

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS**20.300 APPROVAL REQUIRED**

Before executing or recording any document which would result in the subdivision of land, the subdivider shall obtain the written approval of the Town pursuant to the following procedure. Whenever a subdivider intends to subdivide a lot or parcel into five (5) or more lots or parcels, the subdivider shall obtain "preliminary approval" and "final approval" pursuant to this procedure. In all other cases (i.e. 4 lots or fewer), the subdivider need only obtain "final approval" but in such cases, a subdivider may (but is not required to) apply for preliminary approval.

20.301 APPLICATION

An application for approval of a subdivision shall be made to the Town and shall include the following information:

- (1) **APPLICATION FORM:** Seven (7) copies of an application form containing the following information:
 - (a) **Identification:** The name, address and telephone number of (i) the applicant, (ii) the owner(s) of the site, (iii) the registered land surveyor preparing the subdivision, and (iv) the architect(s), professional engineer(s) and contractor(s) being used on the project.
 - (b) **Address:** The street address for the site.
 - (c) **Tax Parcel Number:** The tax parcel numbers for the site.
 - (d) **Zoning:** A description of the existing zoning district(s) and the proposed zoning district(s) (if a change is expected).
 - (e) **Use:** A description of the current land uses present on the subject property and of the proposed land uses for the subject property;
 - (f) **Neighbor Information:** The name(s) and address(es) of all land owners within 1000 feet of the proposed subdivision.
- (2) **AERIAL PHOTOGRAPH:** Two (2) copies of an aerial photograph showing (i) the subject property, (ii) the nearest public road, (iii) the entire area contiguous to the subject property that is owned or controlled by the subdivider, and (iv) an area at least 600 feet wide around the subject property. (This photograph can be obtained from the Juneau County Surveyor's Office).
- (3) **PRELIMINARY PLAT:** Seven (7) copies of a map of the proposed subdivision, drawn by a registered surveyor, prepared on reproducible material, showing the information required by Chapter 236 for final plats or certified survey maps (which ever is applicable).
- (4) **OPTIONAL INFORMATION:** The Plan Commission or the Board may, at any time prior to final approval, require the applicant to provide any additional information or mapping which the Plan Commission or Board deems reasonable and necessary for its review of the subdivision, including (but not limited to) any of the following:
 - (a) Any of the information required by §236.20 for a Final Plat.
 - (b) The location, right-of-way width, and names of all existing and proposed private roads, private driveways, trails, lake or stream accesses, or other public or private ways, public or private easements, railroad and utility rights-of-way.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

- (c) The location and names of any adjacent roads, subdivisions, parks, schools and cemeteries, or other significant features.
- (d) The location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, or the location and size of any existing water and gas mains.
- (e) The locations of all existing streams and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (f) The boundaries of all proposed development phases.
- (g) The contour of the land at vertical intervals established by the Town.
- (h) The water elevations of adjoining lakes and streams at the date of the survey, and the approximate high and low water elevations of those lakes and streams, all referred to some permanent established datum plane.
- (i) Road elevations.
- (j) The existence and location of wetlands.
- (k) Information regarding the experience, knowledge, and financial ability of the subdivider to fulfill the requirements of this Chapter, and to complete the subdivision as represented.
- (l) Borings or soundings in designated areas to ascertain subsurface soil, rock, and water conditions, including the depth to bedrock and depth to ground water.
- (m) For all proposed private roads, an explanation of who will own the roads and be responsible for their maintenance and repair. For all proposed public roads, an explanation of when the roads will be designed and constructed, and by whom.
- (n) Any other information requested by the Plan Commission or Board.

20.302 FEE

The Board may, by resolution, adopt fees for the review of plats, re-plats, certified survey maps and subdivisions. Fees may be established based on the number of lots created and the approvals required. Fees shall be paid in full at the time of submission of an application. A fee submitted with an application may be increased based upon the actual number of additional lots created by the final approved subdivision, but no refund of a previous fee will be received for a reduction of lots. Furthermore, if the Board determines that one or consultants are needed to help the Town evaluate the Application, the Board shall advise the subdivider of this need, along with an estimate of the costs thereof, and the subdivider shall be confirm in writing whether the subdivider wishes to proceed with its Application and thereby become responsible for 50% of the costs thereof incurred by the Town. The Town may require the subdivider to pay a deposit to cover such costs before the Town proceeds with this process.

20.303 REVIEW BY CLERK

The Town Clerk, or designee, shall determine whether the application fulfills the requirements of §20.301 above. If the Clerk determines that the application does not fulfill the requirements of §20.301 above, the Clerk shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Clerk determines that the application does fulfill the requirements of §20.301, the Clerk shall so notify Applicant and forward the application either to the Plan Commission for preliminary approval, or to the Board for final approval, as

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

required below.

20.304 PRELIMINARY PLAT APPROVAL

- (1) **WHEN REQUIRED:** Whenever a subdivider intends to subdivide a lot or parcel into five (5) or more lots or parcels, the subdivider shall obtain "preliminary approval" pursuant to this procedure.
- (2) **REVIEW AND RECOMMENDATION BY PLAN COMMISSION:**
 - (a) **Initial Review:** The Plan Commission shall meet and conduct an initial review of the Subdivision for the purposes of (i) obtaining background information on the subdivision, (ii) determining whether additional information and/or expert consultants will be requested, and/or (iii) setting a date for a public hearing.
 - (b) **Public Hearing and Notice:** A public hearing on the application shall be conducted by the Plan Commission, no sooner than 30 days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 2 notice, and notice shall be mailed by the Clerk, at least 10 days before the public hearing, to the owners of all property located within 1000 feet of the proposed subdivision. If the proposed subdivision is adjacent to a federal or state highway, notice shall be sent to the DOT. If the proposed subdivision is adjacent to a county highway, notice shall be sent to Juneau County. If, during the course of the public hearing, it is determined by the Plan Commission that additional information and/or expert advice is needed, the Plan Commission may continue the Hearing to another date after such information and/or advice has been obtained. Additional notice of any such continuance is not required, but may be posted, published, or mailed in the discretion of the Plan Commission.
 - (c) **Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of review in §20.308 below. In making its decision, the Plan Commission may take any of the following actions:
 1. **Approval:** The Plan Commission may approve the application as proposed.
 2. **Approval with Modifications or Conditions:** The Plan Commission may approve the application with such modifications, conditions, and/or covenants as it deems necessary and appropriate after consideration of the purposes of this Ordinance, the standards of review set forth herein, the regulations set forth herein, and the recommendations of citizens, consultants, its own members, and any other source. If additional modifications, conditions and/or covenants are required, the Plan Commission may withhold approval of the subdivision until revisions depicting such additional modifications, conditions and/or covenants are submitted to the satisfaction of the Plan Commission, or its designee.
 3. **Denial:** The Plan Commission may deny the application.

The Plan Commission's approval, with or without modifications or conditions, shall be considered the approval of a unique request, and shall not be construed as precedent for any other application.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

20.305 FINAL PLAT APPROVAL

- (1) **WHEN REQUIRED:** All subdivisions require “final approval” pursuant to the following procedure.
- (2) **REVIEW BY TOWN BOARD:** The application shall be referred to the Town Board for consideration and action, unless the Applicant elects not to have the application referred due to the recommendation of the Plan Commission (e.g. an Applicant may elect not to have a decision of “denial” by the Plan Commission referred to the Board, but instead, may wish to revise and resubmit the application in the hope of removing the objections of the Plan Commission and obtaining an “approval”). The Board shall consider the Plan Commission’s recommendation (if applicable), and may request further information, study, or reports from the Plan Commission, the Applicant, and/or consultants.
- (3) **PUBLIC HEARING AND NOTICE:** If a public hearing has not been conducted pursuant to §20.304(2) above, a public hearing on the application shall be conducted by the Board, no sooner than 30 days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 2 notice, and notice shall be mailed by the Clerk, at least 10 days before the public hearing, to the owners of all property located within 1,000 feet of the proposed subdivision. If the proposed subdivision is adjacent to a federal or state highway, notice shall be sent to the DOT. If the proposed subdivision is adjacent to a county highway, notice shall be sent to Juneau County. If, during the course of the public hearing, it is determined by the Board that additional information and/or expert advice is needed, the Board may continue the Hearing to another date after such information and/or advice has been obtained. Additional notice of any such continuance is not required, but may be posted, published, or mailed in the discretion of the Board. The Board may conduct additional public hearings if it deems appropriate.
- (4) **DECISION BY TOWN BOARD:** Within 60 days of referral of the application to the Board from the Clerk or from the Plan Commission, the Board shall either refer the matter to the Plan Commission for further study, or the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of review in §20.308 below. In making its decision, the Board may take any of the following actions:
 - (a) **Approval:** The Board may approve the application.
 - (b) **Approval with Modifications or Conditions:** The Board may approve the application with such modifications, conditions, and/or covenants as the Board deems necessary and appropriate after consideration of the purposes of this Ordinance, the standards of review set forth herein, the regulations set forth herein, and the recommendations of citizens, consultants, its own members, and any other source. If additional modifications, conditions, and/or covenants are required, the Board may withhold approval of the subdivision until revisions depicting such additional modifications, conditions, and/or covenants are submitted to the satisfaction of the Board, or its designee.
 - (c) **Denial:** The Board may deny the application.

The Board’s approval of a subdivision shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed subdivision.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

20.308 STANDARDS OF REVIEW

The following issues shall be considered and addressed by the Town in deciding whether to approve a subdivision:

- (1) Whether the proposed subdivision complies with the Town's Zoning Ordinance.
- (2) Whether the proposed subdivision will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may exist in the future.
- (3) Whether the proposed subdivision complies with the design standards set forth herein.
- (4) Whether the proposed owner and operator have demonstrated the experience, knowledge, financial ability, and willingness to comply with the regulations set forth herein.
- (5) Whether the potential public benefits of the proposed subdivision outweigh the potential adverse impacts of the proposed subdivision, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.
- (6) Whether the size and scope of the proposed subdivision is appropriate for the site.

20.309 EFFECT OF DENIAL

An application which has been denied (in whole or in part) shall not be resubmitted for a period of 12 months from the date of said denial, unless the Clerk first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change in the proposed subdivision has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

20.310 EFFECT OF APPROVAL

An application which has been approved (in whole or in part, with or without modifications, conditions, and/or covenants) shall be recorded with the Register of Deeds for Juneau County, as soon as all the pre-conditions to such recording are fulfilled, and before any lot, parcel, or portion thereof is transferred or conveyed. A copy of the recorded documents shall thereafter be filed with the Clerk. The approval of a plat, re-plat or certified survey map for recording purposes shall not constitute "acceptance" by the Town of any highway or other property dedicated thereon to the public.

20.311 ACCEPTANCE BY TOWN

The highways and other properties dedicated to the public on any plat, re-plat, certified survey map, or subdivision shall not become "public" highways or "public" properties, for which the Town is responsible, until the Town Board officially "accepts" such highways or properties by formal action of the Board.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS
