

replat shall be entitled to record and no street shall be laid out or improvements made to land without compliance with:

- A. All requirements of this chapter.
- B. Provisions of Ch. 236, Wis. Stats.
- C. Rules of the State Department of Commerce regulating the size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- D. Rules of the Department of Natural Resources setting water quality standards, preventing and abating pollution and regulating septic systems.
- E. Rules of the State Division of Highways relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts upon a state trunk highway or connecting street.
- F. Land use plans, regional plans, county plans or land use plan components, including the this chapter and the Official Map adopted by the Town.
- G. Applicable local, county, state, and federal ordinances.
- H. Development standards (see Article V).
- I. Environmental performance standards (see Article X).

§ 340-114. Dedication and reservation.

- A. Where a proposed division abuts an existing state, county, or Town road, and where the Street and Highway Width Map of Ozaukee County or any other officially approved plan in effect within the area shows an intent on the part of the respective public agency to widen the road right-of-way, the Town may require that the area proposed as additional right-of-way be reserved on the face of the plat for future acquisition. The same will be true of any proposed new highways affecting lands included in land divisions. On sites reserved for eventual public acquisition, language on the face of the plat or certified survey map shall prohibit building development for the length of the reservation, generally three years, unless a longer length of reservation is agreed to by the developer.
- B. The Town of Port Washington intends to complete plans and needs assessments for public parks, recreation areas, or other public uses that may require public acquisition of lands and/or construction of capital facilities as a result of new development. The completion of such plans and needs assessments of demands created by new development shall be followed by enactment of provisions under this section for land dedication and/or payment of impact fees in accordance with the requirements of the Wisconsin Statutes. Developers are hereby put on notice that they may be requested to sign a consent to payment of required fees or to execution of a required land dedication depending upon the outcome of such studies.⁵

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 340-115. Improvements. [Amended 3-6-2006 by Ord. No. 2006-1; 2-7-2011 by Ord. No. 2011-011

A. For any final plat, certified survey map or condominium plat that requires the installation of street and utility improvements, and prior to the installation of the street and utility improvements as hereinafter provided, the subdivider shall, prior to recording of such plat or map, enter into a developer agreement with the Town.

(1) The developer agreement shall:

- (a) Require installation of the required improvements in accordance with the Town Engineer approved construction plans.
- (b) Require the submittal of a contract surety (cash bond or letter of credit), meeting with the approval of the Town Attorney, in an amount equal to the estimated cost of such improvements as submitted by the subdivider and approved by the Town Engineer, plus 10%. The surety shall guarantee that the subdivider or subcontractor will complete such improvements as required by and within the time provided for in the developer agreement. The 10% shall be held as a guarantee of the work for one year after the date of the resolution of final acceptance by the Town Board. The surety may be submitted for the estimated cost, plus 10%, of each phase of development as specified in the developer agreement.
- (c) State all obligations of the subdivider to complete the improvements and other development site preparation and work. The obligations may include, but are not limited to, extension of public sanitary sewer and water, placement of road name signs, traffic control signs, traffic signals, lighting, and landscaping, securing of utility and drainage easements, and construction of drainage facilities.
- (d) State all obligations of the subdivider and/or assigns regarding the care and maintenance of commonly held land or other improvements to be maintained by an owners' association to the benefit of the subdivision, which may include, but not be limited to, subdivision identification signs, common landscaping and fencing, unified yard lighting, and open space and recreation facilities.
- (e) Provide that the subdivider may construct the project in such phases as the Town Board approves. If the subdivider's project is permitted to be constructed in phases, the amount of any surety bond or other security required by the Town Board shall be limited to the phase of the project that is currently being constructed. The developer agreement may not, however, require the subdivider to provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

(2) Developments of lands that are not part of a final plat, certified survey map or a condominium plat may be subject to entering into a developer agreement with the Town when the development involves public improvements, extension of sewer

and water service, or other factors of development that may require clarification of responsibilities, subject to the same criteria as noted above.

- B. Governmental units to which these surety and contract provisions apply may file, in lieu of such contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this chapter.
- C. Survey monuments shall be in place before final acceptance of the development, and the subdivider shall ensure that survey monuments are placed in accordance with the requirements of Ch. 236, Wis. Stats., and as may be required by the Town Engineer.

§ 340-116. Soils testing.

It is a known fact that certain soils in the county have severe limitations that are difficult to overcome or that preclude their use for residential development either because of the inability of on-site sewerage systems to function properly and/or because of fluctuating or seasonable high water table or other reasons. The Town Board may require extensive soils testing at the preapplication stage in order to obtain preliminary data concerning the suitability of the soils for residential development. The purpose of this requirement is to save the developer engineering costs in preparation of preliminary plats should the subject areas be determined to be unsuitable for residential development. The data obtained is to assist the Plan Commission in making determinations of land suitability. If extensive testing is not required at an early stage, it may be required at a later stage.

§ 340-117. Submission of preliminary plat. [Amended 6-4-2007 by Ord. No. 2007-1-B; 2-7-2011 by Ord. No. 2011-01]

- A. Prior to the submittal of a final plat, the subdivider shall file with the Town a preliminary plat along with an application for final plat and a sufficient number of copies to be forwarded within two days to the authorities to which the plat must be submitted for approval under §§ 236.10 and 236.12, Wis. Stats., and according to the following:
 - (1) Twelve copies to the Town along with two copies each of soil percolation results and soil borings.
 - (2) One copy to be forwarded to each of the utility companies serving the area. This is to inform the utility companies that there is a pending development in the area. It shall be the responsibility of the subdivider and the utility companies to arrange for the services needed and their location within the plat.
- B. The State Department of Administration, Department of Commerce, and the Department of Transportation shall be hereinafter referred to as "objecting agencies." All other agencies mentioned, excepting the utility companies, shall hereafter be referred to as "approving agencies."
- C. Within 20 days of the date of receiving the copies of the plat, any agency having objecting authority shall notify the subdivider and all approving authorities of any objection which it may have, based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, the

objecting agency shall so certify on a copy of the plat and return that copy to the Town. If any objecting agency fails to act within the established twenty-thy period, it shall be deemed to have no objection to the plat.

- D. After all objections have been formally removed by the objecting authorities, the approving agencies may approve the plat upon compliance with all other rules, regulations or plans which are in effect in the area of the plat. This decision shall be made within 90 days of the date of first submittal unless objections are received from any objecting authorities. Failure of the approval authority to act within the prescribed 90 days shall constitute an approval of the plat. However, copies shall be on file with the Town at least 28 days prior to the meeting of the Town Plan Commission at which action is desired. If submittal is not in time to meet the ninety-day required time for approval, the plat shall be denied at a regular meeting of the Plan Commission unless extended by agreement with the Town and developer.
- E. Approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months of the preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Ch. 236, Wis. Stats., the final plat may be entitled to approval with respect to such layout unless conditions in the area of the plat have changed substantially to require an alteration to the plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Town at the time of its submission. Street plans and drainage plans shall be prepared and submitted prior to approval of the final plat or minor land division and may normally be submitted after preliminary approval or as a condition of preliminary approval. Construction may not commence until approval has been granted by all appropriate agencies.

§ 340-118. Preliminary plat data.

A preliminary plat shall be required for all subdivisions (as defined herein) and shall be based upon a survey by a registered land surveyor and the plat prepared on drafting film or paper of good quality at a scale of not less than 200 feet to the inch and shall show correctly on its face the following information:

- A. Title under which the proposed subdivision is to be recorded.
- B. Location of proposed subdivision by government lot, section, township, range, county and state.
- C. Date, scale and North arrow.
- D. Names and addresses of the owner, subdivider and surveyor preparing the plat.
- E. The design and location of proposed lots, outlots, blocks and streets to be provided in the development, including that land which is contiguous to and owned or controlled by the developer, notwithstanding the fact that only a portion of these lands may be developed in the immediate future.

- F. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the United States Public Land Survey and the total acreage encompassed thereby.
- G. Contours at vertical intervals of not more than five feet. Where ground slopes are less than 5%, two-foot contour intervals shall be required. Elevations shall be based upon mean sea level datum.
- H. High-water elevation of all ponds, streams, lakes, flowages and wetlands based upon mean sea level datum. County floodland and shoreland boundaries shall be delineated and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the maximum flood on record or a known high-water elevation.
- I. Location and names of any adjacent developments and/or property along with the location established and existing width of all roads and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and easements, all section and quarter section lines in the immediate area of the plat, and the type, width and elevation of existing street pavements within or adjacent to the proposed development, together with any legally established center-line elevations referred to mean sea level datum.
- J. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, manholes, catch basins, hydrants, electric power and telephone poles or underground installations and location and size of any existing water and gas mains within the area of the plat or adjacent thereto. If no sewers, water mains or other utility facilities are located on or immediately adjacent to the tract, the nearest such facilities, which might be extended to serve the tract, shall be indicated by their direction and distance from the tract, their size and their invert elevation.
- K. Location of all existing property boundary lines, structures, drives, streams or watercourses, wetlands, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- L. The scaled dimensions of all proposed streets, lots and blocks, proposed open space dedication, drainageways or other public use areas such as shopping centers, church sites, group housing or other nonpublic uses that do not require platting.
- M. Existing zoning on and adjacent to the proposed subdivision along with corporate limit lines.
- N. Proposed lake and stream access in the subdivision along with any improvement or relocation of the lake or stream.
- O. Soil types, slopes and boundaries as shown on the soil survey maps prepared by the Soil Conservation Service, United States Department of Agriculture, and the accurate delineation of the five-foot depth to water table contours and all areas where the bedrock is within five feet below grade.
- P. Any additional information as may be deemed necessary by the Town Plan Commission or Town Board shall be shown where required by the same.

§ 340-119. Submission of final plat. [Amended 6-4-2007 by Ord. No. 2007-1-B; 2-7-2011 by Ord. No. 2011-011

- A. The subdivider shall prepare a final plat and an application for final plat in accordance with this chapter and shall file an adequate number of copies of the plat with the Town Clerk who shall within two days forward copies of the plat to the approving and objecting agencies.
- B. The required number of copies shall be made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any objecting agency shall notify the subdivider and all agencies having the authority to object of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, it shall so certify on the face of a copy and return that copy to the Department of Administration. After each agency and the Department of Administration has certified that they have no objection or that their objections have been satisfied, the Department of Administration shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of receipt of copies of the plat, and the the Department of Administration fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be certified on the face of the plat by the Department.
- C. The extraterritorial plat approval authority, county and the Town shall, within 60 days of the receipt of the final plat, approve or reject such plat unless the time is extended by agreement with the subdivider or unless objections have been filed which would require a formal resubmission of the plat after the corrections have been made.
- (1) The Town Plan Commission shall recommend approval, conditional approval or rejection of the plat and shall transmit the final plat along with its recommendation to the Town Board which shall, within 60 days from the date of original receipt of the final plat by the Town Clerk, approve conditionally, approve outright, or reject the plat unless the time of review is extended as provided elsewhere within this section.
 - (2) The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, this chapter and all ordinances, rules, regulations or other plans which may affect the plat. The Town Engineer, Planner, or other person charged by the Town to review plats shall also provide the Town Board with his or her conclusions as to whether the final plat conforms substantially with the preliminary plat and with his or her recommendation with regard to the approval of the final plat. Although the review and recommendation need not be in writing, it shall be included in the record of the meeting at which the final plat is considered.
 - (3) The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. The final plat may be rejected if it is not submitted within 36 months of the date of the last required approval of the preliminary plat or the time for submission of the final plat may be extended.
 - (4) No approval by any approving agency shall be granted until all formal objections of the objecting agencies have been satisfied.

- (5) Failure of any approving agency to act within 60 days, the time not having been extended and no objections having been filed, shall constitute an approval.
 - (6) The necessary certificates shall be placed upon the original drawing of the final plat and shall be signed by all appropriate review agencies prior to recording.
- D. The final plat shall be recorded in the office of the Register of Deeds of the County in accordance with Ch. 236, Wis. Stats.

§ 340-120. Condominium plat.

A condominium plat that involves creation of units and commons on one or more parcels or lots shall be reviewed and approved by the Town Plan Commission prior to recording of such plat solely to determine whether the use and layout satisfy the Town ordinance standards for use and physical development unless the ordinance compliance questions have been previously dealt with in the course of subdivision or zoning review for the same development. Town Plan Commission requirements shall be communicated in the form of a letter or other written notification to the applicant. The requirements of § 703.27, Wis. Stats., shall be respected in the review of condominium plats.

§ 340-121. Replat.

- A.** **When** it is proposed to replat a recorded subdivision or part thereof so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 to 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed as specified in this chapter.
- B.** The Town Board shall schedule a public hearing when a replat of lands within the Town is filed and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 500 feet of the exterior boundaries of the proposed replat. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**

§ 340-122. Certified survey map for minor subdivision.

Any minor subdivision as defined herein shall be surveyed and a certified survey map prepared and recorded as provided in § 236.34, Wis. Stats., and this chapter. Any parcel of 20 acres or less resulting from a certified survey map, whether a lot, outlot or residual parcel, shall not be further divided by another certified survey map; further land divisions shall be by major subdivision.

- A.** A preliminary map or drawing of the proposed certified survey shall be required to be submitted to the Town Plan Commission for preliminary approval prior to the preparation of the certified survey map document. Prior to submittal of the preliminary map or drawing, the owner shall consult with the Town Planner in order to obtain the Planner's advice and assistance. This preliminary map or drawing shall indicate the manner in which all of the land owned or controlled by the person developing or owning the land is to be divided into streets, lots, blocks and outlots, notwithstanding the fact that only a portion of such land may be included on the minor subdivision proposal and certified survey map under consideration at any one time.
- B.** The subdivider shall prepare the certified survey map in accordance with this chapter and shall file 12 copies of the map and the letter of application with the Town Clerk at least 28 days prior to the meeting of the Town Plan Commission at which action is desired. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**

- C. The Town Clerk shall, within two days after filing, transmit 10 copies of the map and letter of application to the Town Plan Commission.
- D. The Town Clerk shall transmit a copy of the map to all affected Town commissions and departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within 10 days from the date the map is filed. The Town Plan Commission shall review the map for conformance with this chapter and all ordinances, rules, regulations, land use plans and land use plan components that affect it. The Town Plan Commission shall, within 60 days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Town Board.
- E. The Town Board shall approve, approve conditionally, or reject such map within 90 days from the date of first consideration of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the Town meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return it to the subdivider. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**
- F. The subdivider shall record the map with the County Register of Deeds and submit proof of such recording to the Town Clerk as provided in § 340-132. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**

§ 340-123. Certified survey map data. [Amended 11-2-2009 by Ord. No. 2009-041]

A certified survey map prepared by a registered surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Ch. 236, Wis. Stats., and this chapter. Any improvements necessary for proper use of the subject parcels shall be required as specified by this chapter.

§ 340-124. Construction plans.

- A. The Town** shall require that the subdivider provide street improvement plans and profiles showing existing ground surfaces, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested, and any other pertinent engineering data as may be required by the Town or the Town Engineer. The plans and profiles shall be prepared in accordance with standards contained in this chapter or other Town construction standards and be either

approved or modified as necessary prior to the commencement or construction in the development.

- B. Grading plans for the lots or other areas in the proposed development shall also be prepared and submitted for review and approval prior to commencement of grading and construction of roads.
- C. Stormwater, drainage and erosion control plans shall be prepared and submitted along with other grading and road construction plans and shall indicate how surface water runoff is to be accommodated on the development and on any downstream properties along with the methods of erosion and sediment control.
- D. All plans and profiles as set forth above shall be prepared in accordance with the provision of this chapter or any other appropriate ordinance or standards in force in the Town. In addition, all elevations shall be based upon mean sea level datum. All plans shall be subject to review and subsequent recommendation by the Town Plan Commission and the approval by the Town Board. No construction activity of any kind shall commence on any development until the preliminary plat has been approved by all agencies and until the plans for roads, ditches, erosion and sediment control, and lot grading have been reviewed and approved by the Town Plan Commission and Town Board.

§ 340-125. Final plat data.

A final plat prepared by a registered land surveyor shall be required for all subdivisions. The final plat shall show correctly on its face, in addition to the information required by Ch. 236, Wis. Stats., the following:

- A. **All lands reserved for** future public acquisition or reserved for the common use of property owners within the plat shall be adequately identified.
- B. Special restrictions as may be required by the approving agencies.
- C. Drainage and utility easements.
- D. Location of the area of the proposed lot where soils are found to be unsuitable for a septic system.
- E. Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, a vertical distance of five feet above the elevation of the maximum flood of record.
- F. The contour line of the high-water mark of a lake or stream and the elevation of the water level on the date of survey.
- G. The accurate delineation of the five-foot depth to groundwater contours and all areas where the bedrock is less than five feet below grade.
- H. Any additional information required by the Town.

§ 340-126. Certificates.

All final plats shall provide all the certificates required by Ch. 236, Wis. Stats., and in addition the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 340-127. Testing.

The Town may require that additional borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table.

§ 340-128. Public sites and open spaces.

- A. Public sites. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds drainageways and other public purposes. If designated on the Land Use Plan or Official Map, such areas shall be made a part of the plat. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, streams, shorelands, ravines and other natural features.
- B. Residential cluster development open space. Within a residential cluster development, the aggregate common open spaces shall be designed to preserve and protect those features of the natural environment that are deemed environmentally sensitive, and appropriate legal arrangements shall be made for the improvement, long-term maintenance and proper management to ensure that these areas retain their value as common open space assets to the project and the Town as a whole.

§ 340-129. Required survey monuments.

The subdivider shall install survey monuments in accordance with the requirements of Ch. 236, Wis. Stats, and as may be required by the Town Engineer.

§ 340-130. Installation of required improvements.

- A. Prior to final approval by the Town Board, the subdivider shall provide and dedicate the following facilities and improvements, all of which shall be installed or provided for within the time required by the Town Board:
 - (1) Streets. Graded and paved according to the standards approved by the Town Engineer.
 - (2) Drainage. Ditches, culverts and such other facilities necessary to provide adequately for surface water and stormwater drainage according to the standards set forth in this chapter. The Town Board may also require the size of all culverts to be utilized by the future lot owners of the development to be noted on a copy of the final plat to be submitted to the Town Clerk and Building Inspector. This

information does not need to be placed upon the original final plat or certified survey map to be recorded.

- (3) Utilities. Facilities for distribution of electric, telephone, and gas utility service located within a subdivision shall be installed underground except where the Town Board, upon recommendation of the Town Plan Commission, find that adverse soil conditions or problems of utility distribution make such installation prohibitively expensive or impractical. Transformer junction boxes, meter points, or similar equipment may be installed upon the ground surface. Any landscape screening plan required for such aboveground equipment shall be submitted to the utility for approval.
 - (4) Street signs. Street signs shall be erected by the subdivider at all intersections and shall be of a standard design approved by the Town.
 - (5) Erosion control. All open cuts or ground shall have topsoil sufficient to support vegetation and shall be planted or seeded in a manner to prevent excessive runoff, erosion, or sedimentation on adjoining lands or water.
- B. Bond. If the above facilities and improvements have not been fully installed at the time the plat is submitted to the Town for final approval, the subdivider shall file with the Town Clerk a surety bond or other financial guarantee deemed adequate by recommendation of the Town Attorney, Plan Commission and/or Town Engineer and approved by the Town Board to cover the cost of completing such facilities and improvements.
- C. Other improvements. All other improvements to be installed shall be at the direction of the Town Board or in accordance with any other ordinance in effect.
- D. Review. The adequacy of such facilities and improvements and their proper installation shall be subject to review by the Town Plan Commission, and Town Engineer and approval of the Town Board prior to approval of the final plat.
- E. Approval required. Construction or installation of improvements shall not commence until the preliminary plat and the construction plans have been approved by all agencies having authority to review the plat. All work or improvements to the subdivision shall also be subject to inspection by the Town Engineer to determine conformance with any applicable requirements.

§ 340-131. Building and occupancy permits.

No building permit or occupancy permit shall be issued for construction or occupancy of a structure on any lot not of record or on a lot of record in new development whose preliminary plat has not been approved and accepted by the Town until all the requirements of this chapter or any other ordinance have been met, unless specifically authorized by the Plan Commission and Town Board.

- A. A building permit is required prior to start of any site development or construction work within a subdivision.

B. An occupancy permit is required prior to occupancy of any structure in a subdivision.

§ 340-132. Recording final plat and map. [Amended 6-4-2007 by Ord. No. 2007-1-B; 2-7-2011 by Ord. No. 2011-011

The subdivider shall record the approved final plat or map with the County Register of Deeds within 12 months after the date of the final approval and 36 months after first approval.

§ 340-133. Modifications.

- A. Where, in the judgment of the Town Plan Commission, it would be inappropriate to apply literally the provisions of this chapter to a subdivision because exceptional or undue hardship would result, the Town Plan Commission may recommend to the Town Board to waive or modify any requirements to the extent deemed just and proper.
- B. Such relief shall be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the community in accordance with the Land Use Plan or Land Use Plan component of the Town. A majority vote of the Town Board shall be required to grant any modification of this chapter and the reasons shall be entered in the minutes of the Plan Commission.
- C. In granting variances and modifications, the Town Board may require such conditions which will in its judgment secure the objectives of this chapter.

§ 340-134. Planned residential development.

The standards and requirements of these regulations may be modified by the Town Board upon recommendation of the Plan Commission in the case of a plan and program for a planned residential development which in the judgment of the Town provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also assures conformity with the purpose of the zoning regulations of the Town.

**ARTICLE XII
Changes and Amendments**

§ 340-135. Authority.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, and upon recommendation of the Town Plan Commission, the Town Board may by ordinance change a district boundary or amend, change, or supplement this chapter or amendments thereto after public notice and hearing and as may be required by Ch. 236, Wis. Stats.