

TOWN OF BIG FLATS
Adams County, Wisconsin
LAND DIVISION ORDINANCE #35

1. DISCLAIMER

- (A) **Multiple Jurisdictions.** All persons reviewing the provisions of this Ordinance should be aware that the Town of Big Flats is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions. The Town of Big Flats cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.
- (B) **Binding Acts.** No statement or actions by any official, employee, agent, or committee of the Town of Big Flats should be construed or taken as a binding act of the Town of Big Flats except as a resolution, motion, or ordinance that has been adopted by the Town of Big Flats at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.
- (C) **Compliance Assurance.** The Town of Big Flats assumes no responsibility for the suitability of any property whose land division has been approved by the Town Board.

2. AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to sees. 60.10(2)(c), 60.22(3), 61.34(1), and 236.45 of the Wisconsin Statutes.

3. PURPOSE AND INTENT

The purpose and intent of this Ordinance are to regulate and control the division of land within the limits of the Town Big Flats, Adams County, Wisconsin, in order to:

- (A) Promote the public health, safety, and general welfare of the community.
- (B) Supplement County, State, and Federal land division controls to implement the Town's Comprehensive Plan.
- (C) Promote the planned and orderly layout and use of the land in the Town of Big Flats.
- (D) Encourage the most appropriate use of the land throughout the Town.
- (E) Minimize public impact resulting from the division of large tracts into smaller parcels of land.
- (F) Facilitate adequate provision of transportation, water, sewerage, health, education, recreation, and other public requirements in the Town.
- (G) Provide the best possible environment for human habitation.
- (H) Enforce the goals and policies set forth in the Town's Comprehensive Plan.
- (I) Realize goals, objectives and policies set forth in plans and ordinances adopted by the Town.
- (J) Secure safety from fire, flooding, and other dangers in the Town.

- (K) Avoid the inefficient and uneconomical extension of the Town's governmental services.
- (L) Provide for the conservation of the Town's agriculturally important lands by minimizing conflicting land uses.
- (M) Preserve the rural character, scenic vistas, and natural beauty of the Town.
- (N) Provide for the administration and enforcement of this Ordinance by the Town Board.
- (O) Provide the goals set forth in sec. 236.45(1) Wisconsin Statutes.

4. ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

5. INTERPRETATION

The provisions of this Ordinance shall be interpreted 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. **Provided however, that if any provision of this Ordinance is contrary to a subdivider protection, as that term is used in 2009 Wis. Act 376, set forth in Chapter 276 Wis. Stats., the protection afforded in Chapter 236 shall govern.**

6. AMENDMENTS

The Town Board may, upon recommendations of the Town Plan Commission, amend, supplement, or repeal any of these regulations after public notice and hearing and as may be required by Chapter 236 of the Wisconsin Statutes.

7. SEVERABILITY

The provisions of this Ordinance shall be deemed severable. If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

8. JURISDICTION

This Ordinance shall apply to all lands within the Town of Big Flats.

9. APPLICABILITY

Any division of land within the Town that results in a land division as defined in Section 10 of this Ordinance.

10. DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. Any words not defined in this Section shall be presumed to have their customary definitions as given in standard reference dictionaries.

- (A) Agricultural Use. As defined in sec. 91.01(1) of the Wisconsin Statutes to mean beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming;

forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.

(B) Certified Survey Map. A map of a land division prepared in accordance with sec. 236.34 of the Wisconsin Statutes and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat.

(C) Common Open Space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development or for agricultural purposes. Land shall not be considered common open space if it is part of an individual residential lot or if it is occupied by any substantial building or structure other than a historic structure, archeological site, Indian mound or approved recreational facility or structure including, but not limited to playground equipment, park shelters, and trail or natural history information signs.

(D) Comprehensive Plan. The Plan, as defined by section 66.1001 of the Wisconsin Statutes, adopted by the Town of Big Flats, including any subsequent amendments.

(E) Conservation Easement. Property rights transferred to a third party that permanently prevent the development of the land for purposes inconsistent with the easement. See Wis. Stats. Sec. 700.40.

(F) Conservation Subdivision. A development made from a land division in a rural setting that is characterized by compact lots, a common open space, and where the natural features are maintained to the greatest extent possible. The purpose of a conservation subdivision is to preserve farmland and/or natural resources while allowing for the maximum number of residences under current land division regulation in the Town; and create, maintain, or expand protective barriers contiguous with rivers, wetlands, and other natural resources in the Town of Big Flats.

(G) Cul-de-sac. A local road having one end open to traffic and the other end permanently terminated generally with a bulb or other type of a vehicular turnaround.

(H) Deed Restriction. A restriction on the use of a property set forth in the deed, including, but not limited to, a restriction placed on undeveloped land as a condition for the division or development of adjacent land.

(I) Land Divider. Any person, partnership, corporation, or other legal entity, dividing or proposing to divide land resulting in a land division as defined by this Ordinance. The person, partnership, corporation, or other legal entity must have ownership or another legal interest in the subject land.

(J) Land Division. The division of a lot, parcel, or a tract of land by the owner thereof, or the owner's agent, for the purpose of sale or of building development where the active division creates 1 or more parcels or building sites with an area of 20 acres or less.

- (K) Lot. A parcel of 2 acres or greater which is created by a land division. Designated parcel, tract, or area of land established by plat, land division or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
- (L) Natural Resources. Air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources belonging to, managed by, appertaining to, or otherwise controlled by the United States, Wisconsin and/or the Town of Big Flats.
- (M) Parcel. Contiguous lands under the control of a land divider not separated by streets, highways, or railroad rights-of way. (N) Sub divider. The term sub divider, when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.
- (O) Subdivision. The division of a lot, parcel or tract of land where the act of division:
- (1) Creates five or more lots, parcels or building sites where one or more being 20 acres or less; or
 - (2) Creates five or more lots, parcels or building sites where one or more being 20 acres or less by successive divisions within a period of five years.
- (P) Town. The Town of Big Flats, Adams County, Wisconsin.
- (Q) Town Board. The Board of Supervisors for the Town of Big Flats.
- (R) Town Clerk. The Clerk of the Town of Big Flats.
- (S) Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation, and which has soils indicative of wet conditions.

11. COMPLIANCE

No person, partnership, corporation, or legal entity of any sort shall divide any land subject to the requirements of this Ordinance and no such land division shall be entitled to record unless such land division is in full compliance with:

- (A) All requirements of this Ordinance;
- (B) Chapter 236 of the Wisconsin Statutes;
- (C) The Town Comprehensive Plan or any component thereof;
- (D) Adams County Building Code, Sanitary Code, and erosion control regulations;
- (E) State of Wisconsin Department of Natural Resources rules on wetlands, shorelands, sewers, septic systems, and pollution abatement;
- (F) All applicable state and local sanitary codes;
- (G) Applicable Town of Big Flats ordinances;

- (H) State of Wisconsin Department of Transportation and/or Adams County Highway Department rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street; and
- (I) All applicable master plans, ordinances, or official maps adopted pursuant to sec. 62.23 of the Wisconsin Statutes, and any other pertinent town or county ordinances and regulations,

Where provisions of this Ordinance impose greater restrictions than (B) through (I) above, it is intended that the provisions of this Ordinance shall apply. **Provided, however, the review of a proposed land division shall be based on regulations in effect at the time the proposal was submitted.**

12. EXEMPTIONS

The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town, shall not apply to any of the following:

- (A) Transfers in interest in land by will or pursuant to court order.
- (B) Leases for a term not to exceed 10 years, mortgages or easement.
- (C) The sale or exchange of parcels of land between owners of adjoining property if additional buildable lots are not thereby created and the lots resulting are not reduced below the minimum size and proportions required by this chapter or other applicable laws or ordinances.
- (D) Assessor's plats made under section 70.27 of the Wisconsin Statutes, but such assessor's plats shall comply with sections 236.15(1)(a)-(g) and 236.20 (1), (2)(a)-(c) of the Wisconsin Statutes.

13. LOT SIZES & PROPORTIONS

- (A) Residential. No land shall be divided if any lot created by the land division is smaller than 2 (two) acres within and adjacent to the area designated as "Residential" (generally near the Town's center as indicated on the attached map) consistent with the Future Land Use Map in the Town's Comprehensive Plan. The intent is to encourage growth more economically near Town services and major transportation routes.
- (B) Rural Residential. No land shall be divided if any lot created by the land division is smaller than 5 (five) acres within the area designated as "Rural Residential" and adjacent to "Forestry", "Preservation", or "Open Space" (as indicated on the attached map) consistent with the Future Land Use Map in the Town's Comprehensive Plan. Conservation subdivisions are acceptable if the resulting net density does not exceed one lot per five acres of land.
- (C) Forestry, Preservation, or Open Space. No land shall be divided if any lot created by the land division is smaller than 20 (twenty) acres within the area designated as "Forestry, Preservation, or Open Space" (as marked on the attached land division map) consistent with the Future Land Use Map in the Town's Comprehensive Plan. Preserving large tracts of forest and the Town's rural character is essential, therefore, common conservation areas are encouraged.

- (D) Lot Proportions. All land division must be deemed “proportional”, that is length of lot being no more than 2 (two) times its width. Exceptions will be decided by the Plan Commission.

14. LAND SUITABILITY

- (A) Natural and Preexisting Divisions. No land will be divided solely because the parcel is bisected by a road, railroad, right of way, stream or other natural feature on the land.
- (B) Material Interference with Goals of Land Use Plan. No land shall be divided if the Town Board determines that it will materially interfere with existing land uses or will conflict with other goals, objectives and policies as set forth in the Town of Big Flats Comprehensive Plan.
- (C) Threat to Groundwater. No land shall be divided for a purpose that poses a significant threat to the quality or quantity of Town groundwater.
- (D) Unsuitable Conditions. No land shall be divided which is held unsuitable for its proposed use by the Town Plan Commission for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, adverse impairment of wildlife habitat and scenic vistas, improper utilization of productive farm soils, undue costs and inefficiencies in the provision of governmental services, or any other feature likely to be harmful to the health, safety or welfare of future residents of the Town. The Plan Commission may require the land divider to furnish maps, data and other information as may be necessary to determine land suitability.

15. CONSERVATION SUBDIVISIONS

In order to further the goals and policies of the Town of Big Flats Comprehensive Plan, assuming all other provisions of this Ordinance are met, the Town Board will favor plans that provide for Conservation Subdivisions. At the discretion of the Town Board, deed restrictions, restrictive covenants, and/or conservation easements may be required for plans that cluster residential parcels and preserve open space and/or agricultural land. In so doing the overall density as required by the ordinance is maintained without sprawling the home sites over a large area. The land which is not divided into development land shall constitute a minimum of 40% of the total development and shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the Town, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division.

- (A) Design and Evaluation Criteria. Diversity in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Town shall evaluate proposals to determine whether the proposed conceptual preliminary plan:
 - (1) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the town for active or passive recreation amenities).

(2) Preserves and maintains mature woodlands, existing fields, meadows, and significant wildlife habitat, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses to the fullest extent that is practicable.

(3) Maintains or creates an upland buffer of native species vegetation of at least 100 feet adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

(4) Leaves scenic views and vistas unblocked for uninterrupted, particularly as seen from public thoroughfares.

(5) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by U.S. Fish & Wildlife Service and/or by the Wisconsin Dep't of Natural Resources.

(6) Preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature.

(7) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.

(8) Provides open space that is reasonably contiguous. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided unless the conservation feature is necessary to connect with streams or trails.

(9) Whenever possible, walking and bike paths shall be planned for possible connection with paths outside of the plat.

(B) Common Open Space Ownership Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:

(1) Homeowner's Association. Membership in the association is mandatory for all purchasers of land in the development and their successors. The homeowners association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants and conditions of the homeowners association shall be submitted for approval to the Town as part of the information required for the preliminary plat. Any future amendments thereto shall be approved by the Town Board. The homeowners association declaration of covenants shall contain the following information:

- (a) The legal description of the common land;
- (b) A description of common facilities;
- (c) The restrictions placed upon the use and enjoyment of the lands or facilities;
- (d) Persons or entities entitled to enforce the restrictions;
- (e) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep, maintenance, and real estate taxes.

(2) Non-Profit Conservation Organization. If the common open space is to be held by a non-profit conservation organization proven to the satisfaction of the Town that it will be willing and able to uphold the terms of the conveyance. The conveyance to the nonprofit

conservation organization must contain appropriate provisions for reversion to the Town in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance. The reversion may go to another nonprofit conservation organization upon Town Board approval.

(3) Public Dedication of Open Space. The Town may accept the common open space provided the common open space is accessible to the residents of the Town and the Town has adequate access to maintain the common open space.

(C) Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Town prior to the final plat approval and contain the following:

- (1) Designate the ownership of the open space and common facilities.
- (2) Establish necessary regular and periodic operation and maintenance responsibilities.
- (3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (4) Include a land stewardship plan specifically focusing on the long-term management of common open space lands
- (5) Management plans can be amended by the owner with the approval of the Town Board.

16. ROAD STANDARDS

- (A) The land divider shall dedicate land for and improve streets and roads to provide access to any proposed new lots in the Town of Big Flats. Public roads shall conform to Town road widths and standards in 82.50 Wis. Stats and shall intersect at right angles where practicable to afford maximum visibility and safety.
- (B) All parcels or lots shall have a minimum of 66 ft. frontage on a public road.
- (C) For fire safety, dead-end roads or cul-de-sacs accessing two or more lots will not be permitted unless an adequate evacuation route is approved by the Town Board.

17. PUBLIC IMPROVEMENTS

(A) Authorization Required. Prior to starting any of the work covered by the plans approved above, authorization to start the work shall be obtained from the Town Board upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.

(B) Contract. Before any final plat or certified survey map is inscribed by the Clerk, the subdivider shall enter a contract with the Town wherein the subdivider agrees to install all required public improvements within a reasonable time. The Town shall review and approve all improvements prior to the granting of approval by the Town Board. The plat or certified survey map must be recorded within twelve (12) months of approval, or the approval shall lapse.

(C) Construction Phases. The subdivider may construct the project in such phases as the town board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any performance bond or other security required by the town board shall be limited to the phase of the project that is currently being constructed. The

town board may not require that the subdivider provide any security for public improvements sooner than is reasonable necessary before the commencement of the installation for the public improvements.

(D) Security Required.

(1) At the time said contract is entered, the subdivider shall, at the discretion of the subdivider, file a performance bond, certificate of deposit, irrevocable letter of credit, or certified check, with the Town in an amount equal to the estimated cost of the required public improvements as determined by the subdivider's engineer and approved by the Town Board.

(2) The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security, the Town must be the beneficiary.

(3) The security posted shall guarantee that all required public improvements will be completed according to Town specifications by the subdivider or its contractors within a reasonable time.

(4) Pursuant to section 236.13(2)(a)1. Wis. Stats., security may not be required for more than 14 months after the date that the public improvements are substantially completed as that term is used in section 236.13(2)(a)2. Wis. Stats.

(5) Upon substantial completion, the amount of security that the subdivider is required to provide shall be limited to the amount determined in section 236.13(2)(a)1. Wis. Stats.

(E) Storm Water Drainage Facilities: Pursuant to this Section, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, open channels and detention basins as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the one hundred (100) year storm event. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with all State of Wisconsin DNR requirements and the plans and specifications shall be approved by an Engineer licensed in Wisconsin. The Subdivider shall pay all costs of all storm sewer work.

(1) Where appropriate, natural drainage ways shall be retained to minimize interference with potential floodwater conveyance, floodwater storage, wetlands, and both surface and subsurface hydrology. The Town Board may recommend approval of modifications to natural channels that are consistent with the other provisions of this Chapter.

(2) Storm sewers, where required, shall be designed and built to APWA Standards.

(3) Storm water systems shall be designed to minimize future operational and maintenance expenses.

(4) Storm water systems shall be designed to reduce the exposure of streets, utilities and other public facilities to damage from storm water.

(5) Storm water drainage easements shall be provided where necessary for maintenance of the storm water facility, as determined by a licensed Engineer.

(6) On-site storm water detention basins shall be required where needed to protect public or private property from increased volumes or velocity of storm water runoff.

(7) Erosion and sedimentation controls shall be required during and after new construction as needed to prevent increased erosion or increased deposits of material downstream from the development.

(8) Development design shall accommodate large floods and smaller, more frequent floods along major and minor waterways.

(9) Development design shall provide at least one (1) all-weather access to every parcel designed to remain open during the one hundred (100) year storm event.

(F) Other Utilities: The Subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles; all utilities are to be underground. Plans indicating the proposed location of all electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Plan Commission.

(G) Governmental Units to which these security provisions apply may file, in lieu of said security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(H) Construction and Inspection:

(1) During the course of construction, Town Staff shall make such inspections as deemed necessary to ensure compliance with the plans and specifications as approved.

(2) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include preparation and review of plans and specifications by an Engineer, Planner and Attorney as well as other costs of a similar nature.

(3) Map Requirement: After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers, and such other facilities as the Town Board shall require. This map shall be on suitable paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the security assuring their completion.

(4) Design Capacity: All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.

(I) Road Signs: The Subdivider shall provide and install traffic control signs, road name signs and building numbering signs of such a type and in such location as required by Town Ordinances and as designated by the Town Board.

(J) Easements:

(1) Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, electric lines, and communication lines. Such easements as required by the Town or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

(2) The utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mound or mounds of direct shall not be stored on such easement areas. Utility facilities when installed on utility easements shall not disturb any monumentation in the plat.

(3) A plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

(4) Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Town Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and shall comply with the requirements of this section. Parallel streets or parkways may be required in connection therewith.

18. RESERVATION AND DEDICATION OF LAND.

(A) Public Sites and Open Spaces.

(1) The subdivider shall dedicate sufficient suitable land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the subdivision. The size and suitability of the lands for dedication shall be within the sole discretion of the Town Board.

(2) The Town Board may, in its sole discretion, permit the subdivider to satisfy the requirements of Section 18(A)(1) by combining a land dedication with a fee payment. The fee, in such cases, shall be determined by subtracting the most recent equalized value

of the dedicated land, as determined by the Town Assessor, from the total fee which would have been imposed had no land been dedicated by the subdivider.

(3) The Town shall place any fee collected pursuant to the provisions of this section in a separate account to be used by the Town Board for land acquisition and development of adequate park, playground, recreation and open space to meet the needs created by the subdivision.

(4) Subdivision Plats abutting on a navigable lake or stream shall provide public access at least 66 feet wide to the ordinary high water mark so that there will be public access, which is connected to existing public roads, at not more than onehalf 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 Agriculture, Trade and Consumer Protection and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. The Town Board may require dedications of access points or greater width or at more frequent intervals at points designated by them.

(5) The lands lying between the meander lines, established in accordance with Section 236.20(2)(g) and the water's edge, and any otherwise unplatable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.

This requirement applies not only to lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be divided and which abut a lake or stream as provided in Section 236.16(4), Wis. Stats.

(B) Warranty Deed. Where land is dedicated pursuant to this section, conveyance to the Town shall be by warranty deed. The land shall be free and clear of all liens and encumbrances except as may be allowed by the Town Board in its sole discretion. Where land is to be dedicated pursuant to this section, before any final plat or certified survey map is inscribed by the clerk, the subdivider shall enter an agreement with the Town to dedicate specified land according to terms approved by the Town Board. The agreement shall establish a date for closing and shall provide that the subdivider shall furnish and deliver to the Town for examination at least fifteen (15) days prior to the date set for closing, subdivider's choice of either;

(1) A complete abstract of title made by an abstract company, extended to within thirty (30) days of the closing, said abstract to show the subdivider's title to be marketable and in the condition called for by the agreement. The Town shall notify the subdivider in writing of any valid objection to the title within ten (10) days after the receipt of said abstract and the subdivider shall then have a reasonable time but not exceeding sixty (60) days, within which to rectify the title (or furnish a title policy as hereinafter provided) and in such cases the time of closing shall be accordingly extended; or

(2) An owner's policy of title insurance, in the amount of the full purchase price, naming the Town as the assured, as its interest may appear, written by a responsible title insurance company licensed by the State of Wisconsin, which policy shall guarantee the subdivider's title to be in condition called for by the agreement. A commitment by such a title company, agreeing to issue such a title policy upon the recording of the proper documents as herein, shall be deemed sufficient performance.

19. PRELIMINARY CONSULTATION

It is recommended that, prior to filing an application for land division approval, the land divider shall schedule and attend a preliminary consultation with the Town Plan Commission. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. This consultation is not mandatory, but is intended to inform the land divider of the purpose and objectives of this Ordinance, the Comprehensive Plan, and other duly adopted plan implementation devices of the Town, and to otherwise assist the land divider in planning development. In so doing, both the land divider and the Plan Commission may reach mutual conclusions regarding the general objectives of the proposed land division and its possible effects on the neighborhood and community.

In order to facilitate the consultation, the land divider is asked to submit five (5) copies of a conceptual plan drawn to a reasonable scale depicting the proposed general lot layout, exterior boundaries, roadways, known easements, approximate location of existing or proposed improvements (if any), approximate location of existing improvements or land uses, and any other information to fully and clearly represent the proposed land division. The concept plan shall be submitted at least (10) days prior to the scheduled meeting to give the Commission time to prepare.

20. LAND DIVISION APPLICATION AND SKETCH MAP SUBMITTAL

Any land divider who shall divide land located in the Town of Big Flats that creates a land division as defined in this Ordinance shall comply with the following procedure.

(A) Land Division Application. Submit a completed Land Division Application (available from Town of Big Flats) with the appropriate fee and the following required attachments to the Town Clerk.

- (1) The name and address of the owner of the property and the land divider.
- (2) The location and size of the property.
- (3) The name and address of the surveyor who will be doing the work.
- (4) The present use of the land.
- (5) The intended future use of the land.
- (6) Existing land use controls on and adjacent to the proposed land division.
- (7) Estimated timetable of development.
- (8) Name of proposed major subdivision.
- (9) A draft of any proposed deed restrictions and restrictive covenants.
- (10) Specifics regarding any public improvements.

(B) Sketch Map. Accompanying the Land Division, the applicant shall submit a sketch map at a scale of 1" = 200' or other appropriate scale. More than one attached sheet may be used but no sheet should be larger than 11" x 17". Each submission shall include all contiguously owned land except the sketch map need not show more than two (2) times the area of the intended certified survey. The sketch map shall show the following information:

- (1) North arrow, date, scale and reference to a section corner.
- (2) Approximate dimensions and areas of the parcels and easements.

- (3) Location and type of existing and proposed buildings and structures.
- (4) Location of existing and proposed roads and driveways and distances to the nearest adjoining driveways on both sides of the proposed site.
- (5) Location of general landcover types such as woodlands, wetlands, agricultural, etc.
- (6) Location of any slopes of 12% or steeper.
- (7) Setback or building lines required by any approving agency.
- (8) Land uses adjacent to the property and existing roads, easements of record, public access to navigable water, dedicated areas and utilities.

(C) Additional Information. The Town Plan Commission may require additional information in order to make its decision on the land divider's application.

21. PROCESSING OF APPLICATION

(A) Review. The Town Clerk shall review the Land Division Application and Sketch Map for completeness, including payment of applicable fee, within 10 working days of receipt. The Town Clerk shall notify the land divider by certified mail if the application is determined to be incomplete. The Town Clerk shall provide written reasons for the incompleteness of the application with the notification.

(B) Processing. The Town Clerk shall, within 10 working days of receipt of a completed application, transmit copies of the Land Division Application and Sketch Map to the Town Plan Commission.

(C) Notice and Agenda. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Plan Commission meeting to consider the complete application no later than 14 days prior to the date of the meeting.

(D) Presentation to Commission. The land divider or the land divider's designee shall attend the meeting and present the Land Division Application and sketch map to the Town Plan Commission for its consideration. The Land Division Application, Sketch Map, and other relevant information shall be reviewed by the Town Plan Commission for conformance with this Ordinance, the Comprehensive Plan, and all other applicable Town Ordinances, regulations and plans. Failure of the land divider or designee to attend the meeting may be used as grounds to recommend denial of the land division application.

22. LAND DIVISION PROCEDURE

(A) CERTIFIED SURVEY MAP (CSM) PROCEDURE

(1) General: A Certified Survey Map prepared by a land surveyor registered in this state along with an application fee set forth in the Big Flats Fee Schedule, shall be required for all land divisions that create any lots 20 acres in area or less. All required CSMs shall comply in all respects with sec. 236.34 of the Wisconsin Statutes and state survey standards. The subdivider shall submit 5 (five) copies of the proposed CSM to the Planning Commission. The Town Board shall have the authority to accept, reject, or require modification of a proposed CSM.

(2) Information Required on the Signature Page. The CSM shall include in its certifications, in addition to the information required by sec. 236.34 of the Wisconsin Statutes, the following:

- (a) A legal description of the parcel; the surveyor's name, address, and signature.
- (b) The owner's name, address and signature.
- (c) Signature lines and dates for approval by the Town Chairperson and Town Clerk.

(3) Certified Survey Map Approval, Rejection or Reapplication.

(a) Within 60 days of submission, the Plan Commission shall make a recommendation to the Town Board regarding the approval or denial of the proposed CSM or request modification of the proposed CSM based upon all relevant factors including but not limited to its compliance with all Town ordinances and the Town of Big Flats Comprehensive Plan.

(b) Within 90 days of its submission, the Town Board shall approve, deny or require modification of the proposed CSM. If the Town Board requires modification of the proposed CSM, the applicant shall have 30 days to make the required modifications. The Town Board shall then review the modified CSM and either approve or reject it within 30 days of resubmission.

(c) Rejection. In the event of a rejection of the proposed land division, the Town Plan Commission shall recite in writing the facts upon which it bases its conclusion that the land is not suitable for the division. The Plan Commission shall also afford the land divider an opportunity to present evidence refuting the determination, if so desired. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability. The Town Board shall recite in writing findings for any decision to modify or override the Plan Commission's recommendation.

(d) Re-application. If the Town Board denies two (2) consecutive Land Division Applications for the same parcel, no subsequent re-application for a land division permit for that parcel will be considered within twelve (12) months of the second denial.

(4) Recording. The land divider shall record the CSM with the Adams County Register of Deeds after it has been approved, and shall file a certified copy of the recorded map with the Town Clerk within 14 days after the map is recorded.

(B) SUBDIVISION PROCEDURE

(1) Site Plan: The Site Plan review procedure is designed to allow the applicant to present a concept plan to the Plan Commission for a discussion of suggestions and concerns.

(a) Site Plans are not officially approved or denied. They are reviewed by the Plan Commission for consistency with adopted plans, policies and regulations.

(b) Following the review, the Plan Commission shall send the applicant written comments regarding the proposed subdivision to assist the applicant in completing the subdivision process. No public hearing is required for this application. Notice of the meeting where the site plan will be considered shall be provided to the subdivider.

(c) The following information will be required for a thorough review of the Site Plan:

Name of the proposed subdivision;
Date, dimensions, north arrow;
Property owner(s) name and address;
Description of all existing covenants and restrictions and affirmation that the proposed subdivision is in compliance with the same;
Acreage and location of the property;
Location, dimensions and area of all proposed and existing parcels;
Location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use;
Vicinity map showing all streets and the general land uses of the surrounding area;
Proposed land uses, including the type of dwellings or commercial use, the number of dwellings, and acreage of each proposed land use.
Existing or proposed easements, rights-of-way, streets or other public ways;
Location, sizes and elevations of existing culverts and other underground structures within the boundaries of the proposed subdivision and adjacent thereto;
Existing permanent buildings;
Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided;
Approximate topography based on ten (10) foot contour intervals;
Preliminary proposals for collecting and discharging surface water drainage;
A proposed phasing plan for the development of multi-phase projects;
A Storm Water Management Plan in conformance with County and State requirements.

(2) Preliminary Plat Review. The Preliminary Plat shall conform to the requirements of this Chapter and Chapter 236 of the Wisconsin Statutes and shall be accompanied by an application.

(a) The application shall be signed by the subdivider and shall contain the following:

Title under which the proposed subdivision is to be recorded.

Names and addresses of the owner, subdivider and land surveyor preparing the plat.

Specifications for the construction of any public improvements.

Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

Draft of the legal instruments, covenants, deed restrictions, rules and bylaws for proposed property owners associations when the Subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.

(b) The Preliminary Plat shall be based upon an exterior boundary survey by a registered land surveyor and the plat prepared on appropriate material at a scale of not more than one (1) inch per one-hundred (100) feet and four (4) foot contour intervals. The preliminary plat shall include the following:

Location including complete legal description of the proposed subdivision by government, lot, quarter section, township, range, county and state.

The total acreage of the proposed subdivision to the nearest one-hundredth (1/100) of an acre.

Date, scale and north point

Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development.

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 thereby.

Locations of all existing property boundary lines, structures, drives, boundary lines, drives, streams and water courses, marshes, rock outcrops, wooded areas, and other significant features within the tract being subdivided or immediately adjacent thereto.

Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

Building setback lines and easements for rights-of-way provided for public use, services or utilities, showing their dimensions and listing the proposed use of such easements and any limitations on said easements.

Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted land. 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 elevations.

Location, size and invert elevation of any existing sewers, culverts, electric and communication facilities, whether overhead or underground 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 sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

Contours within the exterior boundaries of the plat and extending to the centerline

of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than four (4) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Board, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

High-water elevation of all ponds, streams, lakes and wetlands within the exterior boundaries of the plat and located within one hundred (100) feet there from.

Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat and located within one hundred (100) feet there from at the date of the survey.

Flood land and Shore land boundaries and the contour line lying a vertical distance of four (4) feet above the elevation of the one hundred (100 year recurrence interval flood or, where such data is not available, four (4) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat and within one hundred (100) feet there from.

Location and results of soil evaluation tests within the exterior boundaries of the plat conducted in accordance with Section Comm.85 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.

Approximate dimensions of all lots together with all proposed lot and block numbers.

Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or other non-public uses not requiring platting.

Approximate radii of all curves.

Any proposed lake and stream access with a small drawing and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

Where the Subdivider owns property adjacent to that which is being proposed for the subdivision, the Subdivider shall submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. All subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

(c) Procedure: Five (5) copies of the application and preliminary plat shall be filed with the Town Clerk who shall forward one copy of the application and preliminary plat to each member of the Plan Commission.

Within 45 days of it being filed with the Town Clerk, the Plan Commission shall hold a public hearing on the application. Notice of the hearing shall be published as a Class II notice pursuant to Chapter 985 Wis. Stats.

Within 60 days of its filing, the Plan Commission shall take action to recommend to the Town Board that the application either be approved, be approved conditionally or be rejected, and shall state in writing the bases for its recommendation.

Within 90 days of its filing, the Town Board shall take action to approve, approve conditionally or reject the application and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider.

(3) Final Plat Review.

(a) The subdivider shall prepare and file five (5) copies of the final plat together with a written application for approval with the Clerk within 36 months of the approval of the preliminary plat and at least 30 days prior to the meeting of the Plan Commission at which action is desired.

(b) The Clerk shall forward five (5) copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the preliminary plat and any conditions of approval, with the requirements of this Chapter, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.

(c) The Plan Commission shall provide the Town Board with its conclusions as to whether the final plat conforms substantially to the preliminary plat and with its recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

(d) The Plan Commission shall recommend approval of the final plat to the Board or shall reject the plat. If approval is recommended, the final plat shall be referred to the Board for consideration. The Board shall then approve or reject the final plat. The Plan Commission shall recommend and the Board shall establish as condition of final approval that within a reasonable time limit, not to exceed six (6) months, the subdivider shall meet or enter an agreement to meet all requirements and conditions of approval. One copy of the plat shall then be returned to the subdivider, his surveyor, or engineer with the date and action attached thereto, and the conditions or requirements of approval or reasons for rejection shall be attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.

(e) The final plat may, if permitted by the Town Board, include only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(f) After the final plat has been approved by the Board and the contract is entered and security filed in accordance with Section 17 (C) thereof, and all other conditions of approval have been met, the subdivider shall submit the final plat to the Clerk. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.

(g) The subdivider shall file two (2) certified copies of the final plat with the Clerk within ten days after it has been recorded. The subdivider shall record the plat in the office of the Register of Deeds of Adams County.

(4) REPLATS. When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries, or any part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes and shall then proceed as specified in 22 (B) herein.

(5) VACATION OF PLATS: The vacation of Plats and Dedicated areas shall be governed by the provisions of Chapter 236, Wis. Stats.

23. COSTS OF APPLICATION REVIEW

(A) Application Review Fee. All land division applications shall be accompanied by an application review fee. The fee shall be established by the Board as set forth in the Town of Big Flats Fee Schedule.

(B) Other Costs. Any extraordinary costs incurred by the Town or its Agents to properly review each Land Division Application will be borne by the applicant. The applicant shall be responsible for reimbursing the Town for any necessary engineering, inspection, legal and administrative costs incurred by the Town in reviewing land divisions.

24. PENALTIES

(A) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continue shall constitute a separate offense. Violations and concomitant penalties shall include the following:

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

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

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

(B) Enjoinment. No person shall sell land lots unless the lots have been lawfully created pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance, which may be enjoined by a court of record.

25. PLAN COMMISSION RECOMMENDATION

The Town Plan Commission recommended adoption of this Land Division Ordinance at a meeting held on the 12th day of June, 2007.

26. TOWN BOARD APPROVAL

The Town Board of the Town of Big Flats concurred with the recommendations of the Plan Commission and adopted the Land Division Ordinance at a meeting held on the July 17, 2007.

Amended on the 8th day of March 2022.

APPROVED BY:

Mark Reed, Chairperson

Dale Kipfer, Supervisor I

Mike Clark, Supervisor II

ATTESTED BY:

Mary O’Neil, Clerk

27. EFFECTIVE DATE

This Land Division Ordinance shall take effect and be in force from and after the day after adoption and publication as required by law.

Public Notice:

(A) Public Review. A notice was published in the Adams County Times/Friendship Reporter on _____ to inform residents that a final draft of this Land Division Ordinance was on file with the Town Clerk for a thirty-day period from _____ to _____ during which it was available for inspection.

(b) Posting. A Notice of Adoption of this Ordinance was posted on _____ at the Town Hall.

(c) Publication. A Notice of Adoption of this Ordinance was published in the Adams County Times/Friendship Reporter, the publication of record for the Town of Big Flats on _____.

MAP 1
Town of Big Flats Land Division Ordinance Map
Adams County, Wisconsin

AMENDMENTS

#1 After being properly posted and published, a public hearing was held on February 12, 2008 in the town hall to amend Section 16, item B. Immediately following the public hearing a special town board meeting was held to formally adopt the amendment change.

On February 12, 2008, Section 16, Road Standards, was amended as follows:

(B) All parcels or lots shall have a minimum of 66 ft. frontage on a public road.

#2 After being posted and published, a public hearing was held on October 20, 2010 in the town hall to amend Section 5, 11, 17 items B, C and D, and 22 item B. Following the public hearing, the town board formally adopted the amendment change on November 9, 2010.

On Nov. 9, 2010, Section 5, Interpretation, was amended as follows: Provided, however, that if any provision of this Ordinance is contrary to a subdivider protection, as that term is used in 2009 Wis. Act 376, set forth in Chapter 276 Wis. Stats., the protection afforded in Chapter 236 shall govern. **Section 11, Compliance, was amended as follows:** Provided, however, the review of a proposed land division shall be based on regulations in effect at the time the proposal was submitted. **Section 17, Public Improvements, was amended as follows:** Item B: ...subdivider agrees to install all required improvements within a reasonable time. The plat or certified survey map must be recorded within twelve (12) months of approval. Item C: Construction Phases. The subdivider may construct the project in such phases as the town board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the town board shall be limited to the phase of the project that is currently being constructed. The town board may not require that the subdivider provide any security for improvements sooner than is reasonable necessary before the commencement of the installation for the improvements. Item D: The security deposit shall guarantee that all required improvements will be completed according to Town specifications by the subdivider or its contractors within a reasonable time. **Section 22, Land Division Procedure, was amended as follows:** Item B, Subdivision Procedure, (1) Site Plan item b: Notice of the meeting where the site plan will be considered shall be provided to the subdivider. Following the review, the Plan Commission shall send the applicant written comments regarding the proposed subdivision to assist the applicant in completing the subdivision process. No public hearing is required for this application. (3) Final Plat Review item a: The subdivider shall copies of the final plat together with a written application for approval with the Clerk within 36 months of the approval of the preliminary plat. (3) Final Plat Review item c: The Plan Commission shall provide the Town Board with its conclusions as to whether the final plat conforms substantially to the preliminary plat and with its recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

#3 After being posted and published, a public hearing was held on July 16, 2014 in the town hall to amend Section 17. Immediately following the public hearing a Plan Commission meeting was held to formally recommend the amendment change.

On August 12, 2014, Section 17, Public Improvements, was amended as follows:

(B) Contract. Before any final plat or certified survey map is inscribed by the Clerk, the subdivider shall enter a contract with the Town wherein the subdivider agrees to install all required public improvements within a reasonable time.

(C) Construction Phases. The subdivider may construct the project in such phases as the town board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any performance bond or other security required by

the town board shall be limited to the phase of the project that is currently being constructed. The town board may not require that the subdivider provide any security for public improvements sooner than is reasonable necessary before the commencement of the installation for the public improvements.

(D) Security Required.

(1) At the time said contract is entered, the subdivider shall, at the discretion of the subdivider, file a performance bond, certificate of deposit, irrevocable letter of credit, or certified check, with the Town in an amount equal to the estimated cost of the required public improvements as determined by the subdivider's engineer and approved by the Town Board.

(3) The security posted shall guarantee that all required public improvements will be completed according to Town specifications by the subdivider or its contractors within a reasonable time.

(4) Pursuant to section 236.13(2)(a)1. Wis. Stats., security may not be required for more than 14 months after the date that the public improvements are substantially completed as that term is used in section 236.13(2)(a)2. Wis. Stats.

(5) Upon substantial completion, the amount of security that the subdivider is required to provide shall be limited to the amount determined in section 236.13(2)(a)1. Wis. Stats.