate written document adopted by the Town Board, or the term of any instrument of public financing including the amendments, refinancings or extensions thereof for the payment for acquisition of or improvement to any stormwater management facilities.

(6) Water connection impact fees imposed under subsection (R), above, shall be spent or refunded within the greater of the length of the capital improvements budget in place at the time of the collection of such fees, ten (10) years, the planning period for acquisition of lands or construction of or purchase of capital improvements for the Town of Somers Water Utility as delineated in a separate written document adopted by the Town Board, or the term of any instrument of public financing including the amendments, refinancings or extensions thereof for the payment for acquisition of or improvements to the Town water system or related facilities.

(U) **Appeal.** The developer upon whom an impact fee is imposed under this chapter may contest the amount, collection or use of the impact fee to the Town Board. The developer shall file with the Town Clerk/Treasurer a verified petition setting forth in detail the basis and all supporting authority for contesting the amount, collection or use of the impact fee. The verified petition shall be filed with the Town Clerk/Treasurer at least ten (10) days prior to the meeting of the Town Board at which final approval of a plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat is desired by the developer. No final approval of any plat, site plan, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be granted by the Town Board, and no plat, certified survey map, planned unit development, multi-unit dwelling plan or condominium plat shall be recorded until the Town Board has made a determination concerning the developer's verified petition contesting the amount, collection or use of the impact fee.

(V) **General Consultation With Developers.** Prior to the filing of an application seeking the approval a preliminary plat, certified survey map, condominium plat, planned unit development, multi-dwelling plan or conditional use permit, Town staff may meet with the developer to generally discuss the concepts relating to the proposed development. For purposes of this subsection, Town staff shall include one or more of the following: Town Administrator, Town Finance Manager, Town Clerk/Treasurer, Public Works Superintendent, Town Building Inspector. Town staff shall not include paid consultants such as the Town Engineers, Town Planners or Town Attorneys. The first consultation by Town staff with the developer shall be free, provided that such consultation is not longer than two (2) hours. Thereafter, a Fifty (\$50.00) Dollars per hour fee shall be imposed for each member of the Town staff who shall meet with the developer or the developer's agents or representatives, including consultants. The Town Administrator shall establish the timing and details of such payments, taking into consideration the particular details of the types of issues which may be encountered with the proposed development.

(W) **Comprehensive Plan Amendment.** The developer shall pay to the Town Clerk/Treasurer at the time of filing the request for a Comprehensive Plan amendment, a fee of Six Hundred (\$600.00) Dollars. Additional costs of review and evaluation by Town consultants, if any, shall be invoiced to and paid by developer prior to final approval.

### **18.31 SITE DEVELOPMENT STANDARDS.**

(A) **Purpose.** The purpose of this section is to provide a process to review and approve site plans for land uses which are subject to Town Plan Commission and Town Board approval.

(B) **Application.** This section applies to the new construction or erection of any building or structure and to any addition to a building or structure unless waived by the Town Building Inspector.

(C) **Site Plan Review and Other Permits/Licenses Required.**

(1) **Site plan review.** A review of a site plan which is subject to this section is a condition precedent to the issuance of a building permit.

(2) **Other permits/licenses required.** Certain land development and land uses may require permits/licenses other than a building and/or conditional use permit, including but not limited to:

(a) Erosion control permit.

(b) Water and sanitary sewerage connection permit.

(c) Licenses to operate a particular business as required by the Town of Somers Code of General Ordinances.

(d) Such other permits/licenses as required by the Town.

(D) **Review Authority.** The site plan review authority shall be the Town Plan Commission and the Town Board. The Town Plan Commission shall recommend approval, approval with conditions or denial of the site plan to the Town Board. The Town Board shall have the authority to approve, approve with conditions or deny site plans.

(E) **Application for Site Plan Review.** Applications for site plan review shall be obtained from and shall be filed with the Town. The application shall be made on Town forms, shall be fully, accurately and legibly completed, and shall include twenty (20) copies of the application and submittals required by this section.

(F) **Amendments.** Any change to an approved site plan shall be considered a new application for site plan review requiring the applicant to comply with all of the provisions of §18.30 and §18.31 of this chapter.

(G) **Application Forms and Submittals.**

(1) **Written application.** Every applicant for a site plan review shall complete a written application form. If there is no street address for the property, the applicant must provide a description of the location of the property in relation to surrounding streets and properties.

(2) **Preliminary review.** The applicant shall meet with the Town Administrator prior to submitting an application to review the application requirements and review process and to determine whether any optional submittals will be required.

(3) **Review authority decision.** The Town Plan Commission shall review the application and shall recommend approval, approval with conditions or denial to the Town Board based upon the standards of this chapter and the comments of relevant Town employees and consultants. The Town Board shall review the application and the recommendation of the Town Plan Commission. The Town Board shall have the authority to approve, approve with conditions or deny the application based upon the standards of this chapter, the recommendation of the Town Plan Commission and the comments of relevant Town employees and consultants. A copy of the final decision of the Town Board shall be mailed to the applicant.

(H) **Development Plans.** The following plans must be submitted for review.

(1) Building plan.

(2) Site plan.

- (3) Landscape plan.
- (4) Utility plan.
- (5) Drainage plan.
- (6) Erosion control plan.

Two (2) or more plans may be combined, but in no case shall the combined plan fail to show any of the items required for each individual plan. For example, site plans and utility plans may be suitable for combination.

(I) **General Requirements.** All building plans, site plans, landscape plans, utility plans, drainage plans, erosion control plans, elevations, and sections shall conform to the requirements as detailed in the Town of Somers Development Engineering Submittal Guide, as may be amended from time to time, the terms of which are incorporated herein by reference and shall be drawn to such a scale that all features required to be shown on the plans are readily discernible. Building floor plans and elevations may be drawn to an architect's scale. All other plans shall use an engineering scale. For site, landscape, utility, drainage and erosion control plans as differentiated from elevations and sections, the scale used shall be the same for each plan, which shall be no smaller than one (1") inch = twenty (20') feet except for properties with unusual characteristics.

(1) **Technical specifications.** Plans, elevations, and sections shall not exceed thirty (30") inches x forty-two (42") inches in size unless otherwise approved prior to submittal. The following shall be shown on each plan, elevation or section:

- (a) The name of the applicant.
- (b) The name and location of the development, and the title of the plan, e.g., "site plan", "landscape plan".
- (c) Scale and north arrow.
- (d) The date of the original plan and the date(s) of any revisions.
- (e) The license number, seal, and signature of any registered architect or engineer involved in the preparation of the plans.

(2) **Optional submittals.** Whenever it is determined by the Town that the characteristics of the proposed development require additional information or documentation to permit a comprehensive review, such information or documentation shall be provided by the applicant after receiving a written request from the Town. The following is a representative, but not exclusive, list of the optional submittals that may be requested:

(a) **Traffic impact analysis.** An analysis of adjoining street capacity and current volumes, trip generation rates expected for the development, and expected increase or decrease in volumes on adjoining streets and impacted arterials. The traffic impact analysis shall identify the size, location, and characteristics of roadway or traffic control improvements necessitated by the proposed development to maintain existing levels of service on public thoroughfares. The analysis shall identify the impact of the development on pedestrian or vehicular safety and congestion. The analysis shall be required on an individual basis.

(b) **Geotechnical report.**

(c) **Marketing study.**

(3) **Permits.** No building, construction or site work permits shall be issued by the Building Inspector until the Town Board has reviewed and approved the site plan. Footing and foundation permits may only be issued if the Town Board has granted conditional approval with respect to such work after receiving the written recommendation from Town staff.

## **18.32 MINIMUM DEVELOPMENT STANDARDS.**

### **(A) General Provisions.**

(1) The development standards provided herein are minimum standards and additional standards or conditions may be required for individual developments when the circumstances warrant.

(2) Should the development standards conflict with any other provision of this chapter, the most restrictive provision shall apply.

(3) The development plans shall serve as the review documents which the Town will use in the analysis of the proposed development.

### **(B) Building Plan.** Building plans shall show and include:

(1) Building elevations shall be provided and dimensioned. Plans shall be drawn to sufficient detail so that all room sizes, wall openings, building projections and locations of all exterior HVAC and utility services equipment can be identified.

(2) Materials and colors of exterior surfaces such as walls, roofs, and window trim shall be indicated. Samples shall be submitted for review and approval.

(3) Details on fire detection, fire alarm and other safety devices, including fire

suppression, sprinkler, standpipe, and restaurant hood suppression systems shall be provided for review and be approved by the Somers Fire Department.

(4) Building size and scale should reflect the physical scale of the surrounding area and the scale of surrounding buildings.

(5) The location and orientation of building elements, such as balconies or porches, should reflect the orientation of surrounding buildings and structures.

(6) Rooms used for residential purposes shall provide adequate living area as required in the Minimum Housing Code of the Town of Somers Code of General Ordinances.

(7) The materials and design of buildings, structures and additions should compliment the surrounding area.

(8) Building design shall comply with the Americans with Disabilities Act.

(9) Building addresses shall be clearly displayed on each building. Minimum four (4") inch high letters and/or numbers shall be required.

(C) **Site Plan.** Site plans shall show and include:

(1) Dimensions of the development site indicated along the property line. Distances to all buildings, structures and freestanding signs on adjoining properties and building setbacks.

(2) Location, footprint and outside dimensions of buildings, structures, and freestanding signs.

(3) Existing and proposed pedestrian and vehicular access points, streets, drives, bicycle paths, bridges, intersections, and other pedestrian and vehicular circulation elements, labeled with street names, dimensioned in feet tenths and hundredths, and with surface materials identified, i.e. asphalt, sod, etc.

(4) Vehicle accommodation areas including parking areas, loading areas, and circulation areas with the surface material identified and showing the layout of parking spaces and direction of travel lanes, aisles or driveways.

(5) Front, side and rear yards labeled as such and dimensioned.

(6) Location and dimensions of all existing or planned easements, lands subject to deed restrictions or protective covenants, rights-of-way, and required emergency access ways.



(7) Identification of all land to be dedicated or reserved for public use with the use named.

(8) Location, elevation and dimensions of walls and fences that are to be permanent improvements to the site or erected temporarily during construction.

(9) Location, elevation and dimensions of outdoor lighting fixtures.

(10) With respect to construction of one hundred fifty thousand (150,000') square feet or greater of building development or expansion on a single parcel or contiguous group of parcels, a three-dimensional model, visual presentation or other depiction or color rendering of proposed buildings, the site, and its immediate vicinity. Models shall be at a minimum scale of one (1") inch = fifty (50') feet. Models shall show all proposed buildings, roads, vehicular and pedestrian circulation elements, parking lots or parking structures, existing vegetation to remain, proposed landscaping, and any other significant natural features.

(11) A legal description and certified survey map or plat as applicable of the property. Any easement, covenant or right-of-way, existing or planned, which creates site design constraints shall be indicated. Any design adjustments to these constraints shall not adversely impact the intent of these standards or the provisions of this chapter. Location of any floodplain, wetland, and shoreland boundary shall be shown.

(12) Location, proportion and orientation of buildings or structures should compliment the location, proportion and orientation of surrounding landforms, buildings or structures.

(13) The Town Board shall consider the impact of the proposed development on the comprehensive plan, comprehensive plan component, component neighborhood development plan, and the official zoning map, as amended. The Town Board shall use the following criteria when assessing the development's impact on surrounding land uses:

(a) The development shall be consistent with the objectives of the comprehensive plan, comprehensive plan component and any relevant component neighborhood development plan.

(b) The development shall be compatible with the character and objectives of the zoning district or districts within which it is located.

(c) The development shall be compatible with the character of the neighborhood which surrounds the development.

(14) Site access shall be governed by the following criteria:

(a) Site entrance drive dimensions such as widths, radii and visibility triangles.

(b) Development shall provide the least number of ingress/egress points along a street necessary for safe and efficient traffic flow. The location of all access points along Town roads shall be reviewed by the Town Engineer.

(c) Vehicular entrances shall follow the recommended safety guidelines established by the Wisconsin Department of Transportation.

(d) An adequate internal stacking distance shall be provided from the property line at each entrance.

(e) Appropriate traffic control measures including signs and crosswalks shall be utilized at all entrances to public rights-of-way.

(f) Adjacent development shall share a common entrance drive where practicable.

(g) Access to adjoining sites shall be coordinated where possible or necessary.

(i) At least one (1) vehicular and pedestrian access point to each adjoining site shall be granted by cross access easements.

(ii) Cross access easements should not occur within interior parkways.

(iii) Cross access easements shall be minimum of thirty (30') feet wide.

(iv) Cross access easements are encouraged behind buildings to encourage linked rear parking areas. Vehicular access to any non-residential structure, use, parking or loading facility shall not be gained across land zoned for a residential use.

(15) Parking areas shall be designed in a manner that will reduce the negative visual impacts of large expanses of impervious surface while maintaining maximum safety standards. The following standards shall be established as part of the parking area site design:

(a) **Layout.**

(i) Building entrances shall be accessible from adjacent parking areas by means of a minimum five (5') foot wide paved walkway as shown in Figure 1.

(ii) Provide road and paving cross-sections and details.

(b) **Parking lot construction.** Parking lots shall be paved with asphaltic concrete or portland cement concrete. Concrete curb and gutter with landscape islands shall be constructed within all parking lots.

(c) **Pedestrian access.**

(i) There shall be a minimum of a five (5') foot wide paved walkway provided to each building entrance from parking areas and from public sidewalks.

(ii) Pedestrian walkways shall be provided for access to adjacent properties and be handicap accessible.

(iii) Drainage improvements shall not pass over pedestrian walks.

(iv) Pedestrian walks shall not exceed a longitudinal slope of five (5%) percent or a side slope of three (3%) percent as measured over a ten (10') foot interval.

(d) **Traffic circulation lanes.**

(i) Traffic lanes shall be clearly separated from parking and pedestrian areas through the use of landscape islands, barrier curbs, or lane striping.

(ii) Truck traffic should be routed directly to service areas without passing through parking or pedestrian areas.

(iii) Service truck parking should only be allowed within designated service areas.

(iv) Unless otherwise exempted by the Somers Fire Department, all circulation lanes adjoining the perimeter of buildings shall be designated as fire lanes.

(e) **Protection of natural features.**

- (i) Minimize disruption of existing natural features and wherever possible incorporate them into the overall design.
- (ii) Prior to development protect all natural elements from damage due to construction activities.
- (f) **Open space.** The following specific areas shall be preserved as undeveloped open space:
  - (i) Wetlands as described in S.S. 404 Federal Water Pollution Control Act Amendments of 1972 and delineated on the Wisconsin Department of Natural Resources Wetland Inventory Map verified by on-site inspection by a qualified wetlands consultant.
  - (ii) Lands in a designated floodway or floodplain. Lands within a floodplain may be used for parking and recreational uses provided all required permits are obtained.
  - (iii) Habitats of endangered wildlife or vegetation as identified by the federal government and/or the Wisconsin Department of Natural Resources.

(D) **Landscape plan.** Landscape plans shall show and include:

- (1) Location and footprint of all buildings and structures.
- (2) Dimensions of the development site indicated along the property line.
- (3) Existing and proposed streets, drives, sidewalks, alleys, intersections, pedestrian and vehicular access points, bicycle paths, bridges, and other pedestrian and vehicular circulation elements labeled with street names and dimensioned. Surface materials shall also be identified.
- (4) Location and dimensions of parking lots, parking spaces, and parking lot access ways.
- (5) Location and dimensions of all existing or planned easements, lands subject to covenant, lands to be dedicated or devoted to public use, and rights-of-way.
- (6) Location and dimensions of snow removal and snow storage areas.
- (7) Location and dimensions of outdoor lighting fixtures, freestanding signs, permanent or temporary walls and fences, waste and trash disposal facilities,

surface utility structures, and other freestanding structural features.

(8) Location and dimensions of playgrounds, tot lots, and other recreational facilities.

(9) Details of all permanent fences and walls to be constructed on the site including dimensioned elevations and materials schedules.

(10) Existing and proposed contours and grades, including the location, slope ratios (horizontal to vertical) of all proposed berming at a one (1') foot contour intervals. Location, extent and general elevations and slope ratios of all surface water retention and detention areas and drainageways. Elevations at top and bottom of all proposed retaining and screening walls and fences. Existing lines shall be shown as dotted lines.

(11) Plant materials, showing the location, quantity, installation size, intended maintained size and/or mature size (height and crown), with labels of both scientific and common names of all proposed plant materials. All plants to be drawn to scale in relation to mature crown size.

(12) Location and specifications of all proposed ground cover, including both scientific and common names of all proposed plant materials.

(13) Location of paving materials and non-living ground cover which is identified by description and brand names.

(14) Location, species, and size of all existing trees that are three (3") inches or larger in diameter, measured fifty-four (54") inches above natural grade. Any trees to be removed should be clearly identified. Trees measuring three (3") inches or greater which will be used to meet landscape requirements shall also be indicated. If required for reasons of clarity, this information may be depicted as a supplemental illustration.

(15) Tree line of wooded areas.

(16) Orchards or other agricultural groves by common or scientific name.

(17) A landscape improvement table with the following information:

(a) Square footage of parking lot area.

(b) Square footage and percentage of interior parking lot landscape area expressed a ratio to total parking lot area.

(c) Number of trees provided for parking lot interior.

- (d) Plant quantities provided for buffer strips and medians.
- (e) Square footage of interior open spaces.
- (f) Number of trees on interior open spaces.

(18) Proposed location of all utilities on the site, e.g. gas, water, sewer, cable, irrigation and drainage.

(19) The following landscape site standards shall be established as part of the required landscape plan:

(a) Tree protection plan shall show existing trees of three (3") inch caliper, trees to be removed, and indicate how existing trees will be protected on the site.

(b) All required landscaping shall be installed prior to the issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued if weather conditions prevent installation of all or portions of the landscape materials provided the developer enters into a written agreement which sets forth the date at which time all landscaping is to be completed and developer deposits with the Town Clerk/Treasurer a cash bond, letter of credit or other assurance as approved by the Town Attorney for the completion of all landscaping. The amount of assurance as determined by the Town shall reasonably compensate the Town for its cost of completing any landscaping improvements not completed by the agreed date.

(c) All open space or open areas shall be landscaped in accordance with the standards set forth in this chapter. Unless otherwise identified, all development shall contain a minimum of fifteen (15%) percent of the site in landscaped open space, including interior parkways, buffer strips, parking lot landscaping, and site interior landscaping.

(20) The landscape plans shall include the following five (5) distinct areas of the parcel being developed. See Figure 2 which provides a graphic illustration of each of the following areas.

(a) Interior parkway. A landscaped open space directly abutting a public street right-of-way.

(b) Parkway. The unpaved portion of the public street right-of-way between a curb or curb line and sidewalk.

(c) Buffer strip area. A landscaped area intended to separate two (2)

adjacent land uses or properties from one another and soften land use incompatibility.

(d) Parking lot landscaping. A landscaped area within or surrounding a parking area used to soften the visual and environmental character of paved parking areas.

(e) Site interior landscaping. The open space area surrounding buildings intended to enhance building and site character excluding the interior parkway, parking lot landscaping, and buffer strip area.

(21) The following landscape requirements apply to multi-family residential uses:

(a) Interior parkway landscaping is required of development in order to screen vehicular parking which may be viewed from the public rights-of-way as shown in Figure 3. Landscape screening as shown in Figure 4 shall consist of one (1) or a combination of the following along at least fifty (50%) percent of the frontage.

(i) Masonry walls compatible with proposed building design and landscaped with foundation plantings.

(ii) Screen fence of wood or approved material at least seventy-five (75%) percent opaque and landscaped with foundation plantings.

(iii) Planting screen, including earth berming, ornamental and evergreen trees, shrubs and ground cover.

(b) Parkway landscaping is required of development in order to provide street tree plantings along public rights-of-way. A minimum of one (1), three (3") inch caliper deciduous tree is required for every forty (40') linear feet of parkway frontage. Parkway shade trees are not required when plans show deciduous trees in interior parkways within thirty-five (35') feet of the parkway curb line.

(c) All developments shall create a buffer strip area between land uses to promote a sense of privacy and security. Buffer strip areas shall be composed of landscape plantings, earth berming and/or screen fencing as required for intended land use. See Tables 1 and 2 and Figure 5 illustrations for the options which are permitted in the buffer strip area. Buffer strip areas shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit. Shrubs are intended to be planted in groupings or

hedges through the buffer strip area at a minimum height of twenty-four (24") inches. Screen fencing or walls shall be of wood, face brick or other approved material.

(d) Site interior landscaping should utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics through the implementation of the following standards:

(i) Between buildings.

(a) There should be sufficient quantities of shade, ornamental and evergreen trees, shrubs, and ground covers to adequately screen undesirable views and create a sense of privacy at the side and rear of adjacent buildings.

(b) There should be a minimum quantity of one (1) shade tree of minimum three (3") inch caliper for every five thousand (5,000') square feet of open space between and at the rear of buildings. This quantity should be calculated separately from and not be counted toward any buffer strip area or interior parkway quantity requirements.

(c) Up to fifty (50%) percent of the shade trees required may be substituted with one and one-half (1½") inch caliper ornamental trees or six (6') foot to eight (8') foot high coniferous trees.

(d) All designated lawn areas between or around buildings should be sodded. Seed may be used if an irrigation system is installed.

(ii) Foundation planting.

(a) A minimum five (5') foot wide landscape area should be provided along fifty (50%) percent of building walls.

(b) This landscape area should be planted with a balance of ornamental and coniferous trees, shrubs and ground covers. Trees must be columnar in form when planted within twenty (20') feet of a building overhang.



(c) Plantings should emphasize softening of the large expanses of building walls length and height, accent building entrances and architectural features, and screen mechanical equipment adjacent to buildings.

(iii) Utility and mechanical equipment screening.

(a) All freestanding utility and mechanical equipment shall be screened from view through the use of evergreen plant materials or fencing compatible with proposed building design.

(b) Trash dumpsters and other waste receptacles shall be screened with fencing of decorative wood or masonry six (6') feet in height with a solid attractive single or double access gate on one (1) side only and with coniferous shrubs or trees as shown in Figure 6.

(22) The following landscape requirements apply to commercial uses, which include all commercial, office, and institutional uses.

(a) Interior parkway landscaping is required of development in order to screen vehicular parking which may be viewed from the public rights-of-way as shown in Figure 7. Interior parkway landscape standards for commercial uses are illustrated in Table 3. Parking lot frontage shall be screened to a height of three (3') feet along at least fifty (50%) percent of the frontage as shown in Figure 7.

(b) Parkway landscaping is required of development in order to provide street tree plantings. Parkway landscape standards for commercial uses shall include one (1), three (3") inch caliper deciduous tree for every forty (40') feet of street frontage. Parkway trees are not required when plans show shade trees in the interior parkway within thirty-five (35') feet of the parkway curb line.

(c) All commercial developments shall create a buffer strip area between land uses. Buffer strip areas shall be composed of landscape plantings, earth berming or screen fencing. Table 4 and Figures 8 and 9 illustrate permissible buffer strip area options. Buffer strip areas shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit. Ornamental clump trees shall be a minimum of five (5') feet. All other ornamental trees shall be a minimum of two (2") inch caliper. Shrubs shall be planted in groupings or hedges throughout the buffer strip area. Screen fencing or walls shall be of wood, face brick or other approved material.

(d) Site interior landscaping shall utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics.

(i) Between buildings.

(a) There shall be sufficient quantities of deciduous, ornamental and coniferous trees, shrubs and ground covers to adequately screen undesirable views at the sides and rear of buildings.

(b) All designated lawn areas between or around buildings shall be sodded. Seed may be used if an irrigation system is provided.

(ii) Foundation planting.

(a) A five (5') foot wide landscape area should be provided adjacent to all building walls. All trees shall be planted a minimum of ten (10') feet from building overhangs and only columnar trees may be planted within twenty (20') feet of a building overhang.

(b) The landscaped area should be planted with a balance of ornamental and coniferous trees, shrubs, and ground covers.

(c) Plantings should emphasize softening of large expanses of building walls length and height, accent building entrances and architectural features, and screen mechanical equipment adjacent to buildings.

(iii) Service area screening.

(a) All service areas such as loading docks and freestanding utility and mechanical equipment shall be screened from view through the use of coniferous plant materials or fencing compatible with the proposed building design.

(b) Trash dumpsters and other waste receptacles or equipment shall be screened with fencing of decorative wood or masonry six (6') feet in height with a solid attractive single or double access gate on one (1) side only with coniferous shrubs or trees as shown in Figure 6.

(23) The following landscape requirements apply to industrial and manufacturing uses:

(a) Interior parkway landscaping is required of development in order to screen vehicular parking which may be viewed from the public right-of-way. Interior parkway landscape standards for industrial and manufacturing uses are illustrated in Table 5. Parking lot frontage shall be screened except where vehicular sight lines may be impaired as shown in Figure 10.

(b) Parkway landscaping is required of development in order to provide street tree plantings along public rights-of-way. Parkway landscape standards for industrial and manufacturing uses in all industrial and manufacturing zones shall include one (1), two (2") inch caliper tree for every forty (40') linear feet of street frontage. Parkway trees are not required when plans show deciduous trees in interior parkways within thirty-five (35') feet of the parkway curb line.

(c) All development shall create a buffer strip area between land uses promoting a sense of privacy and security as illustrated in Tables 6, 7 and 8 and Figures 11, 12 and 13. Buffer strip areas may be composed of landscape plantings, earth berming and screen fencing as required for intended land use. Buffer strip areas shall contain deciduous, ornamental or coniferous trees or combination thereof. Figures 11, 12 and 13 illustrate the options which are permitted in buffer strip areas in relation to adjacent zoning districts. Shrub beds should be used especially when deciduous trees represent fifty (50%) percent or more of plantings. A larger number of coniferous trees and shrubs must be used when land uses conflict such as between industrial land uses adjacent to residential land uses. Buffer strip areas shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit. Shrubs are intended to be planted in groupings or hedges throughout the buffer strip area. Screen fencing or walls shall be of wood, face brick or other approved material six (6') feet high and at least seventy-five (75%) percent opaque. Earth berming at a maximum slope of 3:1 (horizontal to vertical) shall be provided.

(d) Site interior landscaping shall utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics.

(i) Between buildings.

(a) There shall be sufficient quantities of deciduous, ornamental and coniferous trees, shrubs and ground covers to adequately screen undesirable views at the

sides and rear of buildings.

(b) All designated lawn areas between or around buildings shall be sodded. Seed may be used if an irrigation system is provided.

(ii) Foundation planting.

(a) At minimum there shall be a five (5') foot wide landscape area along fifty (50%) percent of any building wall or portion of wall visible from the public right-of-way.

(b) The landscaped area should be planted with a balance of ornamental and coniferous trees, shrubs, and ground covers.

(c) Plantings should emphasize softening of large expanses of building walls length and height, accent building entrances and architectural features, and screen mechanical equipment adjacent to buildings.

(iii) Service area screening.

(a) All service areas, activities and facilities shall be screened from view through the use of coniferous plant materials or fencing compatible with the proposed building design.

(b) Trash dumpsters and other waste receptacles or equipment shall be screened with fencing of decorative wood or masonry six (6') feet in height with a solid, attractive single or double access gate on one (1) side only with coniferous shrubs and trees as shown in Figure 6.

(24) Landscaping shall be provided within all parking lots. Parking lot plantings shall provide screening, shade, subdivided space, and are intended to reduce glare and heat from pavement surfaces by meeting the following standards:

(a) Each parking row regardless of its length should begin and end with a landscape island with barrier type curbs.

(b) No parking space shall be more than ninety (90') linear feet away from either a landscaped parking island or landscaped buffer strip area, foundation planting or landscaped interior parkway.

(c) All parking lots or portions of parking lots adjacent to buffer strip areas or interior parkways which are adjacent to any residential properties shall be screened from view by landscaping, fencing, berming, and/or combination thereof.

(d) Shrubs within parking lot islands shall be maintained at a height not to exceed three (3') feet.

(e) Parking lot landscape areas shall have a minimum width of eight (8') feet measured from back of curb to back of curb and a depth equal to the depth of the parking stall as shown in Figure 14.

(E) **Utility plan.** Utility plans shall show and include:

(1) Location and dimensions, in length and diameter where applicable, of all above ground and underground conduits and utility lines, storm and sanitary sewers, water mains, electrical, natural gas, and communication (cable television, telephone, etc.) lines.

(2) Location of all utility connections and metering facilities, including fire hydrants, Fire Department connections, existing wells, pumping stations and lift stations.

(3) Location and footprint of all buildings and structures in outline.

(4) Location and names of existing and proposed streets and intersections, the location of parking lots, sidewalks, bike paths, and other elements of vehicular and pedestrian circulation.

(5) Plumbing plans showing in detail the size and location of all water mains and fire hydrant locations.

(F) **Drainage plan.** Drainage plans shall show and include:

(1) Existing topography by contours related to USGS survey 1929 datum. The contour interval shall be not greater than one (1') foot (a one (1') foot interval is recommended) and shall extend at least fifty (50') feet off the site. The Town Engineer may require site elevations beyond fifty (50') feet off the site. Spot elevations of existing buildings, structures, high points, and wet areas or flood elevations.

(2) Floodplain, shoreland, environmental corridors and wetland boundaries.

(3) Soil characteristics.

(4) Location, capacity, and dimensions of on-site storm water drainage facilities, including manholes, pipes, curbs, gutters, curb inlets, curb cuts, drainage grates and design calculations with a drainage area map.

(5) Location, extent, and typical cross sections and slope ratios of all storm water retention and detention areas and drainageways. Location and elevations at top and bottom of proposed retaining walls.

(6) Location and footprint of any and all buildings and structures.

(7) Location and names of existing and proposed streets and intersections, the location of parking lots, sidewalks, bike paths, and other elements of vehicular and pedestrian circulation.

(G) **Erosion Control Plan**. Erosion control plans shall show and include:

(1) Those structure required to retard the rate of runoff water and those grading and excavation practices that will prevent erosion and sedimentation.

(2) The erosion control plans shall generally follow the guidelines and standards set forth in the publication, Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources.

### **18.33 PRINCIPLES AND STANDARDS FOR THE AESTHETIC EVALUATION OF SITE AND BUILDING PROJECTS--DESIGN STANDARDS.**

(A) **Introduction and Intent**. The process of private building and development in a community can be simple or complex depending on the size of the project, the number of participants, and the ease of communication among the various parties involved.

Somers Town officials and citizens have legitimate concerns about both the future character of the community and the integrity of existing and even historic development. One concern is in regard to land uses or the mix of land uses, both existing and planned. A second concern is the financial capability of developers to provide the required and promised improvements and the financial capability of the community to provide the necessary and requested services. A third concern is in regard to the visual impact or image of the community by people both living within or only traveling through the Town. The intent or purpose of this section is to provide principles and standards for use by both the developer and Town officials in the preparation and review of site and building plans proposed within the Town with emphasis on and the primary objective of heightening the visual character of the sites and buildings proposed and, thereby, the entire community.

The developer of any single or multiple use development other than single and two-family single lot development proposed to be undertaken within the Town must present a site and building plan to

the Plan Commission for review and recommendation to the Town Board and to the Town Board for review and approval. Such approval must be obtained prior to receipt by the developer of a permit to commence building or site development activity. The intent of this chapter is twofold. First, to provide a systematic procedure for review and discussion of projects. Second, to provide general guidelines to be used in the review of a development or building project.

In order to identify specific standards for the visible elements of site and building design which embody the general desires of the Town, the following principles have been established which form the foundation for the standards which will follow.

(B) **Site Planning and Design Principles**. The following is a list of principles which shall be utilized in reviewing any site plan and project designs in the Town.

- (1) The development or building site must be viewed as only one element of the total developed and undeveloped environment in the vicinity of the site. Therefore, attention must be given to how the site and the development on the site will ultimately fit into the total environment.
- (2) Site planning and design is the process by which site features and uses on the site are made to be compatible, functional and visually pleasing.
- (3) All elements and aspects of the site, both natural and manmade, are important to the aesthetic character of the site.
- (4) Adjacent or contiguous uses or facilities may have a major effect on the site or site uses.
- (5) Major changes in land forms on the site which change the character and/or physical capabilities of the site are not generally conducive to good site development unless such changes are well planned and necessary to final development.
- (6) The specific location of site access is critical to both the future use of the site and the safety and convenience of persons traveling on adjacent public ways.
- (7) Site grading, landscaping, paving, fencing, lighting, signage, and other site enhancement are an integral part of any building and development project.

(C) **Building, Design, Layout and Construction Principles**. The following is a list of principles which shall be utilized in reviewing any building, design, layout and construction projects in the Town.

- (1) No side or facade of a building or structure is exempt from public view and consequently all sides or facades should be visually pleasing and architecturally and aesthetically compatible.

(2) The shape, size, dimension, architectural style, facade material, texture, color, building landscaping, building signage, and the setting of the building within its immediate environment are all elements of the building design addressed by the designer both individually and in concert.

(3) Each color, texture or material of which the exterior of a building is composed may individually present a visual statement to the viewer. Therefore, in order not to present a conflicting or complex visual statement the arrangement and mix of colors, textures and materials should be carefully considered and the number of such elements minimized.

(4) Some building materials present a visual statement of strength and permanence to the immediate environment and to the community and should be encouraged, while other materials which make a building or structure appear temporary should be avoided.

(5) Individual buildings may be attractive but when duplicated or triplicated on the same or adjacent parcels or on the same horizontal plane may detract from the visual character of the overall development.

(6) Some use elements of a building structure such as outside mechanical equipment, loading docks and areas, trash storage areas, and raw material storage areas are not usually attractive and often detract from the visual appearance of the building unless careful attention is given to placement, construction, structural and/or landscape screening of such areas.

(7) Building landscaping, that is landscaping which is or appears to be an integral part of the building facade design, needs to be carefully planned and the appropriate plant materials used so as not to detract from the architecture of the building.

(8) Building signage, that is signage which is or appears to be an integral part of the building facade design, needs to be carefully planned and the appropriate sign materials, sign lighting and color used so as not to be disruptive or detract from the architecture of the building.

(D) **Site Planning and Design Standards.** A standard or criteria is either a quantitative or qualitative model or value level by or against which all related actions or activities are measured. In this regard a standard is sometimes referred to as a "yardstick". Moreover, quantitative standards are those which, when applied, will reveal a quantitative difference or similarity between the standard and the action or activity being measured by the standard. For example, the action related to a site planning standard that states, "No manmade slope or disturbed natural slope shall be greater than 3:1, when three (3) is the horizontal measurement", can be measured quantitatively to determine if the standard has been met.

A qualitative standard, on the other hand, is a standard which, when applied, involves a



judgement, usually subjective, that the action or activity has met or can meet the stated standard. For example a site planning standard that states "All parking areas shall be screened in a visually pleasing manner to soften the visual presentation of parked cars and asphalt", requires that the person(s) making the determination as to whether or not the standard is met actually look(s) at the screening structure, device or plant materials and makes a qualitative judgement. If it can be concluded that the materials, device or structure as designed or constructed are individually or collectively visually pleasing, there should be no problem making such a judgement. If, however, the materials are different in character the judgement is usually more difficult. Even the arrangement of individually pleasing materials may not be pleasing.

The following are both quantitative and qualitative standards related to site development which will be used by the Town Plan Commission and Town Board in the review of every site plan or development:

(1) **STANDARD NO. SD-1**

(a) The natural landscape of a development site including topography, ponds, drainageways, vegetation, and soils shall be disturbed to the least extent possible to accomplish ultimate site development.

(b) Final manmade site grades on a continuous slope of more than one hundred (100') feet in horizontal distance shall not exceed 3:1 on any part of the site where three (3) is the horizontal dimension, and shall exceed a 4:1 grade on no more than twenty (20%) percent of the site.

(2) **STANDARD NO. SD-2**

(a) The drainage pattern on the site shall not be changed significantly and no change to the drainage pattern on lands in the immediate vicinity of the site shall be allowed.

(b) Storm drainage outfall from the completely developed site and generated from a fifty (50) year rain storm event shall not exceed the physical ability of the streams, drainageways or storm sewer immediately adjacent and downstream from the site to accommodate such periodic storm drainage and shall be in compliance with all Wisconsin Department of Natural Resources rules and regulations.

(3) **STANDARD NO. SD-3**

(a) All streets interior to the development site, whether private or public, shall be constructed to Town construction standards in terms of cross-section, grades and construction materials unless waived by the Town Board.

(b) No segment of any public or private street within the overall development site shall exceed ten (10%) percent vertical grade and no segment of any such street shall exceed eight (8%) percent vertical grade for a continuing horizontal distance of more than two hundred (200') feet.

(c) Approved points of access between streets within the development site and intersecting arterial or collector streets shall be designed to accommodate a minimum four (4) lane divided entry for a minimum distance of two hundred fifty (250') feet into the development site when the average daily traffic (ADT) is expected to exceed five hundred (500).

(4) **STANDARD NO. SD-4.**

(a) No more than seventy-five (75%) percent of any total development site shall be covered with buildings or other covering materials which are impervious to surface water absorption.

(b) No less than twenty-five (25%) percent of the development site shall be retained in either an undisturbed natural state or in attractive, planned and arranged ground cover, landscape plantings and earthen berms.

(c) Except in single and two-family residential areas, no impervious surface, including graveled area, shall be placed closer than ten (10') feet from a property boundary unless connecting to adjacent property.

(5) **STANDARD NO. SD-5.**

(a) Fencing designed to visually screen areas of the site from a passersby shall be of a type and quality and constructed of materials that will be aesthetic and compatible with the building structure(s).

(b) Site fencing shall be designed and constructed to be readily maintained in a safe and aesthetic manner.

(6) **STANDARD NO. SD-6.**

(a) Lighting of the site shall be of a type, design, color and height to blend with the site and landscaping.

(b) Lighting of the site shall be of a design and height and shall be located so as to illuminate only the site and not be a beacon of distraction or potential hazard to traffic or to people working or living in the vicinity of the site.

(7) **STANDARD NO. SD-7.**

(a) Signage of uses and buildings on the site shall be limited by the Town Plan Commission and Town Board in accordance with the Kenosha County zoning ordinance in number, size and type so as not to detract from the visual attractiveness of the site or architecture, or be a distraction to the traveling public or the neighborhood in general.

(E) **Building Design Standards.** Standards must be related to the various principles which, in turn, are related to the overall objective to heighten the visual character of sites and buildings in the Town. The following are both quantitative and qualitative standards related to the visual aspects of building construction which will be used by the Town Plan Commission and Town Board in the review of every site plan or development.

(1) **STANDARD NO. BD-1.**

(a) Principal and accessory buildings presented for review shall be carefully designed so as to compatibly integrate architectural style, size, shape, building material, color and texture, landscaping, lighting and signage.

(2) **STANDARD NO. BD-2.**

(a) All buildings shall be designed to integrate the principal building materials, color and texture on all sides of the building.

(b) Each side of a building shall be individually designed to be visually pleasing.

(3) **STANDARD NO. BD-3.**

(a) The number of materials, textures or colors which visually change the appearance of the building shall be limited to no more than three.

(b) Painted, unpainted or anodized metal panels used as a facade material shall not be extended or have the appearance of extending to within four (4') feet of the ground elevation and shall comprise no more than ten (10%) percent of the facade of any side of a building.

(c) Bright or fluorescent colors which attract or detract the eye shall not be used except as incidental trim comprising no more than 5 percent of the facade of any side.

(4) **STANDARD NO. BD- 4.**

(a) Architectural types or styles which are unorthodox or which are considered to be incompatible with surrounding buildings shall not be allowed except where existing adjacent buildings or structures do not meet the standards.

(b) Buildings constructed within a development shall not be so similar in exterior appearance that they appear to be the duplicate of the other unless placed on different horizontal planes or widely different vertical elevations.

(5) **STANDARD NO. BD-5.**

(a) Building appurtenances such as loading docks, solid waste storage areas, and mechanical or utility equipment shall not be located on the street side of any building and shall be permanently screened from general view on all other sides or roofs of the building by use of compatible building materials, dense landscaping or both.

(b) Building landscaping, lighting and signage shall be presented as an integral part of the building design and shall not be so large or distinct as to detract from the architecture of the building.

(6) **STANDARD NO. BD-6.**

(a) Structural expansion or rehabilitation of existing buildings shall be designed to comply with the standards set forth herein.

(F) **Deviations from Design Standards.** The foregoing standards are designed to be met by all builders and developers in the Town with the specific exception of single and two-family home construction. In certain or specific situations, however, the strict application or adherence to established standards is not possible. For example, where a physical hardship would be created by strict adherence to a standard and where there is no alternative which could meet the standards, good sense would dictate that the specific standard be reduced or, perhaps, waived in that individual case. Following are a series of considerations which may be reviewed and if found to apply to a specific situation should be applied and thereby either override or enhance the standard(s) involved:

(1) The natural terrain of a site may be so diverse or severe that total adherence to pertinent standards is not possible. In such a case the standard should be met to the extent possible or a suitable alternative found which may be recommended by the Town Plan Commission and may be approved by the Town Board.

(2) The landscaping of a site and even the fencing and building structures on

the site should be so arranged as to attractively screen from the general view of the traveling public those areas on the site not enclosed within a building which are not inherently attractive, such as auto parking areas, truck and construction equipment parking areas, large paved areas, trash receptacles, building related mechanical equipment, above-ground utility facilities, and raw material storage.

(3) In most cases the use of one or two building materials, or colors or textures is sufficient to establish the visual character of a building. In a limited number of cases the design of the building requires the use of several exterior materials, each of which, in turn, have differing textures and colors. In such cases care must be taken by the builder/developer to clearly identify the necessity for deviation from the standards.

(4) Many types of totally or partially metal clad buildings do not give the visual impression of permanence and, in addition, such buildings are vulnerable to both physical and visual decay within a relatively short period. There are those cases however where buildings have been or may be designed using special metallic panels which are at once both durable and visually attractive and not merely an inexpensive method of building construction. In such cases, when it can be demonstrated by the builder/developer that a building having more than ten (10%) percent of the building facade covered with such metal panels is both attractive and provides a visual permanence within the community, the Town Plan Commission may recommend and the Town Board may approve reducing or waiving those standards which relate to such cases.

(5) In some cases the existing buildings in a partially developed area do not meet the standards set forth herein or have deteriorated to such an extent that they are visually displeasing and may even appear blighted or dilapidated. In such cases the introduction into the area of a new building which meets the standards may appear to be incompatible with the existing development but should be construed as the initial development even though not in visual conformance with its surroundings.

(6) The arrangement of like or similar structures on a site or on contiguous parcels at different elevations, different planes, or at different angles may visually change the appearance of the individual structure. Such arrangement should be carefully considered in the review of building plans. On the other hand, simply changing the facade color, texture or material on like or similar buildings may not be sufficient to change the overall exterior appearance.

(G) **Aesthetic Standards**. In addition to site and building standards, there is a need in the Town of Somers to provide standards for the aesthetic development of land proposed to be used for residential subdivisions as well as commercial, industrial or institutional development. Such standards should relate to developments encompassing ten (10) or more acres, and particularly those developments having medium to high concentrations of people, dwelling units or buildings. Following are the principles

and standards for both types of development within the Town of Somers.

(1) **Principles.**

- (a) All land development should be both visually pleasing and physically functional.
- (b) All land development should provide for safe and attractive ingress and egress while at the same time enhancing the image of the buildings encompassed within and adjacent to the development.
- (c) All land development should encompass those physical improvements which will enhance the quality of life for those persons living, working or visiting within the development.
- (d) Parcels of land within the development proposed to be used for individual building sites should be so arranged or oriented that the traffic generated by the uses within the buildings or on the parcels have the least effect possible on adjoining arterial streets and highways or on lands adjacent to the development.

(2) **Standards.**

- (a) **STANDARD NO. DD-1.** Land development shall be planned to provide safe and convenient vehicular and pedestrian access within and throughout the development as well as between and among other adjacent developments.
- (b) **STANDARD NO. DD-2.** Residential development of medium or high density and commercial development shall include common "open" or "green" space encompassing no less than forty (40%) percent of the entire development.
- (c) **STANDARD NO. DD-3.** Common open space areas shall be integrated with other common open space areas and outdoor park or recreation sites within both the development and community unless infeasible to do so.
- (d) **STANDARD NO. DD-4.** Rear yards, storage yards, parking lots, and loading docks within the development shall be shielded or screened from adjacent streets, highways and uses of two distinctly different character by use of earthen berms, landscape plantings or decorative fencing.
- (e) **STANDARD NO. DD-5.** When deemed by the Town Plan

Commission or Town Board to be appropriate, sidewalks, walking trails/paths or bike/walking paved areas shall be provided within the development to accommodate non-vehicular access to adjacent recreational areas or to service commercial areas within and without the development.

(f) **STANDARD NO. DD.6.** There shall be no ingress/egress from parcels within the development directly to adjacent arterial streets and highways unless absolutely essential.

### **18.34 SIGN PERMIT.**

(A) **Permit Required.** In addition to the requirements of the Kenosha County zoning ordinance, a permit from the Town Building Inspector shall be required for any person to erect, place, replace, move, establish, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, or illuminate any on premise or off premise sign upon private property. Repainting, routinely maintaining, or changing the message on a sign shall not be considered a substantial alteration.

(B) **Application and Fee.** Except as otherwise provided in this chapter, no permit shall be issued until after an application has been filed with the Town Building Inspector showing the plans and specifications, dimensions, materials, and details of construction of any proposed sign, until all provisions of this chapter relating to such sign shall be complied with, and until after the payment of the prescribed fee for every sign permit. The fee for sign permits shall be One Hundred (\$100.00) Dollars per sign structure. Permit fees shall be increased five (5) times when a permit is applied for after the work is started.

Applications for a sign permit shall be comprised, at a minimum, of a set of mandatory submittals as listed in this section. In addition, optional submittals may be required by the Town Building Inspector if deemed necessary due to the character of the particular proposal under consideration. Applications will not be accepted until all required submittals have been provided to the Town Building Inspector.

(C) **Mandatory Submittals.** Every applicant for a sign permit shall submit a written application form, with supplementary attachments on 8½ x 11 paper if necessary, and a depiction of the proposed sign.

(1) The written application form shall contain the following information:

(a) The name, address, and phone number of the applicant.

(b) If the applicant is not the owner of the property on which the sign is to be affixed or constructed, the name, address, and phone number of the owner shall be provided.

- (c) The date of application.
  - (d) Identification of the property in question by street address. If there is no street address, the applicant must provide a description of the location of the proposed sign in relation to surrounding streets and properties.
- (2) A depiction showing the elevation of the proposed sign and containing the following information:
- (a) Dimensions of the sign and dimensions of typical lettering, representations, emblems, logos or symbols that will appear on the sign. This shall include the height and total square footage.
  - (b) The materials of which the sign is proposed to be constructed, labeled descriptively.
  - (c) The general color of the sign or unified business center sign plan.
  - (d) Structural supports or visible methods of attaching the sign, dimensioned in feet, including the total height of the sign.
- (3) A site plan, drawn at a scale of no greater than 1 inch = 30 feet indicating the exact location of the proposed sign and the relationship to other structures and property lines or street right-of-way lines. If the area surrounding the sign is to be landscaped, then the number and distance between trees and shrubs, installation sizes and species shall be provided.

### **18.35 CONDITIONAL USE PERMIT.**

(A) **Authority.** In accordance with Section 12.29-5(C) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinances, the Town Board and Plan Commission shall forward their recommendation to the County Land Use Committee along with standards or conditions which are found to be necessary for the issuance of a conditional use permit in accordance with the standards established by Sections 12.29-1 through 12.29-8, inclusive, of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinances, which are hereby incorporated by reference.

(B) **Form of Conditional Use Permit.** Every conditional use permit issued within the Town shall be in writing and in recordable form so that it may be recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, following approval and execution. Every permit applicant and owner of the premises subject to a conditional use permit shall be required to execute the conditional use permit prior to recordation, which shall be at the expense of the applicant. Any questions concerning the format of the conditional use permit shall be referred to the Town Attorney, whose decision shall be final.



(C) **Conditional Use Fee.** Every applicant, upon seeking the issuance of a conditional use permit, shall pay a fee in the sum of Five Hundred (\$500.00) Dollars, which shall include the cost of recordation of the conditional use permit, in the event that it is granted. Should it become necessary to resubmit an application for a conditional use permit following consideration by the Town, a resubmittal fee in the sum of Two Hundred Fifty (\$250.00) Dollars shall be paid by the applicant. All fees shall be utilized to help defray the cost of review and administration of conditional use permitting including, but not limited to, engineering, legal and administrative expenses.

### **18.36 TEMPORARY MORATORIUM WITHIN GREEN BAY ROAD CORRIDOR.**

(A) **Recitals.**

(1) The Town is experiencing increasing growth pressure, particularly in an area known as the "Green Bay Road Corridor", an area defined hereafter.

(2) The Town needs to accommodate orderly and logical growth and development within the "Green Bay Road Corridor".

(3) Based upon the historical experience of vehicular traffic growth, serious personal injury and fatal traffic accidents, anticipated future growth and proposed development occurring within the Green Bay Road Corridor, as well as the observation of how such vehicular traffic issues have impacted surrounding communities, the Town has determined that it is necessary to review and possibly amend its land division and platting ordinances and its comprehensive plan pursuant to Section 66.1001 of the Wisconsin Statutes (the "planning process") as it relates to vehicular traffic issues.

(4) Existing Town land use policies may allow new development or the intensification of existing development in the Town in the Green Bay Road Corridor that may hamper and curtail the effectiveness of the planning process before it can be completed by the Town. In particular, existing Town ordinance requires the developer of a proposed development to provide a traffic impact analysis (TIA) pursuant to Section 18.31(l)(2)(a) but such analysis identifies the impact of the proposed development on pedestrian or vehicular safety and congestion only in that area immediately contiguous to the proposed development and does not analyze the effects upon the vehicular issues for the entire Green Bay Road Corridor.

(5) It has been determined by the Town Board that it would be necessary and desirable to contract with the Town Engineers for the preparation by the Town Engineer of a comprehensive traffic impact analysis for the Green Bay Road Corridor, as defined hereafter. The planning process will be approximately six (6) months for completion of such report.

(6) A temporary stay on the acceptance, review and approval of land divisions and subdivisions within the Green Bay Road Corridor, as defined hereafter, will provide the Town with the opportunity to complete the planning process.

(7) If there were no temporary stay, hasty and ill-conceived development may occur during the planning process because land owners and developers may seek to rush their projects in order to gain approval before the planning process can be completed by the Town.

(8) The Town Plan Commission, after consideration, has recommended to the Town Board that the Town Board adopt the moratorium embodied by this ordinance.

(9) Subsequent to a Class 2 published notice, a public hearing was held on the 12<sup>th</sup> day of May, 2008, regarding the adoption of the temporary stay as embodied herein.

(10) The Town Board believes that the adoption of a temporary stay, as embodied herein, will promote the public health, safety and general welfare of the Town and encourage the orderly layout and use of land throughout the Green Bay Road Corridor.

(11) It is the intention that the Town shall cooperate with and receive input from the City of Kenosha, the County of Kenosha and the State of Wisconsin Department of Transportation during the planning process as each such entity is a stakeholder in the resolution of the issues sought to be addressed by the planning process.

(12) The temporary stay does not apply to building permits, driveway permits, conditional use permits or certain land division exceptions as are identified hereafter.

(B) **Authority.** Now, therefore, based upon the recitals above, and pursuant to Section 60.10(2)(c), Section 60.22(3), Section 61.34 and Section 236.45 of the Wisconsin Statutes, the Town Board of the Town of Somers, Kenosha County, Wisconsin, does hereby ordain as follows.

(C) **Definitions.**

(1) **Green Bay Road Corridor.** The Green Bay Road Corridor shall be defined as that portion of lands lying within the Town that are located within the Town of Somers and are within Sections 10, 15, 22 or 27 of Town 2 North, Range 22 East and are located East of the Union Pacific Railroad right-of-way which traverses such sections in a general northerly/southerly direction and the western half of Sections 11, 14, 23 and 26 of Town 2 North, Range 22 East. Collectively,

the previously described land shall be known as the "Green Bay Road Corridor" and shall be the impacted area which is subject to the temporary land division and subdivision stay imposed by this ordinance. There is hereby established a temporary stay on the acceptance, review and approval by Town officials, staff or consultants of any applications for a land division or subdivision received by the Town after the effective date of this ordinance within the Green Bay Road Corridor. Nothing herein shall prevent Town officials, staff or consultants from answering questions or inquiries from landowners, potential developers or others concerning development issues during the temporary stay concerning future development of properties located within the Green Bay Road Corridor but no such communications shall be binding upon the Town for any purpose during the temporary stay or any extension thereof.

(2) **Comprehensive Traffic Analysis.** It is the intention of the Town Board to commission and acquire a comprehensive traffic analysis which projects probable traffic volumes, the need for traffic improvements and the impact of probable development on pedestrian or vehicular safety and congestion. In creating such analysis, the Town shall utilize all available planning resources and projections including, but not limited to, the Town's comprehensive land use plan, adopted neighborhood plans, individual traffic impact analysis reports of individual developments and information or data provided by the City of Kenosha, the County of Kenosha or the State of Wisconsin. The creation of the planning document by the Town shall not abrogate the individual developer's responsibility to provide to the Town, as part of the submissions necessary for approval of a proposed development, a traffic impact analysis, as defined and required under Section 18.31(l)(2)(a) of the Code of Ordinances. The submission of an individual traffic impact analysis by a proposed developer pursuant to such ordinance shall be in addition to the planning document which is anticipated to be created for the vehicular traffic within the Green Bay Road Corridor.

(3) **Completed Land Division or Subdivision Application.** For purposes of this Ordinance, a complete land division or subdivision application that has been submitted in conformity with the Town's existing land division ordinance shall mean a land division or subdivision application which has been submitted in conformity with all Town ordinances, requires no extension of municipal sanitary sewer or municipal water service to the subject site in order to provide municipal utility service to that site and which has received the written preliminary approval from any governmental transportation department or agency--i.e. the Wisconsin Department of Transportation and/or the Kenosha County Highway Department--where such land division or subdivision abuts upon lands or highway right-of-ways owned by such transportation agencies.

(D) **Exceptions to Temporary Stay.** The temporary stay on the acceptance, review and approval of land division and subdivision applications for land located within the Green Bay Road Corridor shall not apply to the following:

(1) A complete land division or subdivision application that was submitted in conformity with the Town's existing land division ordinance on or before the effective date of this ordinance.

(2) Land divisions or subdivisions that are necessary to avoid a property owner from being denied all economic use of his or her land.

(3) Land divisions or subdivisions necessary to correct a situation which immediately threatens the public health, welfare or safety.

(E) **Requests for Exemption.**

(1) Any property owner may apply for an exception to the temporary stay of lands located within the Green Bay Road Corridor based on any of the grounds stated in Section (D), above. The application shall be filed with the Town Clerk/Treasurer on a form approved by the Town Board. The property owner shall pay fee of Two Hundred Fifty (\$250.00) Dollars.

(2) Upon receipt of the application and filing fee, the Town Clerk/Treasurer shall refer the application to the Town Plan Commission. After a hearing, the Plan Commission shall make findings and a recommendation to the Town Board that an exception does or does not apply to the application.

(3) Upon receipt of the Plan Commission's recommendation, the Town Board shall act upon the application. The Town Board shall have the authority to approve, deny or conditionally approve the application. If the Town Board determines that the application satisfies one of the exceptions stated in Section (D), above, such action does not limit the Town's authority to approve, deny, or conditionally approve any proposed land division or subdivision under the Town's land division ordinances.

(F) **Duration.** This temporary stay of land divisions or subdivisions within the Green Bay Road Corridor shall expire six (6) months after its effective date, unless an earlier or later date is subsequently adopted.

(G) **Inconsistent Ordinances Voided.** All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this ordinance is in effect.

(H) **Severability.** If any section or part of this ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

(I) **Effective Date.** This ordinance shall become effective upon adoption and

publication or posting, as provided by law.

### **18.37 COMPREHENSIVE PLAN.**

(A) **Authorization.** Pursuant to Sections 62.23(2) and (3), Section 61.35 and Section 60.22(3) of the Wisconsin Statutes, the Town of Somers is authorized to prepare and adopt a comprehensive plan as defined in Section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

(B) **Public Participation.** The Town Board of the Town of Somers, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan, as required by Section 66.1001(4)(a) of the Wisconsin Statutes.

(C) **Scope of Comprehensive Plan.** The Plan Commission of the Town of Somers, by a majority vote of the entire Commission recorded in its official minutes, had adopted a resolution recommending to the Town Board the adoption of the document entitled "A Comprehensive Plan for the Town of Somers", containing all of the elements specified in Section 66.1001(2) of the Wisconsin Statutes and identifying and affecting the following neighborhoods:

- (1) Country Club
- (2) Fairfield
- (3) Hawthorne
- (4) Kilbourn
- (5) Kilbourn South
- (6) Northwest
- (7) Parkside
- (8) Parkside North
- (9) Pike Creek
- (10) Pike River West
- (11) Somers Center East
- (12) Somers Center West
- (13) Somers West

(14) South Central

(15) Southeast

(16) Southwest

(E) **Adoption of Plan.** The Town Board of the Town of Somers, Wisconsin, does by the enactment of this ordinance, formally adopt the document entitled "A Comprehensive Plan for the Town of Somers", as may be amended from time to time, pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes.

(F) **Effective Date.** This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication or posting as required by law.

### **18.38 PUBLIC PARTICIPATION PLAN FOR AMENDING THE COMPREHENSIVE PLAN: TOWN OF SOMERS.**

(A) **Introduction and Background.** On March 9, 2010, the Somers Town Board adopted §18.37 of the Code of Ordinances, the multi-jurisdictional comprehensive plan for Kenosha County, as the Town comprehensive plan under §66.1001 of the Wisconsin Statutes. That plan is documented in a report titled *A Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035*. The comprehensive plan was prepared in accordance with a public participation plan adopted by the Town Board on January 26, 2010, that included activities to foster public participation in the preparation of the comprehensive plan. Under §66.1001(4)(a) of the Wisconsin Statutes, future amendments to the comprehensive plan must also be carried out in accordance with a public participation plan, adopted by the Town Board, designed to foster public participation in the amendment process.

(B) **Public Participation Activities for Future Amendments to the Comprehensive Plan.**

(1) The Town will provide opportunities for public review of materials describing all proposed amendments to the comprehensive plan, including the following:

(a) Printed copies of materials describing a proposed plan amendment will be made available at the Town Hall.

(b) Electronic copies of materials describing a proposed plan amendment will be posted on the Town website.

(2) The Town will hold a public hearing on each proposed amendment to the comprehensive plan. The hearing will include a presentation describing the proposed plan amendment and provide an opportunity for the public to comment on the proposed amendment. The Town Plan Commission and Town Board will

take public testimony provided at the hearing and any written comments submitted to the Town into account during their deliberations and actions on the proposed plan amendment.

(3) The public hearing referred to in subparagraph (2), above, will be preceded by a Class 1 notice that is published at least thirty (30) days before the hearing is held. In accordance with §66.1001(4)(d), Wis. Stats., the notice will include the date, time and place of the hearing; a brief summary of the proposed comprehensive plan amendment; a local contact who may be contacted for additional information on the proposed plan amendment and to whom written comments regarding the plan amendment may be submitted; and information regarding where and when the proposed plan amendment may be inspected before the hearing and how a copy of the proposed plan amendment may be obtained.

(4) The Town Clerk/Treasurer will provide a copy of the public hearing notice and the proposed amendment at least thirty (30) days prior to the public hearing to any person who submits a written request to receive notice of any proposed amendment under §66.1001(4)(f), Wis. Stats. The Town may charge a fee to cover the cost of providing such notice. In accordance with §66.1001(4)(e), Wis. Stats., the Town Clerk/Treasurer will also provide such notice to nonmetallic mining operators within the Town; to persons who have registered a marketable nonmetallic mineral deposit within the Town; or to persons who own or lease property on which nonmetallic minerals may be extracted, if such person has requested notification in writing.

(C) **Adoption of Comprehensive Plan Amendments.** Any plan amendment approved by the Town will be approved by a resolution approved by a majority of the full membership of the Town Plan Commission, and an ordinance adopted by a majority of the full membership of the Town Board. Printed or electronic copies of the amendment and the ordinance adopting the amendment will be sent to all units and agencies of government as required under §66.1001(4)(b), Wis. Stats.

## **18.39 AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF SOMERS.**

(A) **Introduction and Background.** On March 9, 2010, the Somers Town Board adopted Section 18.37 of the Code of Ordinances, the Multi-Jurisdictional Comprehensive Plan for Kenosha County, as the Town Comprehensive Plan under Section 66.1001 of the Wisconsin Statutes. Thereafter, the Somers Town Board adopted Section 18.38 of the Code of Ordinances relating to the public participation requirements for amending the Comprehensive Plan: Town of Somers. Pursuant to Section 18.38(B) of the Code of Ordinances of the Town of Somers, the Town of Somers published a Class 1 public notice and held a public hearing regarding the proposed plan amendment as described hereafter.

(B) **Recommendation by Town Plan Commission of Amendment to Plan.** The Town Plan Commission, by a majority vote of the full membership of the Town Plan Commission held on the 11<sup>th</sup> day of April, 2011, recommended to the Town Board the adoption of an amendment to the Land Use Plan Map to change the land use designation of a parcel of land located at the southwest corner of CTH "E" and CTH "EA" (Tax Parcel No. 80-4-222-161-0104) from "Mixed Use" to "Governmental & Institutional" on the Land Use Plan Map adopted by the Town Board as part of the Comprehensive Plan. By adoption of this ordinance, the Somers Town Board hereby adopts the proposed plan amendment.

(C) **Notice.** The Town Clerk/Treasurer is hereby directed to send a copy of this ordinance and the plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

## **18.40 SECOND AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF SOMERS.**

(A) **Introduction and Background.** On March 9, 2010, the Somers Town Board adopted Section 18.37 of the Code of Ordinances, the Multi-Jurisdictional Comprehensive Plan for Kenosha County, as the Town Comprehensive Plan under Section 66.1001 of the Wisconsin Statutes. Thereafter, the Somers Town Board adopted Section 18.38 of the Code of Ordinances relating to the public participation requirements for amending the Comprehensive Plan: Town of Somers. Pursuant to Section 18.38(B) of the Code of Ordinances of the Town of Somers, the Town of Somers published a Class 1 public notice and held a public hearing regarding the proposed plan amendment as described hereafter.

(B) **Recommendation by Town Plan Commission of Amendment to Plan.** The Town Plan Commission, by a majority vote of the full membership of the Town Plan Commission held on the 13<sup>th</sup> day of October, 2014, recommended to the Town Board the adoption of an amendment to the Land Use Plan Map to change the land use designation of a parcel of land located in the North ½ of Section 3, Town 2 North, Range 22 East (Tax Parcel Nos. 80-4-222-032-0100 and 80-4-222-031-0590) from "Suburban-Density Residential" to General Agricultural and Open Land" on the Land Use Plan Map adopted by the Town Board as part of the Comprehensive Plan. By adoption of this ordinance, the Somers Town Board hereby adopts the proposed plan amendment.

(C) **Notice.** The Town Clerk/Treasurer is hereby directed to send a copy of this ordinance and the plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

## **18.41 THIRD AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF SOMERS.**

(A) **Introduction and Background.** On March 9, 2010, the Somers Town Board adopted Section 18.37 of the Code of Ordinances, the Multi-Jurisdictional Comprehensive Plan for Kenosha County, as the Town Comprehensive Plan under Section 66.1001 of the Wisconsin Statutes. Thereafter, the Somers Town Board adopted Section 18.38 of the Code of Ordinances relating to the public participation requirements for amending the Comprehensive Plan: Town of Somers. Pursuant to



Section 18.38(B) of the Code of Ordinances of the Town of Somers, the Town of Somers published a Class 1 public notice and held a public hearing regarding the proposed plan amendment as described hereafter.

(B)     **Recommendation by Town Plan Commission of Amendment to Plan.** The Town Plan Commission, by a unanimous vote of the full membership of the Town Plan Commission held on the 13<sup>th</sup> day of July, 2015, recommended to the Town Board the adoption of an amendment to the Land Use Plan Map to change the land use designation of a parcel of land located in the Southeast 1/4 of Section 4, Town 2 North, Range 20 East (Tax Parcel No. 80-4-222-044-0200) from "Farmland Protection" to "Farmland Protection" and "General Agricultural & Open Land" on the Land Use Plan Map adopted by the Town Board as part of the Comprehensive Plan. By adoption of this ordinance, the Somers Town Board hereby adopts the proposed plan amendment.

(C)     **Notice.** The Town Clerk/Treasurer is hereby directed to send a copy of this ordinance and the plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

## APPENDIX A – FIGURES

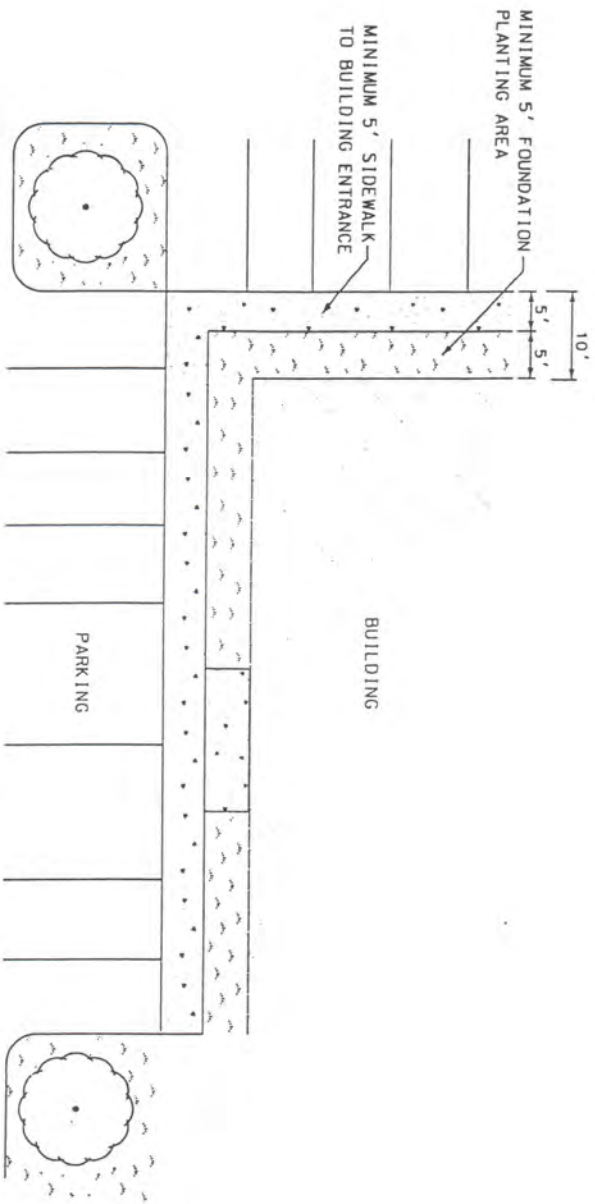


FIGURE 1  
TOWN OF SOMERS  
BUILDING SIDEWALKS  
AND LANDSCAPED AREAS

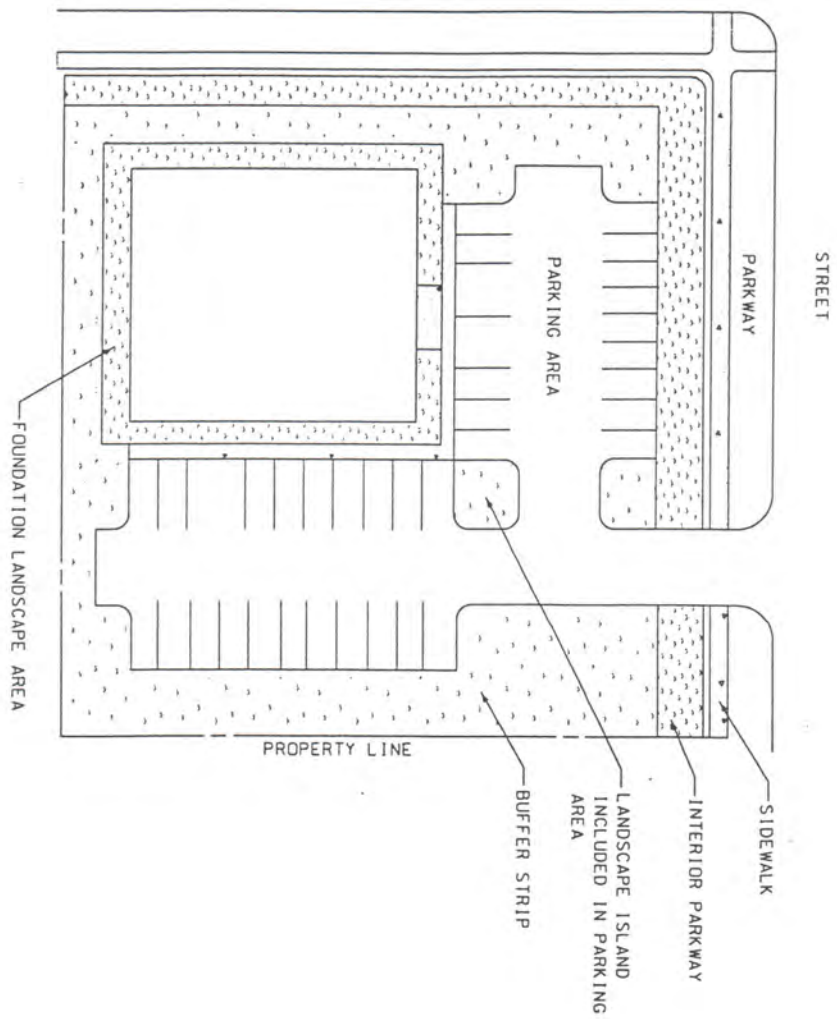
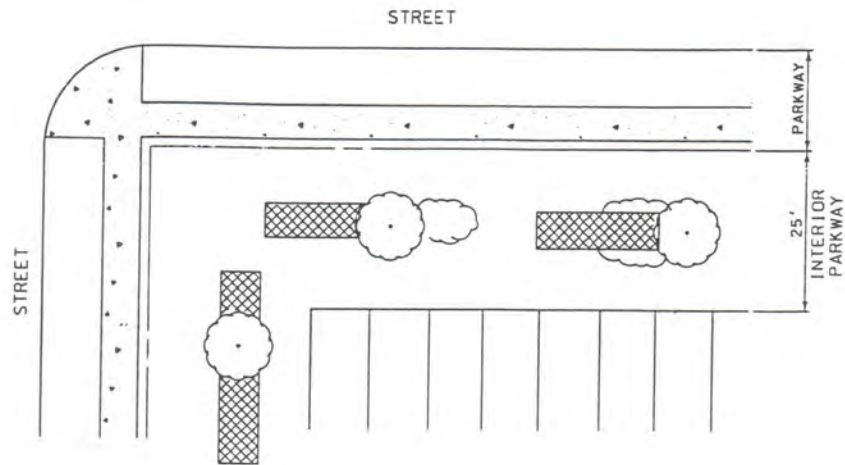
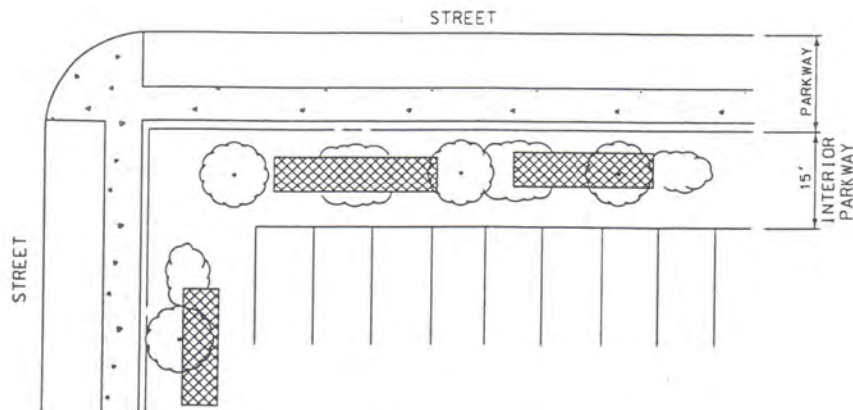


FIGURE 2  
TOWN OF SOMERS  
LANDSCAPED AREAS



OPTION 1



OPTION 2

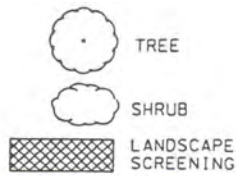


FIGURE 3  
TOWN OF SOMERS  
MULTI-FAMILY INTERIOR  
PARKWAY LANDSCAPING

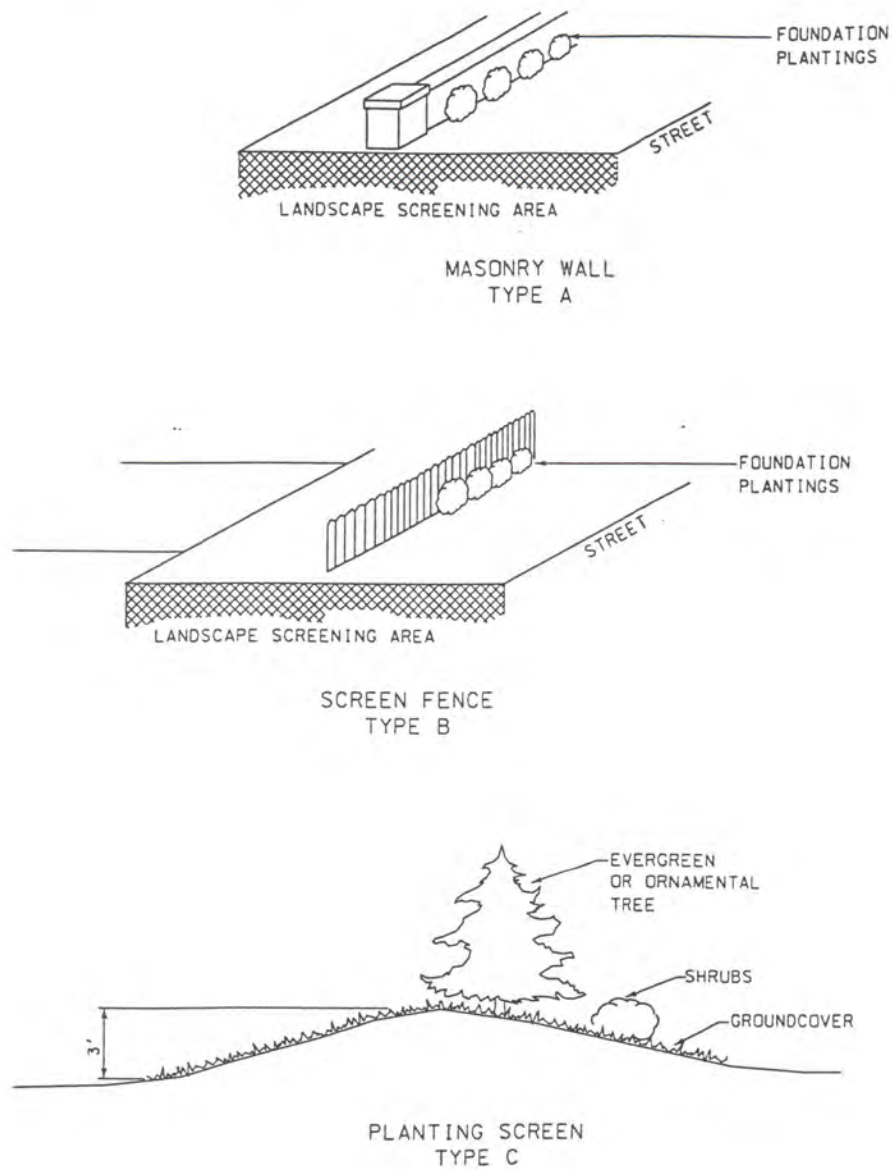
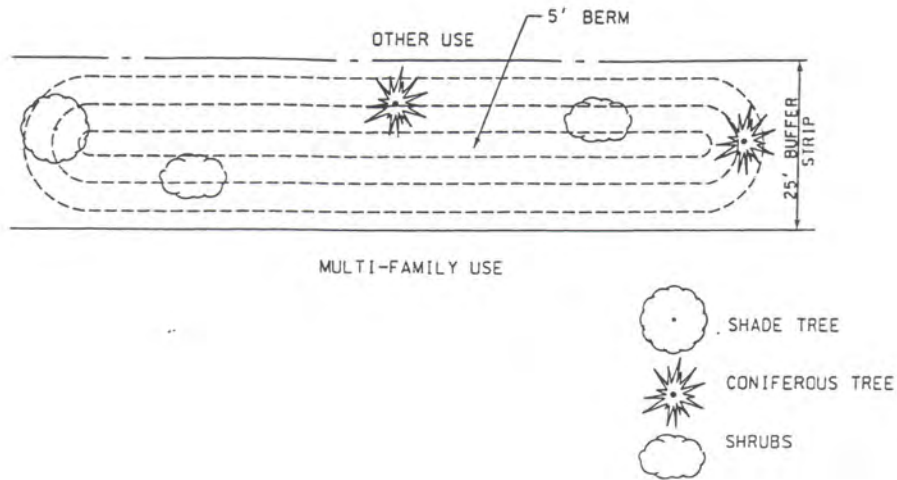
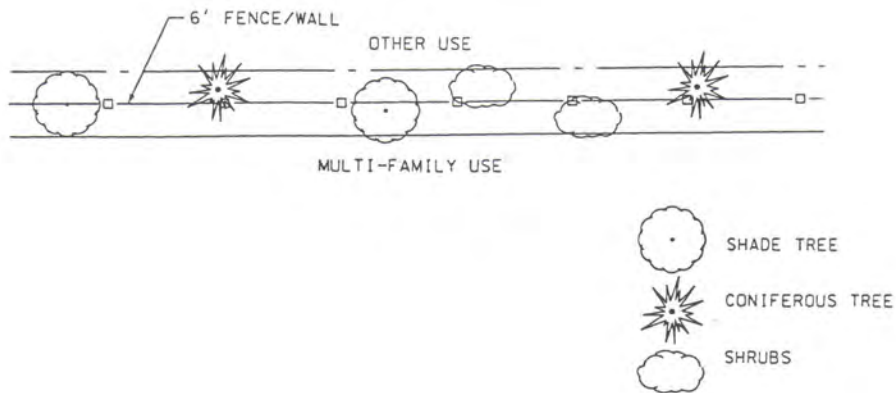


FIGURE 4  
TOWN OF SOMERS  
LANDSCAPE SCREENING  
OPTIONS

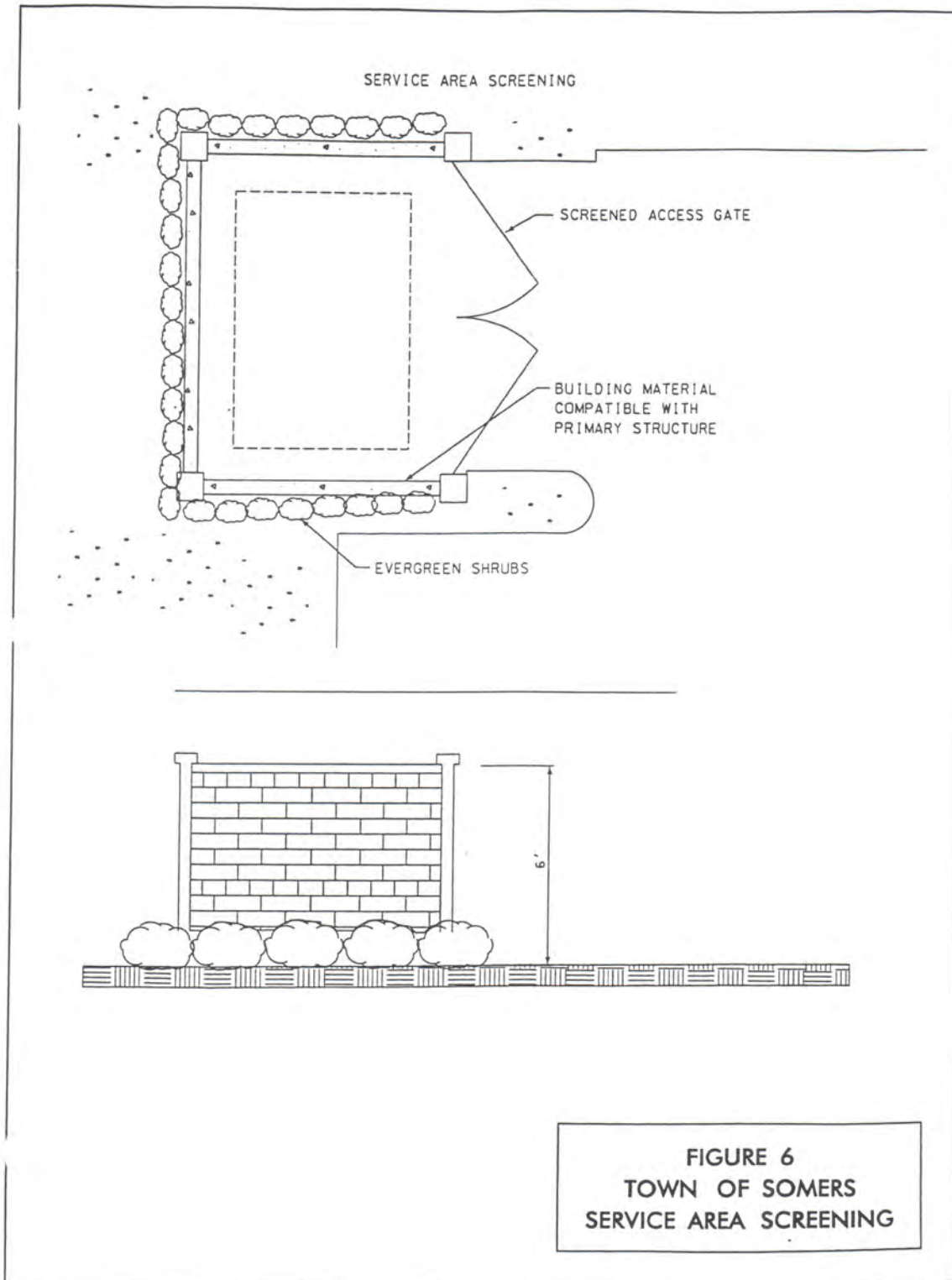
### OPTION 1



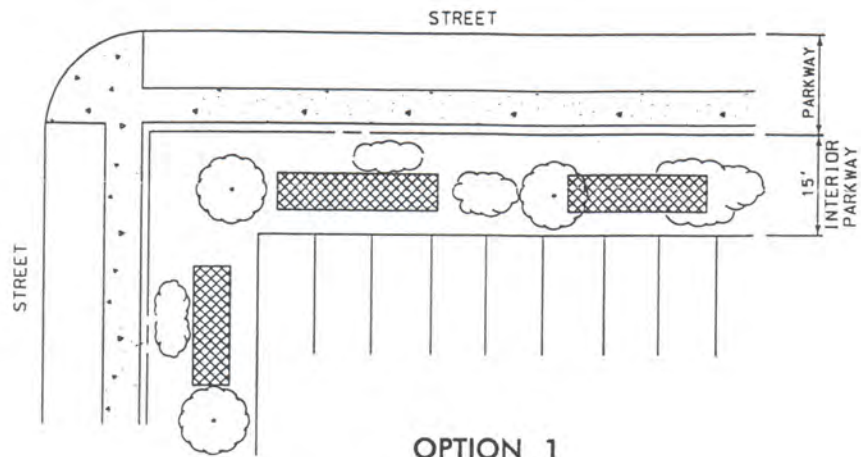
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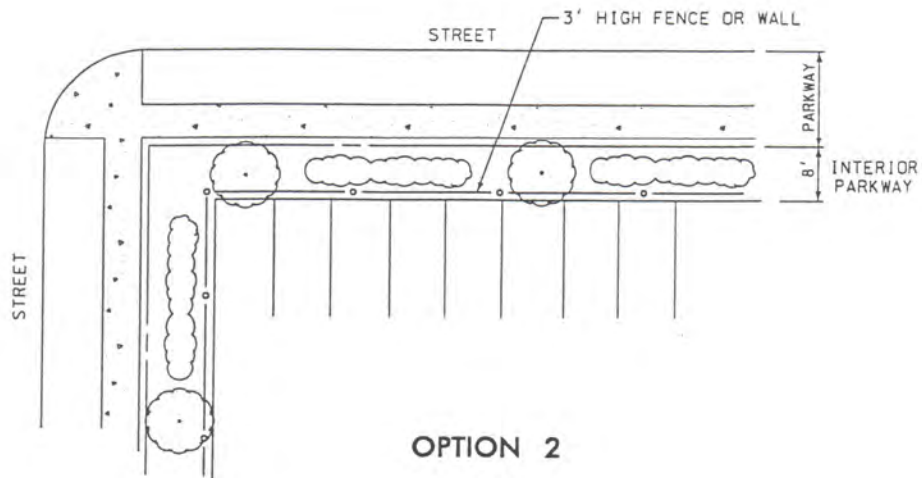
**FIGURE 5**  
**TOWN OF SOMERS**  
**MULTI-FAMILY BUFFER STRIPS**







OPTION 1



OPTION 2

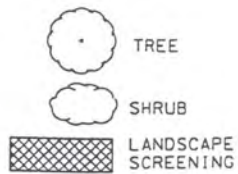
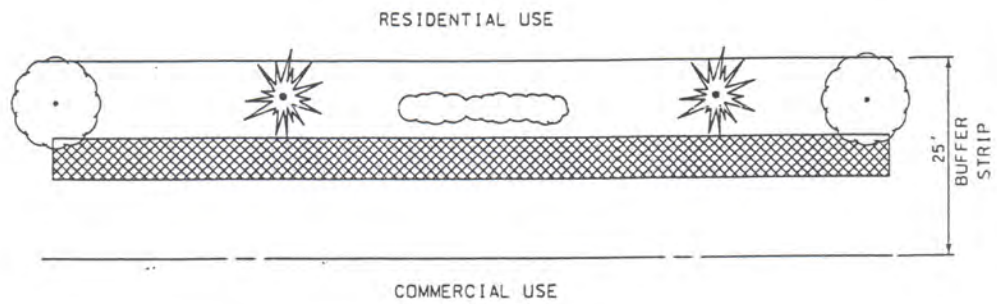
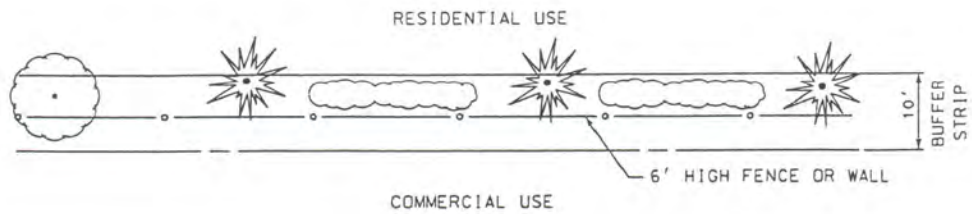


FIGURE 7  
TOWN OF SOMERS  
COMMERCIAL INTERIOR  
PARKWAY LANDSCAPING



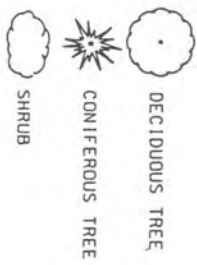
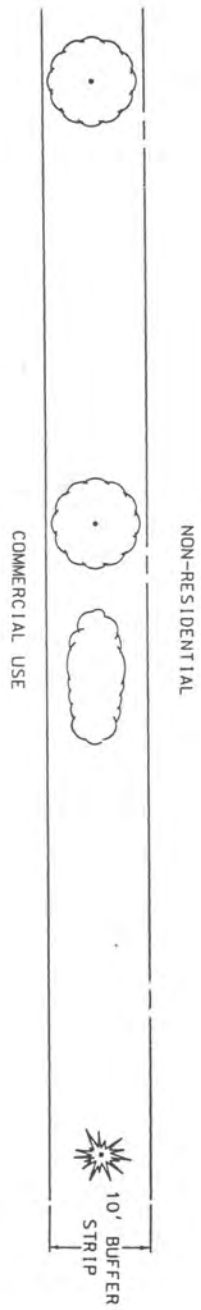
OPTION 1



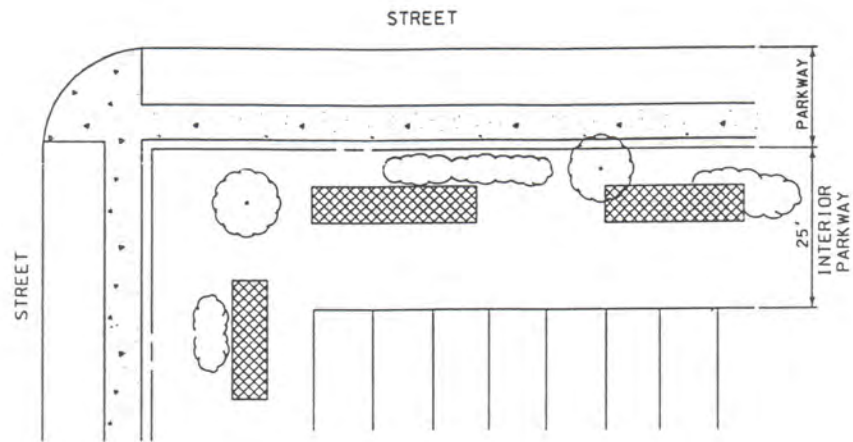
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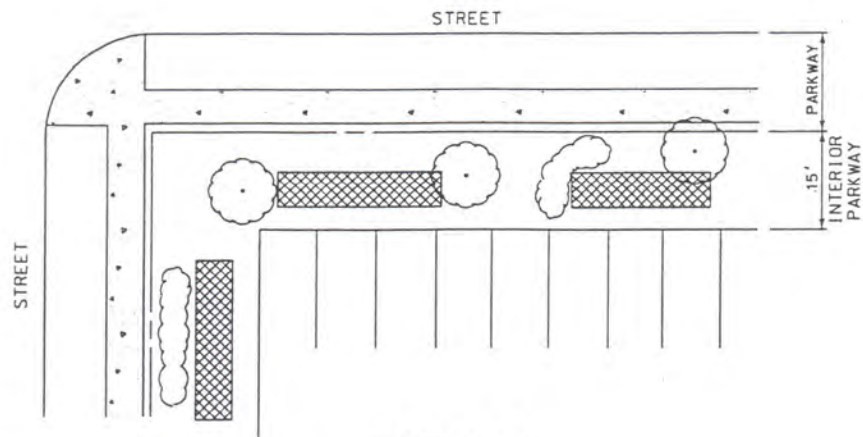
FIGURE 8  
TOWN OF SOMERS  
COMMERCIAL BUFFER STRIP  
ABUTTING RESIDENTIAL ZONE



**FIGURE 9**  
**TOWN OF SOMERS**  
**COMMERCIAL BUFFER STRIPS**  
**ABUTTING NONRESIDENTIAL ZONE**



OPTION 1



OPTION 2

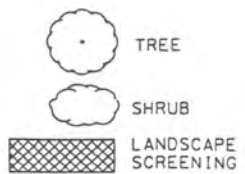
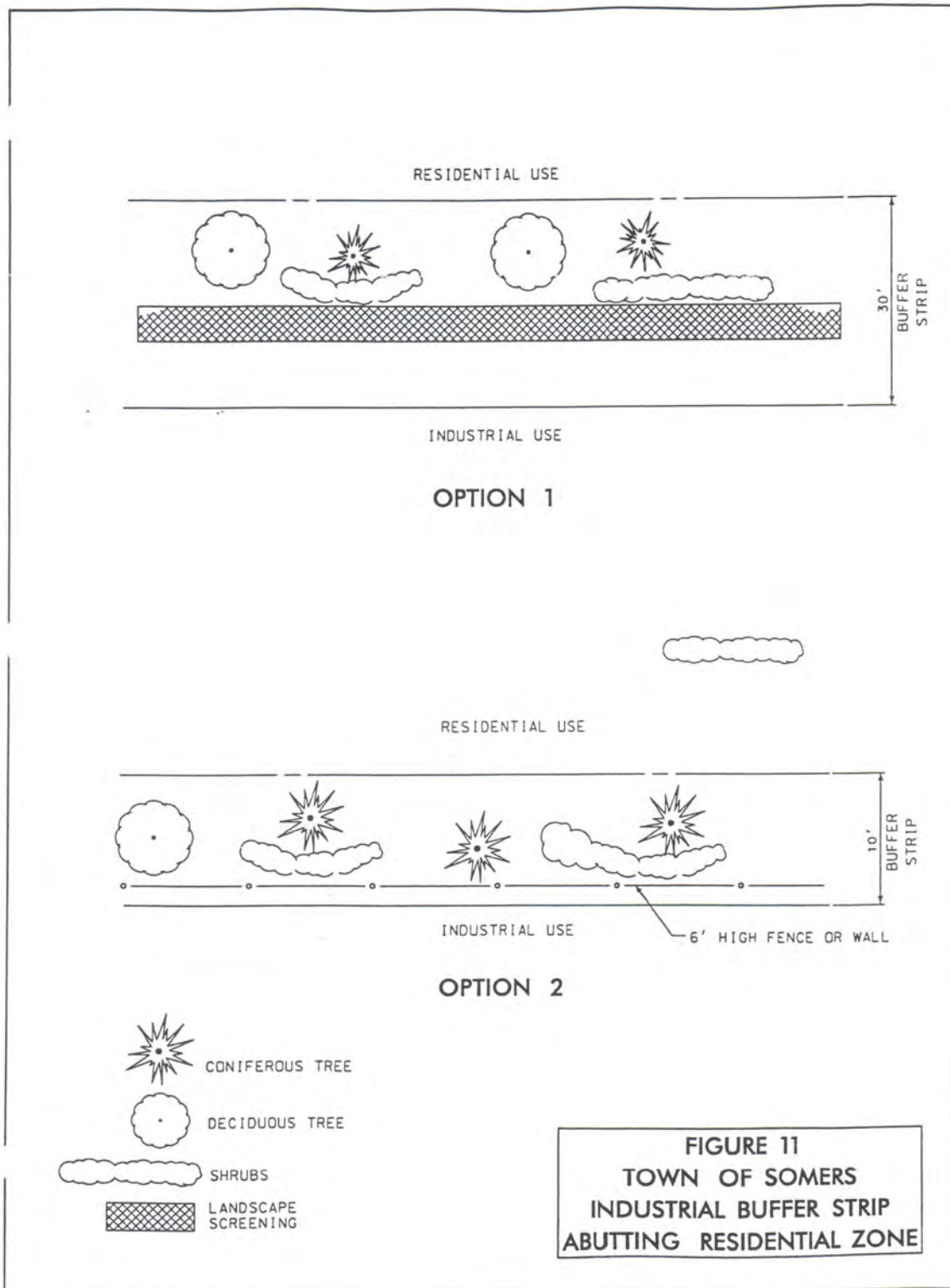


FIGURE 10  
TOWN OF SOMERS  
INDUSTRIAL INTERIOR  
PARKWAY LANDSCAPES



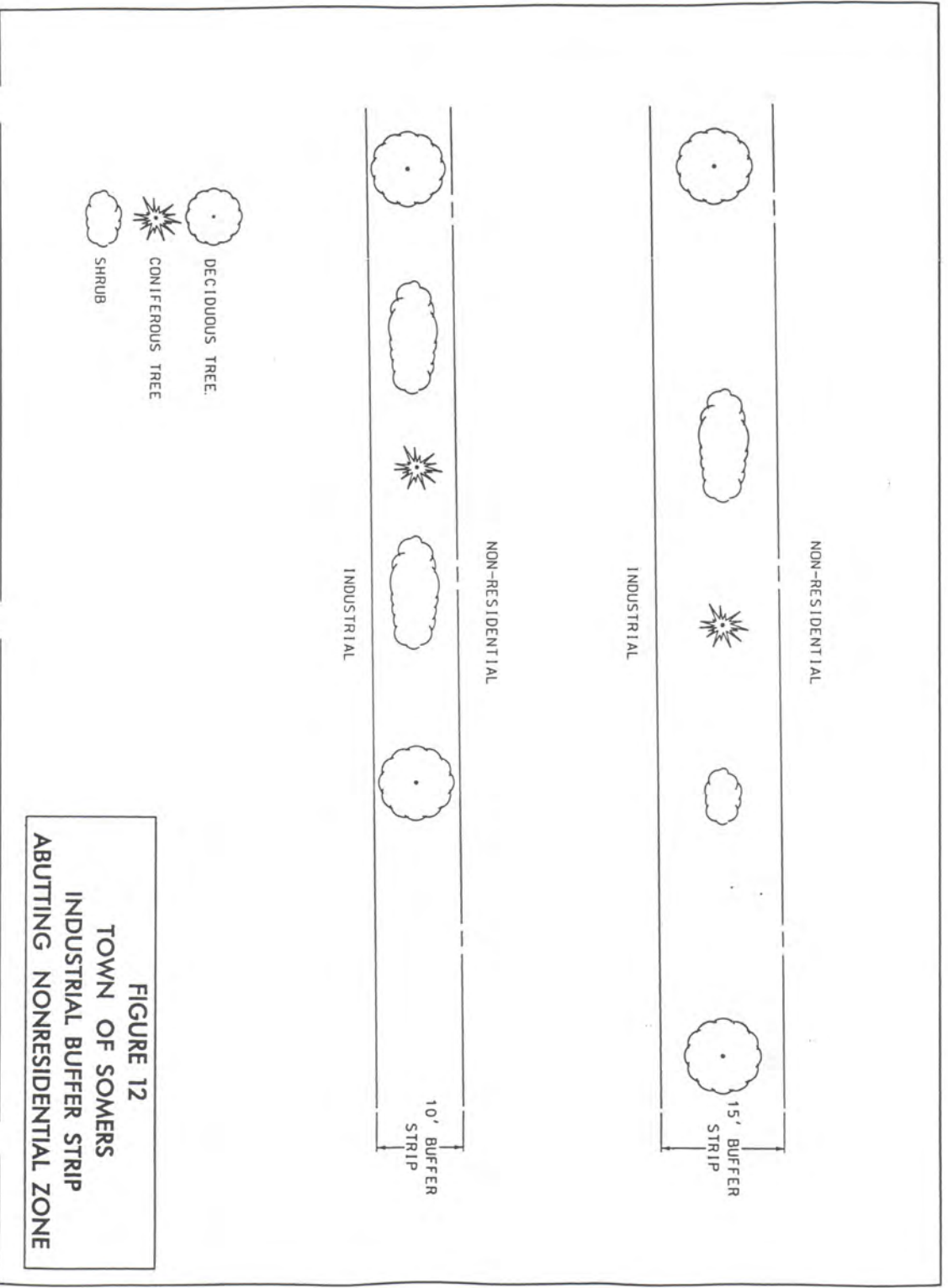


FIGURE 12  
TOWN OF SOMERS  
INDUSTRIAL BUFFER STRIP  
ABUTTING NONRESIDENTIAL ZONE

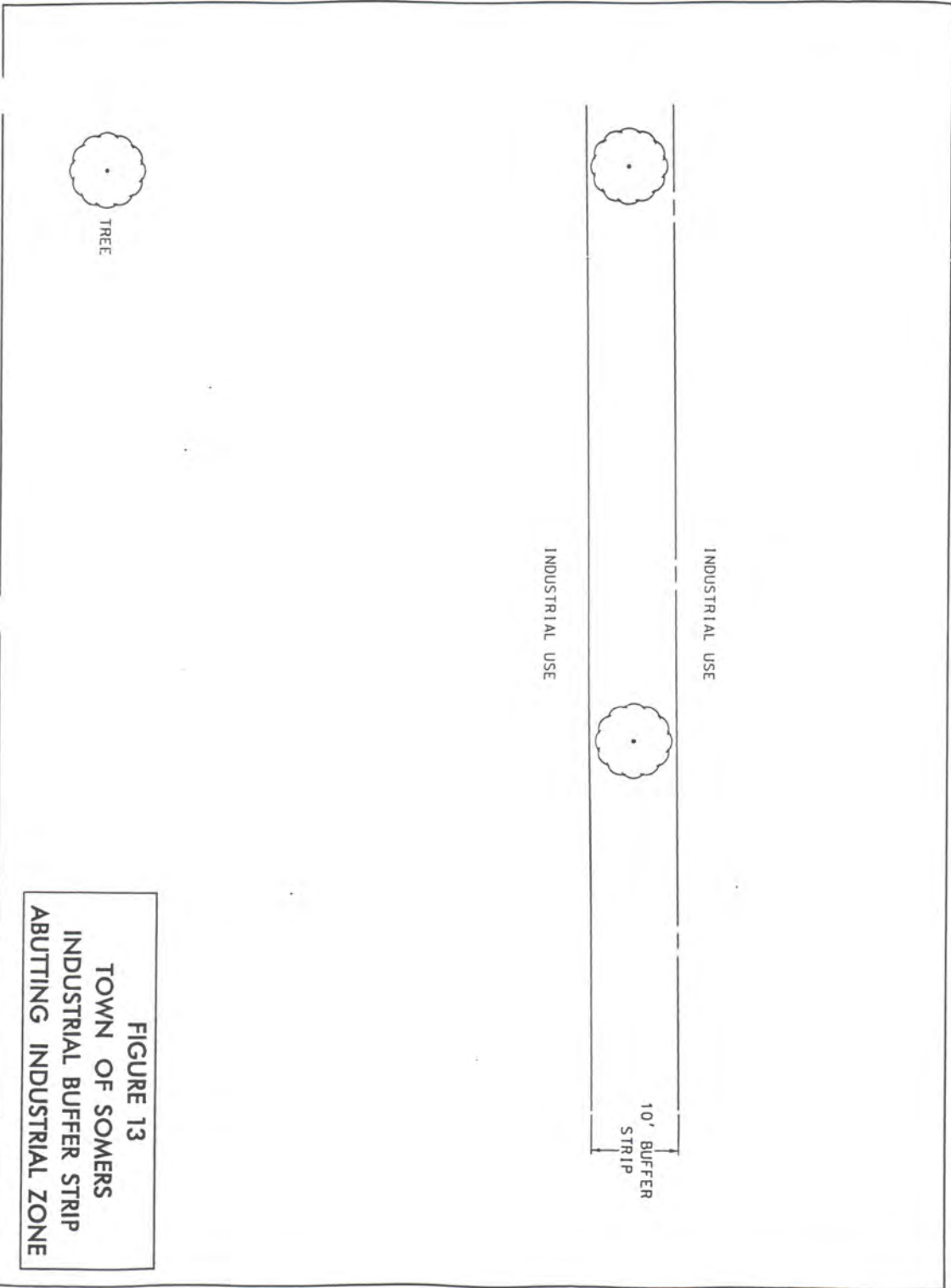
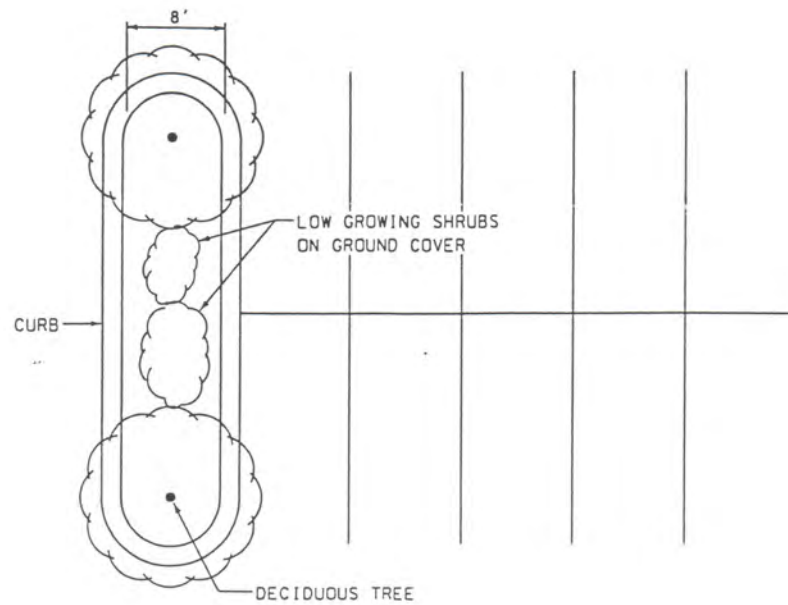


FIGURE 13  
TOWN OF SOMERS  
INDUSTRIAL BUFFER STRIP  
ABUTTING INDUSTRIAL ZONE



TOP VIEW

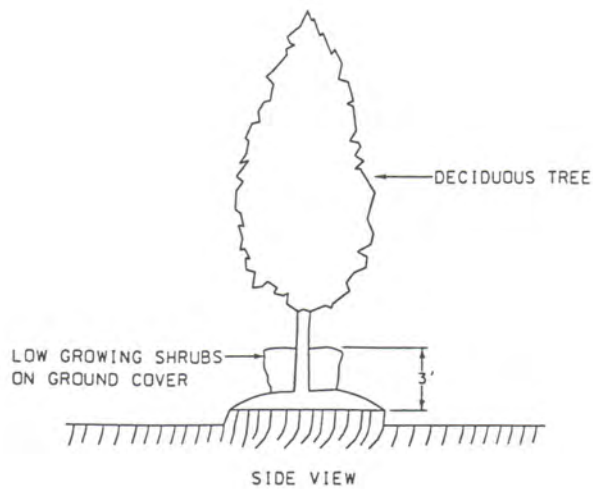
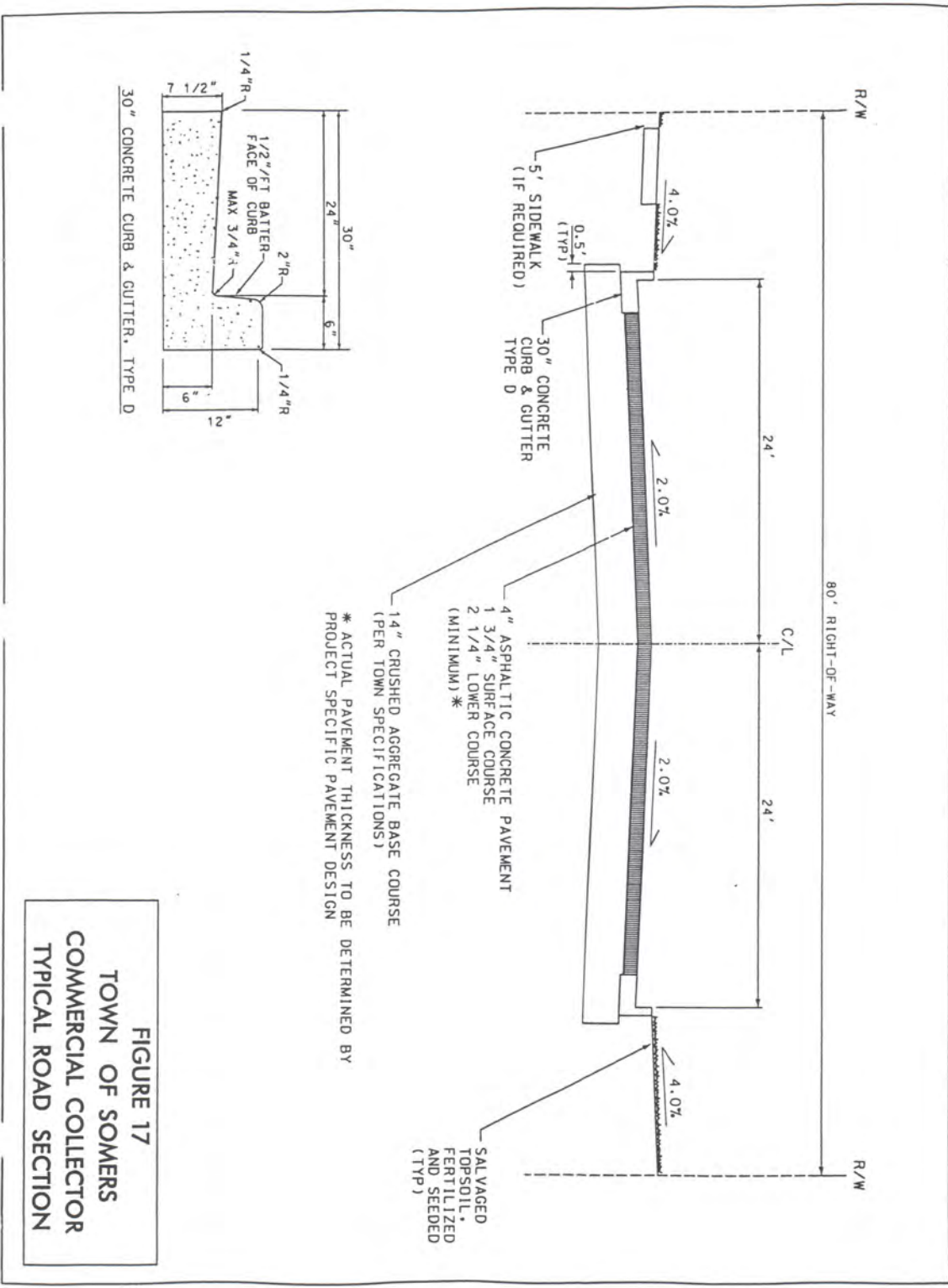


FIGURE 14  
TOWN OF SOMERS  
TYPICAL PARKING LOT  
PLANTING ISLAND

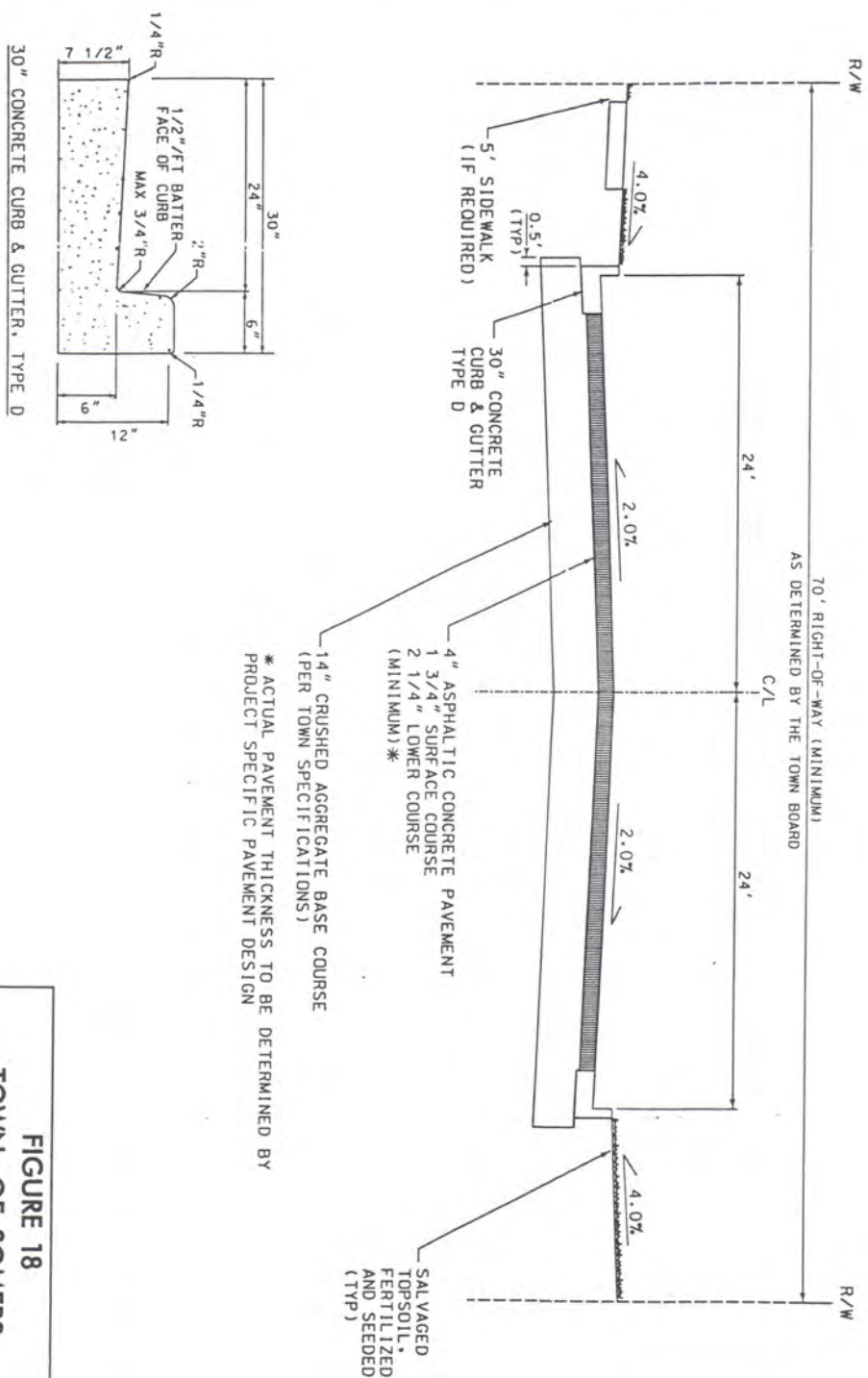








**FIGURE 17**  
**TOWN OF SOMERS**  
**COMMERCIAL COLLECTOR**  
**TYPICAL ROAD SECTION**



**FIGURE 18**  
**TOWN OF SOMERS**  
**INDUSTRIAL ROAD**  
**TYPICAL ROAD SECTION**



FIGURE 19  
TOWN OF SOMERS  
STANDARD CUL-DE-SAC

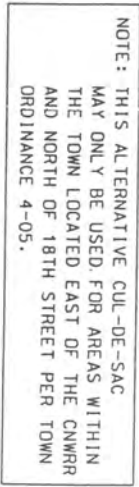


FIGURE 20  
TOWN OF SOMERS  
ALTERNATIVE CUL-DE-SAC

## **APPENDIX B – TABLES**

**TABLE 1**  
**INTERIOR PARKWAY LANDSCAPING**  
**FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

Minimum Requirements	Option 1 Parking Lot in View of the R-O-W	Option 2 Parking Lot in View of the R-O-W
<b>Width of Interior Parkway</b>	25'	15'
<b>Landscape Screening (Select One)</b> - Berming (height % of frontage) - Masonry wall (height % of frontage) - Screen fence of wood or other material (height % of frontage)	3'/50% 3'/50% 3'/50%	3'/75% 3'/75% 3'/75%
<b>Plantings</b> - Trees	One 6' coniferous or one 2.5" caliper deciduous tree per 60' of frontage	One 6' coniferous or one 2.5" caliper deciduous tree per 40' of frontage
<b>Shrubs</b> - Percent of frontage - Percent to be coniferous - Planting size	50% 50% Coniferous - 18" Deciduous - 3'	50% 50% Coniferous - 24" Deciduous - 3'



**TABLE 2**  
**BUFFER STRIPS FOR MULTI-FAMILY RESIDENTIAL USES**

Minimum Requirements	Option 1	Option 2
<b>Minimum Width of Buffer Strip</b>	25'	10'
<b>Number of Trees</b>	One tree per 60' of linear buffer strip	One tree per 30' of linear buffer strip
<b>Size of Trees at Installation</b> - Deciduous trees - Coniferous trees - Ornamental trees	2.5" Caliper 5' Clump tree - 5' Caliper tree- 2"	2.5" Caliper 5' Clump tree - 5' Caliper tree - 2"
<b>Percent of trees to be coniferous</b>	25%	50%
<b>Shrubs</b> - % of buffer to be planted in shrubs - % of shrubs to be coniferous - Height at installation (deciduous) - Height at installation (evergreen)	20% 50% 3' 18"	30% 50% 3' 24"
<b>Screen Fence or Wall</b> - Height above grade - % of buffer strip fence to be installed along	Not required Not required	6' 100%
<b>Berming</b> - Height above grade - % of buffer strip to contain berm	5' 100%	Not required Not required

**TABLE 3**  
**INTERIOR PARKWAY LANDSCAPING FOR COMMERCIAL USES**

Minimum Requirements	Option 1	Option 2	Parking Lot Not in View of R-O-W
<b>Width of Interior Parkway</b>	15'	8'	Not required
<b>Landscape Screening (Select One)</b> - Berming (height % of frontage) - Masonry wall (height % of frontage) - Screen fence of wood or other material (height % of frontage)	3'/50% 3'/50% 3'/50%	N/A 3'/100% 3'/100%	Not required
<b>Plantings</b> Number of trees  <b>Size at Installation</b> - Deciduous trees - Coniferous trees - Ornamental trees  <b>Percent of trees to be coniferous</b>	One tree per 40' of linear street frontage  2.5" Caliper 6' Clump tree - 5' Caliper tree - 2.5"	One tree per 40' of linear street frontage	Not required
<b>Shrubs</b> - Percent of Frontage - Percent to be coniferous - Planting Size	50% 50% Coniferous - 18" Deciduous - 3'	75% 50% Coniferous - 24" Deciduous - 3'	

**TABLE 4**  
**BUFFER STRIPS FOR COMMERCIAL USES**

Minimum Requirements	Option 1 Commercial Use Adjacent to Residential	Option 2 Commercial Use Adjacent to Residential	Commercial Use Adjacent to Non-Residential
<b>Minimum Width of Buffers</b>	25' feet	10'	10'
<b>Number of Trees</b>	One tree per 40' of linear buffer strip	One tree per 40' of linear buffer strip	One tree per 60' of linear buffer strip
<b>Size of Trees at Installation</b> - Deciduous trees - Coniferous trees - Ornamental trees	2.5" Caliper 5' Clump tree - 5' Caliper tree - 2"	2.5" Caliper 5' Clump tree - 5' Caliper Tree- 2"	2.5" Caliper 5' Clump tree - 5' Caliper Tree - 2"
<b>Percent of Trees to be Coniferous</b>	50%	75%	25%
<b>Shrubs</b> - % of buffer strip to be planted with shrubs - % of shrubs to be coniferous - Size of deciduous shrubs - Size of coniferous shrubs	25% 50% 3' 18"	40% 50% 3' 18"	20% 50% 3' 18"
<b>Screen Fence or Wall</b> - Height above grade - % of buffer to contain fence/wall	6' 100% or berm	6' 100%	Not required Not required
<b>Berming</b> - Height above surrounding grade - % of buffer to contain berming	5' 100%	Not required Not required	Not required Not required

**TABLE 5**  
**INTERIOR PARKWAY LANDSCAPING FOR INDUSTRIAL DEVELOPMENT**

Minimum Requirements	Option 1	Option 2
<b>Width of Interior Parkway</b>	25'	15'
<b>Landscape Screening (Select One)</b> - Berming (height % of frontage) - Masonry wall (height % of frontage) - Screen fence of wood or other material (height % of frontage)	3'/50% 3'/50% 3'/50%	3'/75% 3'/75% 3'/75%
<b>Plantings</b>		
<b>Trees</b>	One 6' coniferous or one 2.5" caliper deciduous tree per 60' of frontage	One 6' coniferous or one 2.5" caliper deciduous tree per 40' of frontage
<b>Shrubs</b> - Percent of frontage - Percent to be coniferous - Planting size	50% 50% Coniferous - 18" Deciduous - 3'	50% 50% Coniferous - 24" Deciduous - 3'

**TABLE 6**  
**BUFFER STRIPS FOR INDUSTRIAL USES**

Minimum Requirements	Option 1 Industrial Use Adjacent to Residential	Option 2 Industrial Use Adjacent to Residential
<b>Minimum Width of Buffers</b>	30'	20'
<b>Number of Trees</b>	One tree per 40' of linear buffer strip	One tree per 40' of linear buffer strip
<b>Size of Trees at Installation</b> - Deciduous trees - Coniferous trees - Ornamental trees	2.5" Caliper 5' Clump tree - 5' Caliper tree - 2"	2.5" Caliper 6' Clump tree - 5' Caliper Tree - 2"
<b>Percent of Trees to be Coniferous</b>	50%	75%
<b>Shrubs</b> - % of buffer strip to be planted with shrubs - % of shrubs to be coniferous - Size of deciduous shrubs - Size of coniferous shrubs	50% 50% 3' 18"	50% 50% 3' 18"
<b>Screen Fence or Wall</b> - Height above grade - % of buffer to contain fence/wall	6' 100% or berm	6' Not required
<b>Berming</b> - Height above surrounding grade - % of buffer to contain berming	6' 100%	Not required Not required

**TABLE 7**  
**BUFFER STRIPS FOR INDUSTRIAL USES**

Minimum Requirements	Option 1 Industrial Use Adjacent to Non-Residential	Option 2 Industrial Use Adjacent to Non-Residential
<b>Minimum Width of Buffers</b>	15'	10'
<b>Number of Trees</b>	One tree per 60' of linear buffer strip	One tree per 60' of linear buffer strip
<b>Size of Trees at Installation</b> - Deciduous trees - Coniferous trees - Ornamental trees	2.5" Caliper 6' Clump tree - 5' Caliper tree - 2.5"	2.5" Caliper 6' Clump tree - 5' Caliper tree - 2.5"
<b>Percent of Trees to be Coniferous</b>	50%	50%
<b>Shrubs</b> - % of buffer strip to be planted with shrubs - % of shrubs to be coniferous - Size of deciduous shrubs - Size of coniferous shrubs	50% 50% 3' 18"	50% 50% 3' 18"
<b>Screen Fence or Wall</b> - Height above grade - % of buffer to contain fence/wall	Not required Not required	Not required Not required
<b>Berming</b> - Height above surrounding grade - % of buffer to contain berming	Not required Not required	Not required Not required

**TABLE 8**  
**BUFFER STRIPS FOR INDUSTRIAL USES**

Minimum Requirements	Industrial Use Adjacent to Industrial Use
<b>Minimum Width of Buffers</b>	10'
<b>Number of Trees</b>	One tree per 80' of linear buffer strip (as measured from the front lot line to the rear of the building)
<b>Size at Installation</b> - Deciduous trees - Coniferous trees - Ornamental trees	2.5" Caliper 5' Clump tree - 5' Caliper tree - 2.5"
<b>Screen Fence or Wall</b> - Height above grade - % of buffer to contain fence/wall	Not required Not required
<b>Berming</b> - Height above surrounding grade - % of buffer to contain berming	Not required Not required