

TOWN OF PLYMOUTH
ORDINANCE NO. 2012-04

AN ORDINANCE PROVIDING FOR THE COORDINATION OF CERTAIN LAND USE AND LAND DIVISION REGULATIONS AND TO PERMIT DELEGATION OF PORTIONS OF THE TOWN'S POWERS THEREUNDER TO THE ROCK COUNTY PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT AGENCIES.

RECITALS

- A. The Rock County Planning, Economic and Community Development Agency has previously exercised certain land use and land division authority under certain County ordinances, but, effective January 1, 2012, such ordinances have been repealed and amended so as to divest the Agency of its previously-exercised power under such ordinances.
- B. The Agency has offered to continue to exercise certain powers which it has previously exercised, but only if delegated such powers by the Town under a Memorandum of Agreement.
- C. It is the desire of the Town Board to exercise certain authority over land division and development which it has not previously exercised, to coordinate its land division and development authority with the powers set forth in the Town Zoning Ordinance, and to delegate to the Agency the exercise of certain authority.

NOW, THEREFORE, the Town Board of the Town of Plymouth, County of Rock, State of Wisconsin, ordains as follows:

SECTION 1: AUTHORITY

This Ordinance is adopted by the Town Board of the Town of Plymouth pursuant to Sections 236.45, 60.22 (3), and 61.34 of the Wisconsin Statutes.

SECTION 2: TITLE AND EFFECTIVE DATE

This Ordinance shall hereafter be known, cited, and referred to as the *Town of Plymouth Land Division and Development Ordinance* and shall be effective immediately upon publication of due notice of the adoption of the Ordinance. In the event of a conflict between this Ordinance and the Town of Plymouth Zoning Ordinance, the terms and provisions of this Ordinance shall govern and control.

SECTION 3: INTENT AND PURPOSE

The intent and purpose of this Ordinance is to identify the process and requirements for regulation of certain land division and development activity in the Town of Plymouth so as to maintain and advance the public health, safety, and general welfare of the Town and its residents.

SECTION 4: DEFINITIONS

The following terms shall, for the purpose of this Ordinance, have the definition stated in this Section:

Accessory Building – Any building except the principle building on a lot. In the case of a house with a detached garage on a lot, the accessory building is the garage.

Agency – The Rock County Planning, Economic & Community Development Agency.

Arterial street – Streets serving inter-community travel within and outside the area, providing a high level of urban mobility with little variation in operating conditions, and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

Block – A group of lots within well-defined and fixed boundaries, including but not limited to those boundaries provided by streets, public parks, cemeteries, rail lines, shorelines, or general purpose districts, and having a designation through which it may be identified.

Building – Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.

Building envelope – The area of a lot in which building and accessory building sites are allowed.

Building Inspector – The person holding the office created under section 3.5 of the Town of Plymouth Zoning Ordinance.

Certified Survey Map (“CSM”) – A division of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

Collector street – Street serving intermediate to long trips within in an area, collecting and distributing traffic to and from local roads and adjacent land within the area, providing fair mobility, and forming a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Classification Map.

Committee - The Town of Plymouth Planning and Zoning Committee created under the Town of Plymouth Zoning Ordinance.

Conservation easement – A document, in accordance with Sec. 700.40, Wisconsin Statutes, prohibiting building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the document, in Environmentally Sensitive

Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and/or open space.

Cul-de-sac – A local street with a singular vehicular outlet containing an appropriate terminal for the safe and convenient reversal of traffic movement.

Cultural resources – Any building or structure, archaeological or cultural site, or historical marker in the State of Wisconsin Historical Society’s Architecture and History Program, Archaeological Sites Inventory Program, or Historical Markers Program, or any building, structure, site, or marker so identified as a cultural resource in any Rock County cultural resources inventory, plan, or program.

Environmentally Sensitive Areas (“ESA”) –

- (a) Floodplain – Lands identified as floodplain by the Federal Emergency Management Agency (FEMA), as delineated in accordance with the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors;
- (b) Groundwater protection areas – Lands identified as groundwater protection areas, as delineated by the Agency;
- (c) Hydric soils – Lands with soils identified as hydric, as delineated by the Agency;
- (d) Kettles and depressional topography – Lands identified as kettles and/or depressional topography, as delineated by the Agency;
- (e) Natural areas – Lands with scores of five (5) or higher, in accordance with the *Rock County Natural Areas Survey – 2011*;
- (f) Shallow bedrock – Lands identified with bedrock within twenty (20) inches of the surface, as delineated by the Agency;
- (g) Shorelands – Lands identified within seventy-five (75) feet of the ordinary high water mark of a surface water feature, as delineated in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*;
- (h) Steep slopes – Lands identified with slopes sixteen percent (16%) and greater, as delineated by the Agency;
- (i) Wetland – Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity;
- (j) Wetland buffers – Lands identified within fifty (50) feet of wetlands, as delineated by the Agency.

Local streets – Streets serving primarily to provide direct access to adjacent land, providing for short distance travel within the area, and providing access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

Lot - A land area created by a land division or otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations.

Major land division (Sub-division) – A land division requiring a Sub-division Plat under County ordinances, creating five (5) or more new, additional lots of any size concurrently or by successive land division within five (5) years of the recordation date of the first lot created.

Pedestrian way – A public or private right-of-way whose primary purpose is conveyance of foot traffic.

Plat of Survey (“POS”) – A map of a minor land division, or identifying lands subject to an adjacent land sale or transfer, prepared by a land surveyor and submitted by an applicant in both a preliminary and final form.

Private onsite wastewater treatment system (“POWTS”) – A sanitary sewer treatment and disposal system consisting of a septic tank and soil absorption field, or similar improvements or infrastructure, serving a building(s) and located either on the same or a different lot than said building(s), and not owned by a governmental entity.

Productive agricultural soils – Soils so identified in the *Rock County Farmland Preservation Plan: 2011 Update* or any similar successive Rock County plan or document.

Public improvement - any structure created above or below ground, any road or any newly graded land which is proposed to be dedicated to the Town of Plymouth.

Street (Road) – All property dedicated or intended for public or private street purposes or subject to public easements twenty-one (21) feet or more in width.

Sub-division Plat – Any divisions of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where:

- (A) The act of division of division creates five (5) or more parcels or building sites;
- (B) Five (5) or more parcels or building sites are created by successive divisions within a period of five (5) years; or
- (C) There is a dedication or reservation for public improvements.

Woodlands – Lands comprising five (5) acres or more of contiguous deciduous and/or coniferous vegetation, as delineated by the Agency.

SECTION 5: ADJACENT LAND SALE OR TRANSFER

- (1) *Applicability.* This Section applies to any act or process of conveyance by a landowner of an existing parcel of land to the owner of an adjacent parcel if the land conveyed or the parcel remaining from which the conveyance is to be made is less than the minimum size for a lot established for the zoning district in which the land conveyed is located under the Town's Zoning Ordinance. Nothing in this Ordinance shall be deemed to alter the minimum and maximum lot size requirements set forth in the Town's Zoning Ordinance, and no land division shall be approved hereunder which results in the creation of a lot which does not meet the minimum and maximum lot size requirements set forth in the Town's Zoning Ordinance.
- (2) *Application submission requirements.* No conveyance to which this Section applies shall be permitted unless the landowner submits an application for preliminary adjacent land sale or transfer to the Town Clerk (or to the Agency if power hereunder is delegated to the Agency), with a fee established by the Town Board by resolution (or by the Agency if power hereunder is delegated to the Agency), and such application is approved by the Town Board after receiving a recommendation for approval or disapproval by the Committee (or after being approved by the Agency if power hereunder is delegated to the Agency).
- (3) *Requirements for approval.* Any application submitted under this Section shall be reviewed by the Committee (or by the Agency if power hereunder is delegated to the Agency). No proposed conveyance shall be approved unless the parcel to which adjacent land is to be added is in the same zoning district as the adjacent land. No proposed conveyance shall be approved unless the parcel from which the conveyed land is taken will equal or exceed the minimum size for a lot established for the zoning district in which it is located. In order to assure that additional lots are not created by the proposed conveyance, the Board (or the Agency if power hereunder is delegated to the Agency) shall, in its discretion, require the landowner to do the landowner's choice of one of the following as a condition for approval:
 - (a) Staking of the new lot line by a land surveyor, filing of a POS and recording of a deed restriction running to the Town and permanently prohibiting the grantee and all successors in interest from conveying the conveyed land separately from the adjacent lot owned by the grantee unless the conveyance is to an adjoining landowner; or
 - (b) Recording of a Certified Survey Map pursuant to Wis. Stat. § 236.34 for the new combined parcel.

SECTION 6: LOT COMBINATION

- (1) *Applicability.* This Section applies to any attempt to create a single lot from two or more existing lots. No such combined lot may be created so as to exceed the maximum lot size (if any) permitted in the zoning district in which the lot is to be located, and no such lot may be created from among parcels located in different zoning districts.
- (2) *Application submission requirements.* No lot combination to which this Section applies shall be permitted unless the landowner submits an application for the same to the Town Clerk (or to the Agency if power hereunder is delegated to the Agency), with a fee established by the Town Board by resolution (or by the Agency if power hereunder is delegated to the Agency), and such application is approved by the Town Board after receiving the recommendation of the Committee (or the application is approved by the Agency if power hereunder is delegated to the Agency).
- (3) *Requirements for approval.* No lot combination shall be permitted except upon determination that the combination will not be contrary to the intent of the Town's comprehensive plan and the Town's Zoning Ordinance. No lot combination shall be permitted unless the applicant records a Certified Survey Map pursuant to Wis. Stat. § 236.34, establishing a single lot consistent with the application.

SECTION 7: PUBLIC IMPROVEMENT DESIGN, CONSTRUCTION, AND MAINTENANCE

Any public improvement in the Town shall be constructed in compliance with the following standards:

- (1) *Blocks.* Block length shall not exceed one thousand five hundred (1,500) feet nor be less than four hundred (400) feet, except as the Town Board deems necessary to secure the efficient use of land or desired features of street layout. Block width shall be wide enough to allow two tiers of lots of sufficient depth to provide an adequate building envelope on each lot. The Town Board (or the Agency if power hereunder is delegated to the Agency) may approve block widths consisting of a single tier of lots when said lots front a major street or when topography or size prevents two tiers. If a single tier block is approved by the Town Board (or the Agency if power hereunder is delegated to the Agency), an adequate area to screen and buffer differing land uses shall be provided and vehicular access to the lots in the tier shall not be permitted from any street abutting the side of the lot opposite the street upon which the tier faces.

A pedestrian way may be required by the Town Board (or the Agency if power hereunder is delegated to the Agency) near the center of a block, and entirely across those blocks which exceed nine hundred (900) feet in length, to connect

dead-end streets or to provide access to parks, schools, shopping areas, or other similar facilities. If a pedestrian way is required, a minimum ten (10) foot right-of-way shall be set aside with an eight (8) foot pavement (or other cover type as approved by the Town Board or the Agency if power hereunder is delegated to the Agency) width, at a grade not steeper than fifteen percent (15%), unless alternative forms of adequate design are approved by the Town Board (or the Agency if power hereunder is delegated to the Agency). A note shall be placed on the Sub-division Plat stating by whom such pedestrian way shall be maintained.

- (2) *Streets.* All streets shall be constructed according to the standards for Rock County roads as established by the Rock County Highway Department, except as expressly set forth in this Section. All streets shall be designed to appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, street systems, dedicated rights-of-way, population densities, special vehicular traffic generators such as commercial, business, and industrial districts, institutional facilities, and other social gathering areas. In areas to be utilized predominately for non-residential uses, streets shall be planned in coordination with building groupings, rail facilities, alleys, and truck loading and maneuvering areas, and pedestrian ways and parking areas shall be adequately provided and located so as to minimize conflict between various types of traffic. Streets shall normally intersect, as nearly as possible, at right angles and shall avoid a combination of steep grades and curves. Streets shall be arranged to provide access to lots and building and accessory building sites at or above street grade. Street design in a major land division (sub-division) shall provide for the continuation of existing streets in adjacent areas at the same or greater width as said existing streets, unless the Town Board deems such continuation undesirable for reasons of topography or design.

All streets shall be public unless the Town Board (or the Agency if power hereunder is delegated to the Agency), prior to approval of the application for preliminary land division, agrees to the use of private streets. Private streets will be considered by the Town Board (or the Agency if power hereunder is delegated to the Agency) only in those instances where an association or other legal entity is established by covenant with capability and responsibility for maintenance of said streets.

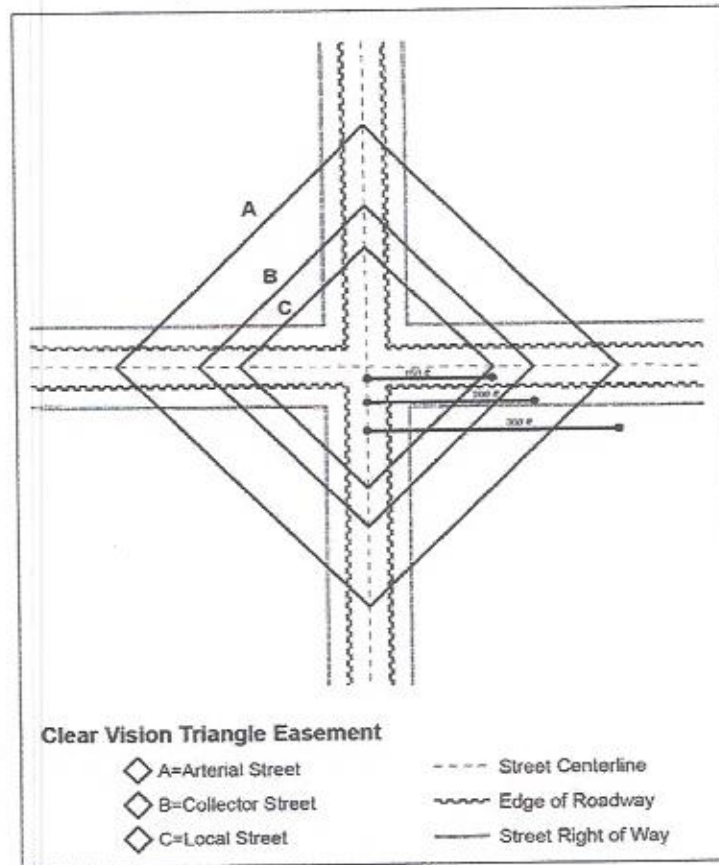
- (a) Right-of-way width shall be as delineated in **Figure I**. Street width shall be between 18 and 24 feet, in the discretion of the Town Board (or the Agency if power hereunder is delegated to the Agency):

Figure I: Street Width

	Arterial Street	Collector Street	Local Street
Full Width	100 feet	80 feet	66 feet
Half Width	50 feet	40 feet	33 feet

- (b) Street gradient shall not exceed nine percent (9%), nor eleven percent (11%), with approval of the Town Board, in areas of extreme topography. Gradient shall not exceed one point four percent (1.4%) for a minimum distance of fifty (50) feet from the intersection of street centerlines. Streets may be constructed diagonally across contours in areas of extreme topography and shall traverse the slope with minimum street grade, driveway grade, and earth movement.
- (c) Cul-de-sac use shall not be encouraged, and if utilized, cul-de-sacs shall not be longer than six hundred (600) feet unless approved by the Town Board (or the Agency if power hereunder is delegated to the Agency) and shall terminate in a circular open space having a diameter at the outside of the right-of-way of at least one hundred forty (140) feet. Temporary cul-de-sacs may be permitted by the Town Board (or the Agency if power hereunder is delegated to the Agency), to be constructed to the lot line and provided with a temporary circular or "T" shaped turn-around.
- (d) Frontage or access streets shall be required in those instances where a major land division (sub-division) abuts or contains an existing or proposed arterial street on which traffic volume and vehicular speeds warrant special safety precautions to ensure no lots front arterial streets.
- (e) A street approximately parallel to a rail line, expressway, freeway, or parkway right-of-way shall be required if the land division adjoins such facility for a significant distance, with consideration given to the distance required for approach grades to future grade separations.
- (f) A clear vision triangle ("triangle"), in each quadrant of every public street or rail line intersection, shall be maintained, bounded by the street centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated in **Figure II** as contained herein, with the exception that the triangle shall be maintained for twenty five (25) feet from the right-of-way for any intersection in a Sub-division Plat. The triangle shall be cleared of all vegetation less than six (6) inches in diameter. Vegetation greater than six (6) inches in diameter may remain in the triangle at the discretion of the Town. Any vegetation remaining in the triangle shall require trimming up to eight (8) feet above the ground.

Figure II: Clear Vision Triangle



- (g) Grading, base course, surface course, marking and signing, landscaping, and stormwater management related to the construction of public improvements hereunder shall be in accordance with Rock County ordinances and standards established by Rock County for Town roads. All costs related to such activities related to a land division shall be borne by the applicant for that land division. The applicant for any such land division shall provide a method of financing satisfactory to the Town Board (or the Agency if power hereunder is delegated to the Agency) so as to assure compliance with all public improvement standards. The surface course shall be applied within twelve (12) months after the base course is constructed or at such later time as expressly approved by the Town Board (or the Agency if power hereunder is delegated to the Agency).
- (h) Bridges of primary benefit to any land division applicant shall be constructed at the expense of the applicant without reimbursement from the Town. Cost sharing for construction of the bridges not of primary benefit to the applicant may be fixed by agreement between the Town, other government entities and the applicant.

- (3) *Town public improvement plan.* Any applicant for a land division which includes the construction of public improvements to be dedicated to the Town shall file with the Town (or with the Agency if power hereunder is delegated to the Agency) a public improvement plan containing all of the following:
- (a) Elevation profiles of the centerline of all existing and proposed streets;
 - (b) Elevation profile of the centerline of all existing streets that intersect with a proposed street, within six hundred (600) feet of said intersection;
 - (c) Approximate radii of all curves, lengths of tangents, and central angles on all existing streets;
 - (d) Cross-sections of all proposed streets at one hundred (100) foot stations superimposed on existing topography (the Town Board may require cross-sections every fifty (50) feet in areas in excess of nine percent (9%) slope), and the location and cross-section of street pavements including drainageway easements, right-of-ways, and street signs;
 - (e) Location, dimension, and invert elevations of existing and proposed sanitary sewers, stormwater drainageways, drainage control facilities, and fire hydrants, identification of connections to any existing or proposed utility, and the location and size of all water, gas, or other underground utilities or structures;
 - (f) Location, dimension, and name (if applicable) of all streets and improvements designated for public dedication, and all necessary utilities;
 - (g) Any other special requirements deemed necessary by the Town Board to ensure the land division is in compliance with the Town comprehensive plan or the *Rock County Comprehensive Plan*.
- (4) *Financial guarantee.* A written financial guarantee in an amount determined by the Town Board (or the Agency if power hereunder is delegated to the Agency) to be reasonably sufficient to assure the payment of the cost of construction of all public improvements shall be provided to the Town Board by any applicant for a land division which contemplates the construction of public improvements, for all improvements not constructed at the time of approval of the final land division, complying with all conditions of approval of any application for preliminary land division and assuring the construction and performance of all necessary improvements. Said financial guarantee shall take one of the following forms and be provided in a format acceptable to the Board (or to the Agency if power hereunder is delegated to the Agency):
- (a) An insurance contract from a bonding agency;

- (b) An irrevocable letter of credit from a recognized financial institution;
- (c) An escrow account in a recognized financial institution;

The monetary amount of said guarantee shall be in an amount reasonably sufficient to assure payment of the cost of the current phase of improvement construction, in accordance with Sec. 236.13 (2) (a), Wisconsin Statutes.

- (5) *Inspection.* The Town Board (or the Agency if power hereunder is delegated to the Agency) shall, at the developer's expense, provide for inspection of public improvements during construction to ensure completion satisfactory to the Town Board (or to the Agency if power hereunder is delegated to the Agency).
- (6) *Maintenance.* Any applicant for a land division contemplating public improvements shall be required to maintain all public improvements and services associated therewith ensuring the adequate performance of all said improvements until acceptance of improvements by the Town Board, including but not limited to snow removal on streets. The Town Board may, upon notice to the applicant, plow streets or effect emergency repairs and charge the cost of the same to the applicant. Utility entities and the applicant shall be responsible for accurate replacement of all lot corners and monuments destroyed while installing utilities, within a reasonable time period after installation.
- (7) *Timeline.* For all land divisions contemplating public improvements, the public improvements shall be constructed by the applicant within twelve (12) months of approval of the final land division. Extensions to the aforementioned timeline may be applied for by the applicant prior to expiration of said timeline and granted by the Town Board upon findings that delays are beyond the control of the applicant and that no material change in standards or conditions of the final land division has occurred or is reasonably expected to occur.

SECTION 8: ENVIRONMENTALLY SENSITIVE AREAS, CULTURAL RESOURCES, PRODUCTIVE AGRICULTURAL SOILS, AND WOODLANDS PROTECTION AND PRESERVATION

Environmentally Sensitive Areas ("ESAs"), cultural resources, productive agricultural soils and woodlands (collectively "Resources") shall be protected and preserved throughout the land division and development process, and land division and development shall not occur in a manner which significantly degrades or depletes any Resources, nor compromises their function or integrity, the Town comprehensive plan or the Town's Zoning Ordinance. Protection and preservation of Resources throughout the land division and development process shall be ensured utilizing the mechanisms identified herein.

- (1) *Note on final land division or deed restriction.* Upon creation of a lot of 35 acres or smaller, or upon application for a Building Permit for a building or accessory

building, if the lot contains specified Resources, the Town Board (or the Agency if power hereunder is delegated to the Agency) may, in its discretion, require the placement of a note on the final land division POS, CSM, or Sub-division Plat, or a deed restriction, identifying specified Resources and prohibiting building and accessory building sites, and earth-disturbing activity that would significantly degrade or deplete or compromise the function or integrity of said Resources as identified therein.

- (2) *Conservation easement.* Upon creation of a lot of 35 acres or smaller, or upon application for a Building Permit for a building or accessory building, if the lot contains specified Resources, the Town Board (or the Agency if power hereunder is delegated to the Agency) may, in its discretion, require that a conservation easement be created on the lot. Said easement may:
 - (a) Identify the land area subject to the easement and prohibit building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the easement, in or on any specified Resources identified therein;
 - (b) Designate the owner of the lot subject to the easement as grantor therein and either Rock County, the Town, or some combination thereof, as grantee therein;
 - (c) Contain any additional information deemed appropriate by the Town Board (or the Agency if power hereunder is delegated to the Agency).

SECTION 9: TOWN BUILDING SITE PERMIT

- (1) *Town building site plan.* Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, shall require a Town building site plan identifying all of the following (if applicable): construction activities and products, approximate location and dimension of lot lines, building setback lines, building/accessory building, driveway, and bounding streets, building/accessory building use, bounding streets name and type, identification and approximate location of Environmentally Sensitive Areas (“ESAs”), cultural resources, productive agricultural soils, and woodlands, and a building envelope not to include any front, rear, or side yards, ESA, cultural resources, and required POWTS area and open space in accordance with County ordinances.

Building setback lines as identified on a Town building site plan shall be in accordance with the Town’s Zoning Ordinance.

- (2) *Application submission requirements.* A Town Building Site Permit (“Town BSP”) shall be required if a building or accessory building is proposed for construction or location on a lot. The application shall require an application form and fee and a Town Building Site Plan prepared in accordance with Subsection (1) above.

- (3) *Committee or Agency review.* The Committee (or the Agency if power hereunder is delegated to the Agency) shall review an application for a Town BSP for compliance with all applicable ordinances.
- (4) *Agency action.* After review and after receiving the recommendation of the Committee, the Town Board (or after review by the Agency if power hereunder is delegated to the Agency) shall take action and approve or deny with findings the application for a Town BSP and shall notify the applicant of same.
- (5) *Approval and issuance.* If the Town Board (or the Agency if power hereunder is delegated to the Agency) approves the application for a Town BSP, all construction activities and products shall be completed to specifications contained therein within twelve (12) months of issuance of the Town BSP. Approval and issuance of a Town BSP shall be subject to the following conditions:
 - (a) Building, accessory building, and earth-disturbing activity sites as identified in the Town BSP shall not be in/on any area subject to a deed restriction or a conservation easement created under Section 8;
 - (b) Erosion control measures must be in place on the lot in accordance with a stormwater management and erosion control plan;
 - (c) The Rock County Health Department must have issued a sanitary permit for the lot, or a connection to a public sanitary sewer system has been approved for the lot;
 - (d) The Rock County Public Works Department or the Town must have issued a driveway/access control permit for the lot;
 - (e) The lot shall have been reviewed and approved by the Committee (or the Agency if power hereunder is delegated to the Agency) in accordance with this Ordinance and shall meet all Rock County, Town, State, and any other applicable standards and regulations;
 - (f) Building and accessory building sites, as identified in the Town BSP, less than ten (10) feet from any building setback line shall require a foundation survey, provided by the applicant to the Building Inspector (or the Agency if power hereunder is delegated to the Agency). The foundation survey shall identify lot lines, building setback lines, and a building and/or accessory building's existing foundation or footings, and the distance from the lot lines to said foundation or footings, and floodplain. The foundation survey shall be submitted to the Building Inspector (or the Agency if power hereunder is delegated to the Agency) within thirty (30) days of construction of the foundation or footings. This aforementioned timeline may be extended in cases of extenuating

circumstances at the discretion of the Town Board and upon submittal of a written extension request from the applicant.

(6) *Completion.* The applicant's Town BSP obligations shall be deemed fulfilled only if all of the following conditions have been met within twelve (12) months of issuance of the Town BSP:

- (a) Construction of the building and/or accessory building is substantially completed;
- (b) All stormwater management, erosion control, landscaping, and final grading activities over which the Town and Rock County have review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed;

(7) *Extension.* If (5) (a) and (b) of this Sec. are not completed within twelve (12) months of issuance of the Town BSP, a Town BSP extension shall be required if the applicant wishes to complete (5) (a) and (b). The applicant shall request a Town BSP extension from the Town Board and the Town Board shall issue said extension only if all of the following conditions have been met:

- (a) Applicant requests the Town BSP extension prior to twelve (12) months from the date the Town BSP was issued;
- (b) Applicant provides to the Town Board reasonable information regarding the need for the Town BSP extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the Town BSP has or is reasonably expected to occur during the duration of the extension;
- (c) The Town Board reviews the information per (b) of this Sub-sec., finds the information sufficient, and approves the Town BSP extension at a public meeting;

A Town BSP extension may not exceed twelve (12) months, unless the Town Board approves an additional extension on a month-to-month basis, at the request of the applicant.

SECTION 9: DELEGATION OF POWERS

The Town Board may delegate the administration and enforcement of all or portions of the provisions of this Ordinance to the Rock County Planning, Economic and Community Development Agency under a Memorandum of Agreement as contemplated and permitted under Rock County Ordinances.

SECTION 10: CONFLICT WITH ZONING ORDINANCE

Should the provisions of this Ordinance contradict or conflict with any term, condition or provision of the Town of Plymouth Zoning Ordinance, the terms, provisions and conditions of this Ordinance shall prevail and govern.

SECTION 11: PENALTIES


Any person convicted of a violation of this Ordinance shall be subject to a fine of not less than \$100 nor more than \$5000, together with the costs of prosecution and the cost of remediation of any violation. The Town may obtain injunctive relief to prevent and abate further violations. Each day a violation exists or continues shall constitute a separate violation. In default of payment, the violator shall be imprisoned in the county jail until such fine and costs are paid, such imprisonment not to exceed 90 days.

SECTION 12: SEVERABILITY

Should any portion of this Ordinance be declared to be unlawful or unconstitutional at any time, it shall be deemed severable from the rest of the Ordinance and shall not affect the lawfulness or constitutionality of the remainder of the Ordinance.

Adopted this 11th day of December 2012.
Town of Plymouth Town Board

By: 
Chairperson

Attest: 
Town Clerk

SUMMARY OF ORDINANCE FOR PUBLICATION

Pursuant to Wis. Stat. § 60.80 (5), Notice is hereby given of the passage of Town of Plymouth Ordinance No. 2012-04 by the Town Board on December 11, 2012. Said Ordinance is summarized as follows:

- 1- The Ordinance creates the Town of Plymouth Land Division and Development Ordinance, Ordinance No. 2012-04 governing the process of land division and development in the Town.
- 2- The Ordinance establishes regulations governing:
 - a) transfers of land between adjacent landowners;
 - b) combination of multiple lots into a single lot;
 - c) establishes public improvement design, construction and maintenance standards for developments in the Town;
 - d) regulates the development of environmentally sensitive areas, cultural resources, productive agricultural soils, and woodlands in the Town

- e) provides for issuance of a Town Building Site Permit as a precondition to building
- 3- The Ordinance permits the Town Board to delegate its powers under the Ordinance to the Rock County Planning, Economic & Community Development Agency and establishes penalties for violation of the Ordinance.

The full text of the Ordinance may be obtained or viewed at no charge by contacting the Town Clerk, Susan Douglas, 8219 High Street, P.O. Box 464, Hanover, WI 53542; telephone number 608-879-4012, or on the Town web site, www.townofplymouthwi.com

CERTIFICATION

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Plymouth on the 11th day of December, 2012, and that on the 19th day of December, 2012, a copy of the above ordinance was published in the Independent Register, the official newspaper of the Town of Plymouth.

Susan Douglas
Susan Douglas, Town Clerk,
Town of Plymouth
Rock County, Wisconsin

Subscribed and sworn to before me
this 14th day of DEC, 2012.

Bette J Bastian
Notary Public, Rock County, Wisconsin
My Commission expires: 2/2/14

