

Chapter 18

Land Division

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ARTICLE I. GENERAL

Sec.18.01. Statutory authority.

The provisions of this chapter are adopted by the Town of Wausau pursuant to the authority granted by Wisconsin Statutes including but not limited to Wis. Stats. ch. 236 and ch. 703 and by the town's adoption of village powers under Section 60.10.

Sec.18.02. Title.

This chapter shall be known as the Town of Wausau Land Division Ordinance.

Sec.18.03. Purpose.

1. The purpose of this chapter is to control the division of land and to promote public health, safety and general welfare per Wis. Stats. §236.01. The regulations are intended to encourage the most appropriate use of land, to provide the best possible environment for human habitation and to conserve the value of buildings placed upon the land by:

- a. Furthering the orderly layout and use of land.
- b. Securing safety from fire, flooding and other dangers.
- c. Providing adequate light and air.
- d. Preventing overcrowding of land.
- e. Facilitating adequate provision for transportation, water, sewage, schools, parks, playgrounds, other public requirements, and the utilization of alternative energy sources.
- f. Conserving valuable natural resources such as floodplain areas, wetlands, and prime agricultural land.
- g. Facilitating further re-subdivision of large tracts into smaller parcels of land.
- h. Providing uniform and accurate maps and boundary descriptions of parcels of land.

Sec. 18.04. Administration, enforcement, fees, variances and appeals.

The following offices of the government of the Town of Wausau shall be responsible for the administration and enforcement of this chapter:

1. Town board. The town board is vested with all the following responsibilities in regard to subdivision control:
 - a. Approval or disapproval of all final plats.
 - b. Approval or disapproval of all modifications recommended by the planning commission.
 - c. Amend the regulations of this chapter when found necessary and desirable.
 - d. Institute appropriate proceedings to enforce the provisions of this chapter.

2. Planning commission and zoning administrator. The zoning administrator along with the planning commission shall administer the provisions of this chapter and, in addition thereto and in furtherance of that authority, shall:

- a. Maintain permanent and current records of this chapter including amendments.
- b. Receive and file all preliminary and final plats, together with applications.
- c. Receive and file all final plats and check their compliance with the preliminary plat.
- d. Make all other determinations required by the regulations in this chapter.
- e. Review all preliminary subdivision plats and make determinations in the areas of design standards and forward its determinations and recommendations to the town board.
- f. Forward all final plats and recommendations to the town board.

3. Fees. Application fees are subject to change. The subdivider shall pay the fees specified at the time of formal submission of application.

4. Violations. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or condominium plat within the jurisdiction of this chapter and not of record as of the effective date of this chapter, until the provisions and requirements of this chapter have been fully met. The Town of Wausau may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

5. Penalties. Any person failing to comply with the provision of this chapter shall be subject to a penalty as provided by the Town of Wausau Zoning Ordinance.

a. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

b. The town shall withhold permit(s) pursuant to this chapter where the applicant, owner or licensed contractor is in violation of this and any ordinance administered by the Town and for any parcel(s) of land which has an outstanding violation(s) until the violation(s) has been corrected.

c. The following shall be subject to the State Statute noted:

(1) Recordation improperly made shall be subject to the provision of Wis. Stats. §70.27.

(2) Conveyance of lots in unrecorded plats shall be subject to the provision of Wis. Stats. § 236.31.

(3) Monuments disturbed or not placed shall be subject to the provisions of Wis. Stats. § 236.32.

(4) Assessor's plat may be ordered by the Town of Wausau when a subdivision is increased by successive divisions as provided in Wis. Stats. § 236.31(20).

6. Hardships. Where because of unique conditions it is inappropriate to apply literally the provisions of the land division ordinances and where such literal applications would impose undue hardship, the town in its exclusive judgment may vary the requirements of this chapter so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter. The town may attach conditions to the granting of such modifications to assure that the

purpose and intent of the ordinance are observed and that compliance with any other applicable laws is achieved. (Amended 2/6/2017)

7. Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal there from to the courts as provided in Wis. Stats. §§236.13 (5) and 62.23(7).

8. Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the Town of Wausau and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

9. Interpretations:

a. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

b. Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other applicable law, ordinance resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

10. Vacations and replats. Replats of all or part of a recorded land division shall occur pursuant to Wis. Stats. §§236.36 through 236.45.

11. Waiver of liability:

a. In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the town, its agents and employees.

b. In such matters, it is understood that the town officers, its agents and employees act as agents and representatives of the town.

c. Since there can be considerable variation in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this chapter, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the town, its agents and employees where, as the result of individual lot soil tests, a state approved private sewage system other than the type expected must be used.

12. Severability. Should any section, clause, provision or portion of this chapter be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Sec.18.05. Definitions.

1. Administrator. The Town of Wausau zoning administrator.

2. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or municipal boundary lines of the Town of Wausau.

3. Building. A structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind and which is permanently affixed to the land. When a building

is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

4. Building setback line. A line within a lot of other parcel of land so designated on the preliminary plat, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited as prescribed by the Town of Wausau Zoning Ordinance.
5. Certified survey map (CSM). As defined in Wis. Stats. § 236.34.
6. Commission. The Town of Wausau planning commission authorized by Wis. Stats. § 60.62(4).
7. Condominium. Property subject to a condominium declaration established under Wis. Stats. ch.703.
8. County. Reference to county shall mean Marathon County and shall include any agency, department or committee thereof.
9. Cul-de-sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
10. Easement. Easement is a grant by a property owner for the use of land for a specific purpose.
11. Final plat. The map or plan of record of a subdivision and any accompanying material and containing the requirements set forth in Wis. Stats. § 236.20.
12. Frontage. The distance between the side lot lines of a lot measured along the lot boundary abutting the road right-of-way designated to provide access to the lot or parcel.
13. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure and/or the slope of a road, street or other public way specified in percent (%).
14. Improvement, public. Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the Town of Wausau may ultimately assume the responsibility for maintenance and operation.
15. Limited access expressway or highway. A traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except only at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.
16. Lot. A parcel of land which is either a lot of record or a zoning lot or a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
17. Lot Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135°).
18. Lot, through. A lot which has frontage along two (2), more or less parallel public streets and which is not a corner lot. On a "through lot," both street frontage lines shall be deemed front lot lines.
19. Outlot. A parcel of land other than a lot or block so designated on a plat.
20. Owner. Any person, groups of persons, firm, corporation or any other legal entity having legal title to the land sought to be subdivided under these ordinances.

21. Preliminary plat. A map showing the salient features of a proposed subdivision submitted to the commission for purposes of preliminary consideration.
22. Right-of-way. Right-of-way is a strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, walkway, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the divider of the plat on which such right-of-way is established.
23. Roadway. Paved portion of the street available for vehicular traffic.
24. Service Drive. A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
25. Sewage disposal system, private, a/k/a private on-site waste treatment system. A septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the town board or planning commission as being in accordance with the rules of the State Board of Health and servicing only one lot.
26. Sidewalk. That portion of a street or walkway, paved or otherwise surfaced intended for pedestrian use only.
27. Street. A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway or however otherwise designated but excepting driveways to buildings.
28. Street, collector. A street which carries traffic from minor streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.
29. Street, marginal access, a/k/a frontage road. A minor street which parallels and is adjacent to a major arterial or highway and which provides access to abutting properties and protection from through traffic.
30. Street, minor. A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.
31. Street, through. A street which begins and ends on another public street.
32. Subdivider. Any person, corporation or authorized agent who undertakes the subdivision of land as defined in this section.
33. Subdivision. The division of a lot or parcel of land for the purpose of transfer of ownership or building development.
34. Subdivision, minor (certified survey map). A land division creating one (1) but not more than four (4) parcels or lots which are ten (10) acres or less in size or the division of a lot or outlot within a recorded subdivision into not more than four (4) parcels of lots without changing the original exterior boundaries of the lot or outlot within any five (5)-year period.
35. Subdivision, county. A land division creating five (5) or more parcels or lots which are between one and one-half (1½) acres to ten (10) acres in size and may include no more than four (4) parcels of one and one-half (1½) acres or less within any five (5)-year period.

36. Subdivision, state. A land division creating five (5) or more parcels or lots of one and one-half (1½) acres or less in an area or where five (5) or more parcels of lots of one and one-half (1½) acres or less in area are created by successive divisions within a period of five (5) years.

37. Subdivision design standards. The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.

38. Thoroughfare. A street with a high degree of continuity, including collectors, and major arterials.

39. Town. Reference to town shall mean the Town of Wausau including the town board, town clerk, planning commission or any other designee.

40. Walkway. A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians but which may include utilities where necessary.

41. Water supply, individual. A well and appurtenances usually supplying only one (1) lot and subject to the approval of the town board or town planning commission.

42. Zoning ordinances. The Town of Wausau Zoning Ordinance, as amended, adopted and approved by the town board.

Sec.18.06. Geographic jurisdiction.

This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

Sec.18.07. Land division governed by this chapter.

1. This chapter shall apply to:

a. The act of division of a lot, parcel or tract which existed on the effective date of this chapter by the owner thereof or his agent for the purpose of recording where the act of division creates one or more new lots, parcels or tracts.

b. Certified survey maps prepared for the purpose of monumenting existing parcels that are metes and bounds or rectangular descriptions.

2. This ordinance shall not apply to the following per Wis. Stats. § 236.45(2).

a. Transfers 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. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws and ordinances, except a certified survey map must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum sizes required by law.

d. Assessor's plats made under Wis. Stats. §70.27.

e. Transfers of parcels which are larger than ten (10) acres excluding any right-of-way or easement of twenty (20) feet or wider.

Sec.18.08. Classification of land divisions.

Any contiguous parcel or tract which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this chapter unless it is bisected by an existing dedicated street or by navigable water. The zoning administrator shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the commission. Land division is classified under this chapter as either:

a. Subdivision, minor (certified survey map). A land division creating one (1) but not more than four (4) parcels or lots which are ten (10) acres or less in size or the division of a lot or outlot within a recorded subdivision into not more than four (4) parcels of lots without changing the original exterior boundaries of the lot or outlot within any five (5)-year period.

b. Subdivision, county. A land division creating five (5) or more parcels or lots which are between one and one-half (1½) acres to ten (10) acres in size and may include no more than four (4) parcels of one and one-half (1½) acres or less within any five (5)-year period.

c. Subdivision, state. A land division creating five (5) or more parcels or lots of one and one-half (1½) acres or less in an area or where five (5) or more parcels of lots of one and one-half (1½) acres or less in area are created by successive divisions within a period of five (5) years.

ARTICLE II. PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

Sec.18.09. Pre-application consultation.

Whenever any person, firm or corporation proposes to divide any land located in the town, the subdivider shall first contact the Town of Wausau zoning administrator. At that time, the applicant should inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator shall explain to the applicant:

- a. Whether the proposal will require planning commission review;
- b. Which standards of this chapter and if Wis. Stats. ch. 236 will apply to the land division;
- c. The procedure to follow for a land division to occur in the town;
- d. That a town land division application must be filed with the zoning administrator and the number of copies needed will be determined by the town clerk; and
- e. That building permits will not be issued until the project is approved.

Sec.18.10. Review of minor (CSM) subdivisions.

1. All land divisions shall be created by use of a certified survey map (CSM) and a town land division application must be completed. Such map and application shall be submitted to the administrator.
2. The administrator shall present the land division request to the planning commission and town for review.

3. The planning commission shall conduct a meeting to review the proposed application and certified survey map. Within fifteen (15) days of the public meeting the planning commission shall issue a written recommendation to the town board recommending approval, conditional approval or rejection of the project.
4. The town board shall review the planning commission's recommendation at the next town board meeting. The town board shall issue a decision within ninety (90) days of the date the land division application was received by the zoning administrator, unless the time is extended by agreement with the subdivider.
5. The following information is needed when submitting a CSM application:
 - a. Name of the proposed subdivision on each sheet;
 - b. Name of the proposed streets, which shall not duplicate or be similar in pronunciation or spelling to the names in any plat recorded in the town;
 - c. Legal description of the proposed land division and total area in acres or square feet to be divided;
 - d. Ordinary high water mark or, where established, an OHW elevation based on USGS datum and boundaries of wetlands within or contiguous to the subdivision from the most recent DNR Wetlands Inventory Maps or as staked in the field by a wetland delineator as approved by the state;
 - e. Any existing or proposed lake or stream access;
 - f. The regional floodplain boundary and the contour which is two (2) feet above floodplain using mean sea level datum;
 - g. Location of right-of-way width and names of all existing and proposed streets;
 - h. Dimensions of all lots, together with proposed lot and block numbers;
 - i. Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting;
 - j. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that he/she has fully complied with this chapter;
 - k. Scale of one inch (1") = one hundred feet (100') - an alternate scale may be used with prior written approval from the Town of Wausau zoning administrator;
 - l. North arrow and the preparation date on each sheet; and
6. Key map including the area within a one (1)-mile radius of the CSM.

Sec.18.11. Review of proposed subdivision plats.

1. Pre-Preliminary Plat Consultation. Where it is desired to create a subdivision plat, it is necessary that the subdivider meet with the zoning administrator to review the proposed subdivision. It is also recommended that the following information be prepared for the consultation:
 - a. A sketch of reasonable scale and accuracy showing the boundaries of the property being considered for division;

- b. The proposed general layout;
- c. A description of all contiguous lands owned by the divider;
- d. Existing and proposed zoning for the subdivision;
- e. Review of the Town of Wausau Master Plan; and
- f. A meeting date will be determined upon submittal of a completed application.

2. Preliminary Plat Submittal Requirements. A preliminary plat conforming to Wis. Stats. ch. 236.11 shall be prepared for the planning commission and town meeting. Material and information to be submitted shall include the following:

a. The plat shall be in conformity with the surveying and layout requirements of Wis. Stats. §§236.15 and 236.16 as well as the Marathon County Land Division Ordinance Section 18.12 for county subdivisions. The plat shall show correctly on its face the following information:

(1) A legal description of the proposed land division and total area in acres or square feet to be divided;

(2) Ordinary high water mark or, where established, an OHW elevation based on USGS datum and boundaries of wetlands within or contiguous to the subdivision from the most recent DNR Wetlands Inventory Maps or as staked in the field by a wetland delineator as approved by the state;

(3) Any existing or proposed lake or stream access;

(4) The regional floodplain boundary and the contour which is two (2) 2 feet above floodplain using mean sea level datum;

(5) Location of right-of-way width and names of all existing and proposed streets;

(6) Dimensions of all lots, together with proposed lot and block numbers;

(7) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting; and

(8) The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that he/she has fully complied with this chapter.

3. Preliminary Plat Approval Process:

a. The application must be submitted to the town zoning administrator.

b. A meeting date will be determined upon submittal of a complete application.

c. The planning commission shall conduct a meeting to review the plat for conformance with this chapter, the adopted Town of Wausau Land Use Plan and all other ordinances, rules and regulations that affect the plat. Within fifteen (15) days of the public meeting, the planning commission shall issue a written recommendation to the town board recommending approval, conditional approval or rejection of the preliminary plat.

d. The town board shall take action to approve, approve conditionally or reject the preliminary plat at the next town board meeting. The town board shall issue a decision within ninety (90) days of the date a complete

preliminary plat application is filed with the zoning administrator unless the time is extended by agreement with the subdivider.

e. Approval or conditional approval of a preliminary plat by the town board does not constitute automatic approval of the final plat.

f. Should the subdivider desire to amend the preliminary plat as approved, he/she shall resubmit the amended plat which shall follow the same procedure, except for the hearing and the fee, unless the amendment is, in the opinion of the Town Board of such scope as to constitute a new plat, in which such case it shall be refiled.

4. Final plat:

a. The subdivider shall prepare a final plat prepared by a land surveyor registered in Wisconsin and in accordance with Wis. Stats. Ch. 236. He/she shall file the appropriate number of copies of the final plat with applicable State agencies and Marathon County.

b. The final plat shall show correctly on its face, in addition to the information required by Wis. Stats. §236.20, all lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

c. The town board shall issue a written decision within sixty (60) days of the final plat submittal, unless the time is extended by agreement with the subdivider, stating the conditions of approval or the reasons for rejection of the final plat.

5. Partial Platting. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for twelve (12) months from the date of such final plat approval unless extended by the town board.

6. Deed restrictions, protective covenants, conservation easements and homeowner's association. The following documents shall be submitted with the preliminary plat as required:

a. Declaration of deed restrictions and protective covenants. A draft of declaration of deed restrictions and protection covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

Sec.18.12. Required improvements.

1. The subdivider shall install street and utility improvements and other improvements indicated on the plat. These improvements must be made in accordance with the design standards described within this land division chapter subsection 18.15-18.22. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider, before the recording of the plat, shall enter into a contract with the Town of Wausau agreeing to install the required improvements. The subdivider shall file with said contract a financial surety meeting with the approval of the town board.

2. Financial sureties. Financial sureties furnished to the Town of Wausau by subdividers to ensure performance of obligations and guaranteed under the terms of this chapter shall only be in a form which the town board deems secure and may include certified checks, corporate bonds, escrow accounts and irrevocable letter of credit in a form approved by the town board or performance bonds.

3. Determination of financial surety amount. The amount of financial surety shall be one hundred twenty-five percent (125%) of the estimated full amount of the obligation being ensured (including the costs of inspection)

as estimated by an engineer or other agent appointed by the Town of Wausau, not for less than a period than the work is scheduled to be completed; however, the town board shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.

4. Criteria for determining subdivider's delinquency. The town board shall give notice by registered mail to the subdivider of such delinquency in the following cases:

a. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or

b. Performs the work unsuitable, as determined by the town board; or

c. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or

d. Discontinues the execution of work; or

e. For any other cause whatsoever does not carry on the work in an approved manner.

5. Guarantee of improvements. The town board shall call upon the performance guarantee to ensure that the work is completed.

a. The subdivider shall guarantee all improvements for a period of one (1) year from the date of the acceptance of improvements by the town board. The acceptance of improvements will formally be accepted and noted in the town board minutes.

b. To assure such improvement guaranteed, the subdivider shall provide any amount of financial surety not to exceed fifteen percent (15%) of the construction value of said improvements.

6. Development agreement. When deemed necessary the town board and the subdivider may enter into a development agreement that sets forth the mutual obligations of the town and the subdivider with respect to the actions required to be taken in connection with the certified survey map or planned subdivision.

7. Commencement of improvements and construction:

a. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by the town.

b. Before recording the final plat with the county register of deeds, the applicant shall enter into a contract or other arrangement agreeable with the Town of Wausau agreeing to install all required public improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Town of Wausau board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the town.

ARTICLE III. SUITABILITY STANDARDS

Sec.18.13. General.

1. No land shall be divided which is determined by the Town of Wausau planning commission to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or the town.

2. The town board shall consider, in its approval, approval on condition or disapproval of a land division application, the following as a result of the subdivision development:
 - a. The likely destruction or lack of preservation of natural feature of public interest;
 - b. The possible flooding problems;
 - c. The possible drainage problems;
 - d. The possible erosion problems; and
 - e. The possible groundwater pollution problem.

Sec.18.14. Zoning.

1. Division of lands under this chapter shall be in conformance with the provisions of the Town of Wausau Zoning Code.
2. No permanent easement twenty (20) feet wide or wider shall be recorded which reduces the lot size below the minimum required by the Town of Wausau zoning district in which the lot is located.
3. Signage must conform with the Town of Wausau zoning ordinance.

ARTICLE IV. DESIGN STANDARDS

Sec.18.15. General.

Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and streets, topography, surface water, vegetative cover and other natural features. Land divisions shall conform to any county development plan, local master plan or element thereof applicable to the lands included.

Sec.18.16. Surface drainage and erosion control.

1. Land division shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage:
 - a. The town may require engineering studies of erosion potentials and may impose preventive design requirements.
 - b. The town may require documentation of surface water drainage patterns and may impose design requirements to assure the flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities at the developer's expense.
2. Storm water easement and drainage right-of-way. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of way conforming substantially to the lines of such water course and of such width or construction or both as will be adequate for drainage purposes. Wherever, possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

Sec.18.17. Public streets and roads.

1. Streets-general considerations. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety and in appropriate relation to the proposed uses of land to be served by such streets. These provisions shall apply to all roads and highways within the jurisdiction of the chapter.

a. Survey. All newly created roads and any widened right-of-way, whether a recorded or unrecorded road, shall be surveyed by a registered land surveyor as a right-of-way plat and approved by the town. When a survey is conducted adjacent to an existing town road and there is no record of a right-of-way width, a right-of-way shall be dedicated to the town by one property owner so as to establish one width of the road in recordable form. This may be done on the parcel survey or on an accompanying survey. A certificate of dedication shall be signed by the town board.

b. Street names. Town road names are subject to approval by the town board. Before any CSMS or subdivision can be approved for recording, new town roads shall be named and these names as approved shall appear on the document to be recorded.

c. Town ordinance. All town roads and highways must comply with the Town of Wausau ordinance for minimum highway design standards.

2. Arrangement of streets:

a. All Streets shall be be integrated with the existing and proposed system of streets and dedicated rights-of-way.

b. All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches and shopping centers.

c. Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems and to require the minimum amount of streets necessary to provide convenient and safe access to property.

d. The use of curvilinear streets, cul-de-sacs and U-shaped streets shall be encouraged where such use may result in a more desirable layout.

e. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the town such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

f. In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings; location of rail facilities; the provisions of alleys, truck loading and maneuvering areas; and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

3. Access to thoroughfare streets and collector streets.

a. The number of residential streets entering a major street shall be kept to a minimum.

b. Where a subdivision borders on or contains an existing or proposed major street, the town may require that access to such streets be limited by one of the following means:

(1) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with a screen planting contained in a non-access reservation along the rear property line;

(2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing on the major street; and

(3) A marginal access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.

3. Width of streets. Right-of-way and paving widths of all streets shall be determined by the town board and must be in compliance with the Town of Wausau ordinance for minimum highway design standards or by the requirements of Wis. Stats. §82.50, whichever is greater.

	Paving	R.O.W.
a. Minor Street	22 ft.*	66 ft.
b. Marginal Access Street	22 ft.*	66 ft.
c. Collector Street	30 ft.	66 ft.
d. Arterial Street	48 ft.	66 ft.

*The town commission upon recommendation of the town engineer shall establish the definite paving and right-of-way widths, within these ranges, for each particular subdivision.

5. Half streets. Half streets shall not be permitted.

6. Street grades. The grade of streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the town planning commission. The grade of all other streets shall not exceed ten percent (10%). The minimum grade of all streets shall be three-tenths of one percent (0.3%). Pedestrian ways or crosswalks shall not exceed twelve percent (12%) grade unless steps of an approved designed are to be constructed.

7. Cul-de-sacs or dead-end streets. The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets.

a. A cul-de-sac maximum desirable length is one thousand (1,000) feet.

b. The radius of a permanent cul-de-sac shall not be less than sixty (60) feet. The roadway within the turn-around shall have the largest diameter practical. The roadway shall generally be within ten (10) feet of the right-of-way.

8. Street intersections:

a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection to two (2) new streets at an angle of less than seventy degrees (70°) shall not be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the town.

b. Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jobs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.

c. Where the grade of any street at the approach of an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four percent (4%) grade a distance of fifty (50) feet measured from the nearest right-of-way line of the intersecting street.

d. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer at the direction of the town board shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance.

9. Lot frontage. Every residential lot or parcel created as a part of a subdivision development under the terms of this chapter shall have a minimum of one hundred fifty (150) feet of frontage directly on a public street or if on a cul-de-sac one hundred fifty (150) feet along the setback line. The intent of this section is to discourage shared private roads and, thereby, require, the creation of new town roads within new subdivision developments. However, this provision does not apply to a minor subdivision creating only one lot.

Sec.18.18. Lots and blocks.

1. Residential blocks.

a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

b. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated but block lengths in residential areas, where practical, should not exceed one thousand eight hundred (1,800) feet nor be less than four hundred (400) feet in depth. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand three hundred twenty (1,320) feet in length.

c. Pedestrian walkways, not less than ten (10) feet wide, may be required by the town through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

2. Nonresidential blocks. Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable by the town for the prospective use.

3. Lots. In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of applicable zoning regulations. No lot area calculation shall include any road right-of-way or any easement that is twenty (20) feet wide or wider. All lots shall conform with setbacks per 18.17 Public streets and roads, 8. Lot frontage. No lot depth shall be more than five (5) times its width at the building line. Private access strips that are narrower than the minimum lot width required by zoning shall not be used in calculating this ratio.

4. Residential lots.

a. Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce and the Marathon County Private Sewage System Ordinance.

b. Access to lots from public roads may be limited by the town where it is determined by recommendation of the Wisconsin Department of Transportation, County Highway Department, town board or other reviewing agency, that such limitations would be in the interest of the public using the public roads upon which the lot(s) front or abut.

5. Business, commercial and industrial properties. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.
6. Corner lots. Corner lots for residential use shall have extra width to permit full building setback as required in the appropriate zoning regulations.
7. Every lot shall front on or abut a public street. Lots with access only to private drives or streets shall be permitted only with the approval of the town planning commission.
8. Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
9. Re-subdivision of parcels. In case a tract is subdivided into parcels containing one (1) or more acres, such parcels shall be arranged to allow the re-subdivision of any parcels into smaller lots in accordance with the provisions of this code.
10. Lot lines. Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.
11. Double frontage and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
12. Private landscaping. No private landscaping or trees shall be located within the public right-of-away except lawn.
13. Natural features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
14. Remnants lots. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Sec.18.19. Easements.

1. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines, except where lots abut a lake or stream or where such location is deemed unfeasible, from an engineering standpoint, by the utility company involved. All easements shall run with the land and be on individual deeds. All power, telephone or cable service lines shall be buried in the same trench whenever possible.
2. Easements. Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the town such easements shall be at least ten (10) feet wide.

Sec.18.20. Building setback lines.

Building setback lines shall conform to the requirements established in the Town of Wausau Zoning Ordinance.

Sec.18.21. Dedications.

1. Roads. The subdivider shall be required to offer for dedication to the town all streets, roads and other public ways which are proposed to be established within the subdivision.
2. Disclosure. No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road or statutorily validated under Wis. Stats. §82.31, unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town.
3. Public access to navigable waters. Major subdivisions abutting on a navigable lake or stream shall provide, according to the provisions of Wis. Stats. §236.16(3) and this section, provide access at least sixty (60) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources and The Department of Development and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. For minor subdivision, no public access will be required. The town shall be substituted for the state agencies in deciding applications for access points at greater intervals and additional wider distances.
4. Terms of reservation. Reservation of land for public acquisition shall be for a period specified by the Town not to exceed 10 years. Land so dedicated or reserved shall be shown on the final plat.
5. Method of offering dedications. Dedications shall be effected as provided in Wis. Stats. §236.29. Dedications to the town shall require approval of the town board.
6. Dedication of Land for Public Use:
 - a. When a final plat of a subdivision has been approved by the town board and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street dedications.
 - b. Whenever a preliminary plat includes a proposed dedication of land to public use and the town planning commission finds that such land is not required or not suitable for public use, the town planning agency may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.
7. Reservation of Public Spaces and Sites:
 - a. The preliminary plan to accommodate planned public space whenever a tract to be subdivided includes a proposed street, highway or parkway or proposed site for a park, playground, school or other public use as indicated on any officially adopted and authorized by State statutes, map or plan, such space shall be suitably incorporated by the developer into his subdivision plat after proper determination of its necessity by the town planning commission and the appropriate town body or other public agency involved in the acquisition and use of each such site.
 - b. Requirements for adequate open spaces:
 - (1) Flood plan areas. The town board may prohibit, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth waste, material or stumps.

(2) School park and playground sites. Unless appropriate provision for dedication or donation of school, park or playground sites has been made by the town board in a previous action, such as in the case of a large-scale development involving multiple land uses, any required school sites or parks or playgrounds shall be acquired by the school district or the appropriate city, town or county agency.