TOWN OF DOVRE

BARRON COUNTY, WISCONSIN

ORDINANCE NO. 2025 -1

AN ORDINANCE TO REGULATE LAND DIVISIONS IN THE TOWN OF DOVRE

The Town Board of the Town of Dovre, Barron County, Wisconsin, hereby ordains as follows:

1. Title/Purpose.

The Title of this Ordinance is the Town of Dovre Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Dovre, Barron County, Wisconsin (the “Town”), in order to accomplish all of the following purposes:

1. Promoting the public health, safety, and general welfare of the Town.
2. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive Plan, Master Plan, or other Land Use Plans.
3. Promoting the planned and orderly layout and use of the land in the Town.
4. Encouraging the most appropriate use of the land throughout the Town.
5. Minimizing the public impact resulting from the division of large tracts into smaller Parcels of land in the Town.
6. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town.
7. Providing the best possible environment for human habitation in the Town.
8. Enforcing the goals and policies set forth in any Town Comprehensive Plan, Master Plan, or other Land Use Plans.
9. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town.
10. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town.
11. Securing safety from fire, flooding, and other dangers in the Town.
12. Avoiding the inefficient and uneconomical extension of governmental services in the Town.
13. Conserving the value of prime agricultural soils in the Town.
14. Providing for the conservation of the agriculturally important lands in the Town by minimizing conflicting land uses.
15. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town.
16. Regulating the development of Land Division projects.
17. Ensuring accurate legal descriptions.
18. Providing for administration and enforcement of this Ordinance by the Town Board.
19. **Authority.** This Ordinance was adopted under the statutory authority granted pursuant to Wis. Stat. §§ 60.10(2)(c), 60.22(3), 61.34(1), 236.03, and 236.45. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation of this Ordinance dated February 12th, 2025, from the Town Plan Commission.
20. **Adoption of Ordinance.** The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain Land Divisions and Certified Surveys in the Town. Pursuant to Wis. Stat. § 236.45(4), a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under Wis. Stat. Chapter 985.
21. **Definitions.** In this Ordinance, the following definitions shall apply:
22. “Agricultural Use”, as provided in Wis. Stat. § 91.01(2), means any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; and enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
23. “Certified Survey” or “Certified Survey Map” means a certified survey with the map of a Minor Land Division prepared in accordance with Wis. Stat. § 236.34 and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a Plat. All Minor Land Divisions require a Certified Survey Map by a registered land survey.
24. “Condominium” means a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
25. “Deed Restriction” means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a Restrictive Covenant, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
26. “Developer’s Agreement” means an agreement by which the Town and the Land Divider agree in reasonable detail to all of those matters which the provisions of this Ordinance permit to be covered by the Developer’s Agreement. The Developer’s Agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town and/or the County.
27. “Dwelling” means any building that contains one or two Dwelling Units. Dwelling does not include a primitive rural hunting cabin, as defined in Wis. Stat. § 101.61(3).
28. “Dwelling Unit” means a structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
29. “Final Plat” means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger Parcels into Lots and used in conveying these Lots.
30. “Land Divider” means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided or is proposed to be divided, resulting in a Land Division.
31. “Land Division” means the division of a Lot, Outlot, Parcel, or tract of land by the owner, or the owner’s agent, for the purpose of sale or for development when the act of division creates two or more Parcels or building sites, inclusive of the original remnant Parcel, by a division or by successive divisions of any part of the original property with a period of 5 years, including any land division by or for a Minor Land Division, Major Subdivision, Condominium, Condominium Plat, Replat, Certified Survey Map, and any other land division.
32. “Land Use Plan” means the Town Comprehensive Plan adopted by the Town, including any subsequent amendment.
33. “Lot” means a Parcel more than 2 acres but less than 20 acres in size (exclusive of right-of-way), which is created by a Land Division, with the designated Parcel, tract, or area of land established by Plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
34. “Major Subdivision” is the division of a Lot, Parcel, or tract of land, by the owner or owner’s agent, for the purpose of sale or of building development where either (1) the Land Division creates five or more Parcels or building sites of 2 acres each or more in area (exclusive of right-of-way) or (2) where five or more Parcels or building sites of 2 acres or more in area (exclusive of right-of-way) are created by successive division within a period of five (5) years.
35. “Master Plan” means the plan, concerning issues of land in the Town, adopted pursuant to Wis. Stat. § 62.23.
36. “Minor Land Division” means any division of land, other than a Major Subdivision as defined herein, of less than 20 acres in size (exclusive of right-of-way). Any residual Parcel resulting from any division of land shall be included in the Minor Land Division if said Parcel is less than 20 acres in size (exclusive of right-of-way). The minimum Land Division under this Ordinance shall comply with the standard design and improvement requirements in Section 12 and the Certified Survey requirements in Section 11.
37. “Natural Resource” means 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, State of Wisconsin, or the Town.
38. “Navigable Waters” means any body of water which is navigable under the laws of the State of Wisconsin.
39. “Outlot” means a Parcel of land other than a Lot or block so designated on a Plat or Certified Survey Map.
40. “Parcel” means contiguous lands under the control of a Land Divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.
41. “Plat” means a map of a Major Subdivision.
42. “Replat” means the process of changing the boundaries of a recorded Major Subdivision, Minor Land Division, or other Land Division or part thereof. The division of a large block, Lot, or Outlot within a recorded Plat or Certified Survey which changes the exterior boundaries of said Lot, block, or Outlot is a Replat.
43. “Restrictive Covenant” means a Deed Restriction on the use of the land usually set forth in the deed. A Restrictive Covenant runs with the land and is binding upon subsequent owners of the property.
44. “Sketch Map” means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.
45. “Town” means the Town of Dovre, Barron County, Wisconsin.
46. “Town Attorney” means the attorney for the Town of Dovre, Barron County, Wisconsin.
47. “Town Board” means the Board of Supervisors for the Town and includes designees of the board authorized to act for the board.
48. “Town Clerk” means the clerk of the Town.
49. “Town Comprehensive Plan” means a Comprehensive Plan adopted by the Town Board of the Town, under Wis. Stat. § 66.1001.
50. “Town Engineer” means the engineer for the Town of Dovre, Barron County, Wisconsin.
51. “Town Plan Commission” means the Plan Commission of the Town.
52. “Town Treasurer” means the treasurer for the Town.
53. “Wetland” means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
54. “Wis. Stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.
55. **Exemptions.**
56. The provisions of this Ordinance, as it applies to Land Divisions of tracts of land in the Town into less than five (5) Parcels, shall not apply to any of the following:
57. Transfers in interest in land by will or pursuant to court order.
58. Leases for a term of not more than ten (10) years, mortgages, or easements.
59. The sale or exchange of land between owners of adjoining property if additional Lots are not thereby created and if the Lots resulting are not reduced below the minimum size of 2 acres (exclusive of right-of-way).
60. The division of land into Parcels, Outlots, or Lots that are larger than 20 acres in size (exclusive of right-of-way).
61. All of the following specific uses and activities are exempt from this Ordinance:
62. Cemetery plats made under Wis. Stat. § 157.07.
63. Assessor’s plats made under Wis. Stat. § 70.27.
64. **Coverage/Compliance.**
65. This Ordinance applies to all lands in the Town. The Town Board shall be responsible to administer this Ordinance unless it designates by resolution such other authority.
66. No person, unless exempt under this Ordinance, shall divide or create a Land Division of any land in the Town subject to the requirements of this Ordinance, and no Land Division shall be entitled to be recorded in the Office of the Register of Deeds for Barron County, unless the final Land Division, Plat, or Certified Survey, as approved by the Town Board or its designee, is in full compliance and consistent with all of the following:
67. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2. through 9. below, it is intended that the provisions of this Ordinance shall apply.
68. Wis. Stat. Chapter 236.
69. The Town Comprehensive Plan adopted under Wis. Stat. § 66.1001 or other Town Land Use Plan or any component thereof.
70. All applicable Town, Barron County, and State of Wisconsin laws and regulations, including zoning regulations, building code, sanitary code, erosion control regulations, and other Land Division regulations.
71. State Department of Natural Resources administrative rules on Wetlands, shorelands, sewers, septic systems, and pollution abatement.
72. All applicable State and local sanitary codes.
73. All State Department of Transportation and Barron County Highway Department Administrative 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.
74. All applicable extraterritorial, Comprehensive Plans, and Master Plans, extraterritorial zoning or Plat review ordinances, or official maps adopted pursuant to Wis. Stat. § 62.23, and any other applicable Town, Barron County, or extraterritorial authority ordinances and regulations.
75. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new Land Division Plat approvals and Certified Survey Map approvals and prior to any person commencing any form of construction or installation of any building in the Town.
76. No land shall be divided or any Land Division occur if any Parcel, Lot, or Outlot created by the Land Division is smaller than 2 acres (exclusive of right-of-way).
77. For new residential developments of Parcels, Outlots, or Lots, no land shall be divided or any Land Division occur that results in a density of greater than 1 Dwelling Unit per 10 acres (exclusive of right-of-way). No building permit shall be issued for a residential development if it does not meet the density requirements set forth in this Section.
78. No land shall be divided or any Land Division occur that would result in the creation of more than one new Parcel, Lot, or Outlot without approval of a completed Developer’s Agreement, which shall be subject to the Town Board’s approval. The Development Agreement shall be designed to protect the Town and the general public and to defray costs and expenses to the Town as a result of the proposed development.
79. Any Parcel in the Town, which shall be divided by a Land Division regardless of the Lot, Outlot, or Parcel size or number of Lots, Outlots, or Parcels created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Barron County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
80. Any Parcel in the Town, which shall be divided and cause a Land Division, regardless of the Lot, Outlot, or Parcel size or number of Lots, Outlots, or Parcels created, shall comply with Wis. Stat. §§ 59.692, 281.31, and 236.45, Wis. Stat. Chapter 703, and any appropriate State Administrative Code provisions.
81. All visible structures, encroachments, fences, Navigable Waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any Land Division to be recorded.
82. Any Outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the Outlot.
83. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout Parcels, Lots, or Outlots, or create Plats or Certified Survey Maps on any land in the Town in violation of this Ordinance or the Wisconsin Statutes.
84. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town, except land subject to a Land Division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the Land Divider. The Town Board may institute appropriate action or proceedings to enjoin violations of this Ordinance.
85. All Land Division approvals required by the State Department of Administration or its successor Department for specific Land Divisions, including, but not limited to, any Major Subdivisions and Minor Land Divisions, shall be obtained prior to final approval by the Town Board or its designees.
86. All Land Division, Plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the Land Divider. Final Plat approval shall comply for recording with Wis. Stat. §§ 236.21 and 236.25.
87. No persons shall make, record, or Replat any Land Division, except as provided under Wis. Stat. § 70.27(1), if it alters acres dedicated to the public without proper action to vacate such plat, map, or part thereof.
88. A Condominium Plat prepared by a land surveyor registered in Wisconsin is required for all Condominium Plats or any amendments or expansions thereof. The Land Divider shall comply in all respects with the requirements of Wis. Stat. § 703.11 and the following:
89. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than 1 Dwelling Unit per 10 acres.
90. Submittal: The Land Divider shall submit the proposed site plan, use, and location; existing and proposed structures; neighboring land and water uses; parking areas; driveway locations; highway access; traffic generation according to Institute of Transportation Engineers standards; traffic circulation; drainage; waste disposal; water supply systems; and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.
91. Review and Approval: The Town shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, Wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town Comprehensive Plan.
92. Where other governing authorities, including the State, Barron County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed Land Division and the requirements are conflicting, the Land Divider and the Land Division shall comply with the most restrictive requirements.
93. **Specific Compliance Provisions.**
94. All Parcels, Lots, or Outlots that will be proposed to be divided for Land Division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a Navigable Water shall be divided along these natural or constructed features.
95. No land shall be issued a Land Division approval if the Town Board determines that any proposed Plat or Certified Survey Map will materially interfere with existing Agricultural Uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan, Master Plan, or other Land Use Plan. In addition, the Land Division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other Plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The Land Division minimum Lot size requirements in this Ordinance apply rather than any other applicable regulations related to minimum Lot sizes.
96. No land shall be issued a Land Division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town.
97. No land shall be issued a Land Division approval if it is held unsuitable by the Town Board for its proposed use 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, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town, or likely to cause a public nuisance in the Town. The Town Plan Commission may require any proposed Land Divider to furnish maps, data, and other information as may be necessary to determine land suitability.
98. No person shall be issued any Land Division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
99. No person shall be issued any Land Division approval by the Town who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town.
100. All Parcels, Outlots, or Lots shall have frontage on a public street or public road.
101. No person shall sell any Parcel, Lot, or Outlot in the Town if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town and Barron County.
102. No person shall be issued a final Land Division approval by the Town Board until the Land Divider makes or installs all public improvements deemed necessary by the Town Board or until the Land Divider executes a surety bond or other security acceptable to the Town Board to ensure that the Land Divider will make these public improvements within a time established by the Town Board.
103. No person shall be issued a final Land Division approval by the Town Board until the Land Divider submits and obtains approval of the proposed Plat or proposed Certified Survey Map to the following approving authorities:
104. Barron County;
105. Wisconsin Department of Administration;
106. Any other appliable state, County, and local agencies.
107. No person shall be issued a final Plat or Certified Survey Map approval by the Town Board until the Land Divider agrees in writing that the Land Divider will be responsible for the cost of any necessary alteration of any existing utilities that arise by virtue of the Land Division.
108. No person shall be issued a final Plat or Certified Survey Map approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the Plat area or Certified Survey Map area meet the requirements established in writing by the Town Board.
109. The Town, with respect to any final Land Division, shall not be responsible for any public improvements and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by motion or resolution, accepts or approves such dedicated public improvements with or without conditions.
110. No person shall be issued a final Land Division approval by the Town Board unless any proposed Town roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections, and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Plan Commission, as recommended by the Town Engineer.
111. No person shall be issued a final Land Division approval by the Town Board unless any natural gas, water, sewer, electrical power, cable, and/or telephone facilities are installed in such manner as to make adequate service available to each Parcel, Lot, or Outlot in the proposed Land Division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and/or telephone facilities required to serve the Land Division shall be noticed to and approved by the Town Board every year.
112. No person, unless specifically waived in writing by the Town Board, shall be issued a final Land Division approval by the Town Board unless required curb and gutter with concrete sidewalk, as required by the Town Board, are installed with the plans and standard specifications for such structures approved by the Town Board upon recommendation of the Town Plan Commission. The cost of all curb, gutter, and sidewalk shall be borne by the Land Divider.
113. No person shall, unless specifically waived in writing by the Town Board, be issued a final Land Division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses have been made, as required by the Town Board at no cost to the Town, or such fees in lieu of such dedication, as established by the Town Board, shall have been paid by the Land Divider to the Town Treasurer.
114. **Application and Sketch Map Submittal** 
     * 1. Any Land Divider who divides or proposes to divide land located in the Town that will create a Land Division shall, prior to any submittal of any Preliminary Plat or Certified Survey information, submit to the Town Clerk a Land Division application, which may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments:
115. The name and address of the owner of the property and the Land Divider.
116. The location and size of the property and the type of Land Division that is to be requested.
117. The names and addresses of all adjacent landowners.
118. A statement of intended use.
119. The name and address of the surveyor who will be doing the survey work.
120. The present use of the land.
121. The number and size of projected Parcels, Lots, or Outlots upon a final Land Division.
122. Existing zoning and other land use controls on and adjacent to the proposed Land Division.
123. The estimated timetable for final development and requested timeline by the Land Divider for final approvals from the Town.
124. Any other additional data or information reasonably requested by the Town and relevant to review.

This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

* + 1. With any initial Land Division application, the Land Divider shall submit to the Town Clerk a Sketch Map at a scale of not less than 1 inch=100 feet. More than one attached sheet may be used, but no sheet may be larger than 8 1/2 x 14 inches. Each submission shall include all contiguously owned land except the Sketch Map need not show more than 20 times the area of the intended Plat or Certified Survey. The Sketch Map shall show all of the following:

1. A north arrow, the date, the scale, and a reference to a section corner.
2. The approximate dimensions and areas of the Parcels, Lots, Outlots, and easements.
3. The location and type of existing and proposed buildings and structures and uses.
4. The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the Land Division.
5. The location of existing and proposed roads, highways, developments, Navigable Waters, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
6. The location of general land cover types, such as woodlands, Wetlands, agricultural, etc.
7. The location of any slopes of 12% or greater.
8. The setback of building lines required by any approving agency.
9. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to Navigable Water, dedicated areas, and utilities on/or adjacent to the land.
   * 1. The Town Clerk shall review for completion the initial Land Division application and Sketch Map, including payment of applicable application fees, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the Land Divider by certified mail if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division application and Sketch Map to the Town Board, or the Town Plan Commission if so designated by the Town Board.
     2. The Town Clerk shall send to the Land Divider, by certified mail, a notice and agenda of the meeting scheduled for the Town Board or Town Plan Commission, if so designated by the Town Board, to review and consider the complete or incomplete application and any preliminary approvals for Land Division. The notice and agenda of the meeting shall be sent no later than ten (10) days prior to the date of the meeting.
     3. The Land Divider or the Land Divider’s designee shall attend the meeting and present the proposed Land Division, preliminary Plat or Certified Survey documents, and Sketch Map to the Town Board or Town Plan Commission, if so designated by the Town Board, for its consideration. Failure of the Land Divider or designee to attend the meeting or provide a complete application may be used as grounds for the Town Board or Town Plan Commission to recommend denial of any later requested approvals for the Land Division.
10. **Preliminary Plat Review and Consideration.**
11. Prior to the submittal of a Major Subdivision preliminary Plat or other preliminary Plat document (a “Preliminary Plat”), the Land Divider shall have submitted the Land Division application noted in Section 8. The Preliminary Plat, Sketch Map, and other relevant document information, including the Land Division application, shall be reviewed by the Town Board or Town Plan Commission for conformance and consistency with Wis. Stat. §§ 236.11 and 236.12, this Ordinance, any Town Comprehensive Plan, any Land Use Plan, any Master Plan, and all other applicable Town Ordinances, rules, regulations, and plans. The Town Board or Town Plan Commission, as part of its review, may request the Land Divider provide additional information or data. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Major Subdivision or other Land Division for which a Preliminary Plat has been presented.
12. A Preliminary Plat shall be required for all proposed Major Subdivisions and shall be based upon a survey by a registered land surveyor.
13. A Preliminary Plat shall be prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:
14. Title or name under which the proposed Major Subdivision or other Land Division is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
15. Property location of the proposed Major Subdivision or other Land Division by: government lot, quarter- section, township, range, County, and State;
16. A sketch showing the general location of the Major Subdivision or other Land Division within the U.S. Public Land Survey section;
17. Date, Graphic Scale, and North Arrow;
18. Names, addresses, and telephone numbers of the owner, Land Divider, and land surveyor preparing the Plat;
19. The entire area contiguous to the proposed Plat owned or controlled by the Land Divider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from strict application;
20. Exact length and bearing of the exterior boundaries of the proposed Major Subdivision or other Land Division referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
21. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
22. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
23. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
24. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way, and all section and quarter-section lines within the exterior boundaries of the Plat or immediately adjacent thereto;
25. Type, width, and elevation of any existing street pavements within the exterior boundaries of the Preliminary Plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
26. Location and names of any adjacent Major Subdivisions, Minor Land Divisions, Certified Survey Lots, unplatted and unsurveyed Parcels, Outlots, Lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
27. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, catch basins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains within the exterior boundaries of the Plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary on the Plat and their size and invert elevations;
28. Locations of all existing property boundary lines, structures, drives, lakes, streams, Navigable Waters, and watercourses, Wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
29. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way, such as alleys and easements;
30. Approximate dimensions of all Lots, Outlots, and Parcels, together with proposed Lot, Outlots, Parcels, and block numbers;
31. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting; if these Parcels are Outlots on the development proposal, the ownership and purpose shall be stated on the face of the Plat;
32. Approximate radii of all curves;
33. Existing zoning on and adjacent to the proposed Major Subdivision or other Land Division;
34. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Major Subdivision or other Land Division in relation to the access;
35. Any proposed lake and stream improvements or relocation;
36. Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
37. Location of soil boring tests, where required and pursuant to Wisconsin Administrative Code SPS Chapter 385, made to a depth adequate to identify soil properties critical to soil treatment or dispersal of wastewater, treated wastewater, final effluent, or nonwater-carried human waste. The results of such tests shall be submitted along with the Preliminary Plat;
38. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies;
39. All Department of Natural Resources designated Wetlands, and any field verified Wetlands designated by a public agency;
40. The surveyor or engineer preparing the Preliminary Plat shall certify on the face of the Preliminary Plat it is a correct representation of the proposed Major Subdivision or other Land Division and physical features and that he has fully complied with the provisions of this Ordinance;
41. The Town, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Major Subdivision or other Land Division or otherwise entail an erosion and stormwater hazard, may require the Land Divider to provide erosion and sediment control and stormwater management plans;
42. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the Land Divider intends to regulate land use in the proposed Major Subdivision or other Land Division and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town Attorney as to form;
43. Easements shall be shown and shall be limited to utility easements, drainage easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements, it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
44. Any wildlife habitat areas in addition to threatened or endangered species;
45. A detailed statement as to whether and how the proposed development is consistent with the Town Comprehensive Plan or the Town Master Plan;
46. A traffic impact study based upon Institute of Traffic Engineers standards, if required by the Town. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Major Subdivision Preliminary Plat;
47. The school district in which the development is located should be noted on the face of the Preliminary Plat;
48. Characteristics of vegetation;
49. Historic and cultural features;
50. Scenic vistas; and
51. Any other information required by Wis. Stat. Chapter 236.
52. Unless the timeline is extended by agreement with the Land Divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Preliminary Plat complete and grant preliminary approval of, grant conditional approval of, or reject the Preliminary Plat as proposed. One copy of the Preliminary Plat shall thereupon be returned to the Land Divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the Land Divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan; nonconformance or inconsistency with Town Ordinances, rules, regulations, or plans; and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Preliminary Plat shall be filed with the Town Clerk for the Town records.
53. In the event of a rejection of the proposed Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division application or that the land is not suitable for the proposed Land Division. The Town Plan Commission shall afford the Land Divider an opportunity to review any Town Board’s decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend to the Town Board that it affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission’s recommendation.
54. If the Town Board denies two consecutive Preliminary Plats for the same Parcel, no subsequent re-application for Preliminary Plat approval of that Parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 3 months of the second denial.
55. The Town Board may delegate by resolution its Preliminary Plat approval to the Town Plan Commission for all or part of the approval.
56. **Final Plat Review and Consideration.**

A. The Final Plat shall comply fully with Wis. Stat. §§ 236.11, 236.12, 236.20, 236.21, and 236.25.

B. The Town may require a policy of title insurance or a certificate of title from a title company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner’s certificate on any Final Plat.

C. A copy of the approved Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording.

D. Prior to any request for any Final Plat approval and recording of the Final Plat, the Land Divider shall seek and obtain from the Town Board a motion or resolution specifically stating that the Town accepts from the Land Divider all lands shown on the Final Plat as dedicated to the Town for the public, including street or road dedications.

E. Prior to any request for the Final Plat approval and recording of the Final Plat, the Land Divider shall seek and obtain a motion or resolution from the Town specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town under Wis. Stat. § 236.293, and by any Developer’s Agreement. The Town Board, by motion or resolution, may later waive these restrictions or conditions.

1. The Town Board shall approve or reject the Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in Wis. Stat. § 236.11(2).
2. **Certified Survey Map.**

A. Prior to submittal of any Certified Survey Map, the Land Divider shall have submitted to the Town Clerk the Land Division application noted in Section 8 of this Ordinance. A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all Minor Land Divisions. All required Certified Survey Maps shall comply in all respects with Wis. Stat. § 236.34, where applicable, and State of Wisconsin survey standards. The Town shall comply with the ninety (90) day requirement in Wis. Stat. § 236.34 for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.

B. The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by Wis. Stat. § 236.34, all of the following:

1. All existing buildings, fences, water courses, Wetlands, lakes, Navigable Waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the Land Division, including, but not limited to, the location of water wells, dry wells, drain fields, pipes, culverts, existing easements, public streets, adjoining parks, cemeteries, public roads, subdivisions, ponds, streams, lakes, flowages, Wetlands, and railroad rights-of-way;

1. The building envelope and its distance to property lines, if a building location were required and approved by the Town Board;
2. The area of Parcels, Outlots, and Lots in acres;
3. The date of the map;
4. The graphic scale of the map and north arrow;
5. The entire area contiguous to the Parcel owned or controlled by the owner or Land Divider; and
6. Any floodplain limits.

1. The Certified Survey Map shall include in its certification, in addition to the information required by Wis. Stat. § 236.34, all of the following:
2. A legal description of the Parcel;
3. The surveyor’s name, address, and signature;
4. A statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance;
5. The owner’s name, address, and signature; and
6. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
7. The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division application submitted to the Town Clerk and it substantially conforms and is consistent with all of the following:
8. The Land Division application and Sketch Map as determined complete and the preliminary documents submitted by the Land Divider.
9. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
10. The adopted Town Comprehensive Plan or other applicable Town, County, or municipal Land Use Plans and Ordinances, including any Town, County, or other applicable zoning or Plat review Ordinances.
11. All appropriate requirements for Certified Survey Maps and Minor Land Divisions as noted in this Ordinance.
12. **Design Standards.** Any Land Division shall meet the following design standards:
13. Public Street and Public Road Standards.
14. The Land Divider shall dedicate land for and to improve public streets and public roads in the Town as provided herein.
15. Public streets and public roads shall conform to all requirements shown in the attached and incorporated Exhibit A, as well as an applicable official map of the Town.
16. Public streets and public roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety. Street and road locations shall be consistent with any applicable Town road plan or Town Comprehensive Plan officially adopted by the Town Board.
17. All Parcels, Outlots, or Lots shall have frontage on a public street or public road.
18. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
19. Public streets and public roads shall have a uniform width and be consistent with other public streets and public roads. In no event shall public streets and public roads be less than four (4) rods wide.
20. All new public roads and public streets shall be 22 feet in width and shall be surfaced with a minimum of 6 inches of gravel and 2.5 inches of compacted bituminous surfacing (See Exhibit A).
21. Minor public streets or roads shall be laid out so as to discourage their use by through traffic.
22. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
23. Dedication of half-width public roads and public streets shall be prohibited, except where it is essential for the reasonable development of the Land Division in conformity with the other requirements of this Ordinance. Where a half-width street has been dedicated adjacent to a Land Division, the remaining half of the street shall be dedicated by the Land Divider of the adjoining land.
24. Where possible, Parcel, Outlot, and Lot lines shall be perpendicular to the public street or public road line, and to the tangent at the Lot corner on curved public roads or public streets.
25. No public street or public road names shall be used which will duplicate or may be confused with the names of existing streets or roads. Street or road names shall be subject to the approval of the Town Board.
26. Driveway Standards. All access roads and driveways shall conform to all requirements in the Town Driveway Ordinance, Ordinance Number 2024-2, as amended.
27. Block and Lot Design and Improvements.
28. A block is a Parcel of land bounded on at least one side by a public street or public road and on the other side by natural or manmade barriers or unplatted land. The lengths, widths, and shapes of blocks shall be determined by the following:
29. Building site needs;
30. Town Parcel, Outlot, Lot size, and dimensional requirements.
    1. The minimum Parcel, Outlot, and Lot size requirement is two acres, exclusive of right-of-way;
    2. The minimum width of a Lot must be 150 feet, measured beginning at the road right-of-way setback distance.
31. Needs for convenient access, circulation, control, and safety of street traffic;
32. Limitations and opportunities of topography; and
33. To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require for all Land Divisions that walkways be provided along public streets and public roads.
34. Double frontage Lots for all Land Division Plats or Certified Survey Maps shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
35. Sewer and water facilities, public street and public road paving, and surface water drainage, as required by the Town Board, shall be provided for each Lot in accordance with specifications approved by the Town Board.
36. The front and rear boundary lines for any Lot or Parcel shall be a minimum of 150 feet in length.
37. The side lot lines for any Lot or Parcel shall be a minimum of 100 feet in length.
38. The ratio of depth to width of a Lot or Parcel shall not exceed 4:1. In other words, the depth of a Lot or Parcel shall not exceed four times the width of such Lot or Parcel.
39. The setback from Barron County trunk highways and town roads or highways shall be 50 feet from the right-of-way.
40. The setback from the boundary line of all adjoining property shall be 50 feet.
41. No dwelling covered by this Ordinance shall exceed 35 feet in height as measured by the vertical distance above ground level at the surface that has the maximum exposure to ground. An exception to this provision may be considered if the appropriate Town officials and the fire service agency serving the Town both determine that the dwelling’s height poses no unreasonable safety risk(s).
42. **Minor Land Division.** Any division of land less than 20 acres in size (exclusive of right-of-way), other than a Major Subdivision as defined herein, shall be surveyed, and a Certified Survey Map shall be prepared and recorded as provided in Wis. Stat. § 236.34 and this Ordinance.
43. Prior to the preparation of the Certified Survey Map, the Land Divider shall submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section 8 of this Ordinance for a completeness determination by the Town Clerk. It shall be reviewed by the Town Board or the Town Plan Commission for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway; conformance with this Ordinance, Wis. Stat. Chapter 236, the Town Comprehensive Plan, established street and highway width maps, and official maps; and generally for the effect the Minor Land Division would have on the development of surrounding property. The Town Board or Town Plan Commission, as part of its review, may request the Land Divider provide additional information or data. If any Lots, Parcels, or Outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Safety and Professional Services Administrative Rules.
44. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board or Town Plan Commission, the Land Divider may proceed to have drawn a Certified Survey Map in accordance with Wis. Stat. § 236.34. The Land Divider shall be required to dedicate any road right-of-way the Town or Barron County deems necessary and shall be required to build the highway to the appropriate highway standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the Land Divider.
45. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Clerk for submission to the Town Plan Commission and/or Town Board. Within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by agreement with the Land Divider or his or her agent, the Town Board or the Town Plan Commission shall approve, approve on condition, or reject the incomplete proposed Certified Survey Map as required in Section 11. If the Minor Land Division and Certified Survey Map are approved, a resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair or Town Plan Commission Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
46. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the Land Divider shall seek to obtain a motion or resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under Wis. Stat. §§ 236.293 and 236.45 and by any Developer’s Agreement. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.
47. Any Minor Land Divisions shall meet the design standards noted in Section 12.
48. **Easements.**
49. For any Land Division, the Town Board shall require rear or side Outlot, Parcel, or Lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 15 feet.
50. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a Land Division area includes a segment or segments of water courses, drainageways, channels, or streams.
51. **Existing Non-Conforming Property.** Any Parcel, Lot, or Outlot in existence at the time of adoption of this Ordinance that does not meet the two-acre minimum lot size requirement set forth in this Ordinance may be granted a building permit despite being non-conforming with this Ordinance; provided, however, such Parcel, Lot, or Outlot shall not be eligible for further Land Division.
52. **Costs of Application Review.**
53. All Land Division applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by resolution or as set forth in the Town’s fee schedule.
54. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division application shall be the responsibility of the Land Divider who shall timely pay or reimburse the Town for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town in reviewing the proposed Land Division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.
55. **Variances.**
56. The Town Board may grant, and the Town Plan Commission may recommend, variances because of exceptional or undue hardship from the provisions of this Ordinance, after a public hearing with a Class I notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Town Plan Commission and the Town Board in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Wis. Stat. Chapter 236 and that, because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the Land Divider.
57. The requirement of filing and recording the Land Division Plat shall not be waived by the Town Board.
58. **Violations.**
59. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, forfeit not less than $100, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include, but are not limited to, the following:
60. Recordation improperly made carries penalties as provided in Wis. Stat. § 236.30.
61. Conveyance of Lots, Outlots, and Parcels in unrecorded plats carries penalties as provided in Wis. Stat. § 236.31.
62. Monuments disturbed or not placed carries penalties as provided in Wis. Stat. § 236.32.
63. No person shall sell land in the Town in Lots, Parcels, and/or Outlots unless the Lots, Parcels, and Outlots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized Parcels, Outlots, or Lots is deemed to be a public nuisance, which may be enjoined by a Court of record.
64. The provisions of the Town Citation Ordinance, Ordinance Number 2017-03, as amended, shall apply.
65. The above remedies are not exclusive. The Town may enforce this Ordinance by any lawful means.
66. **Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions of applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.
67. **Effective Date.** The Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. § 60.80, and this Ordinance shall be effective on publication or posting.

Adopted by the Town Board on February 12th, 2025.

TOWN OF DOVRE

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

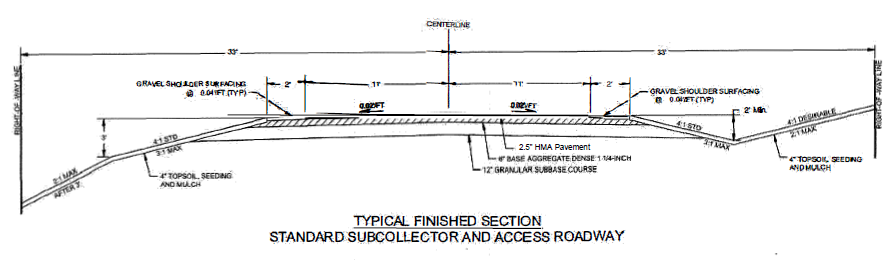
Mitch Hanson, Chairman

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Louise Cody, Clerk/Treasurer

Published: February 12th, 2025

**EXHIBIT A**

****