

State of Wisconsin)) ss
Sauk County)

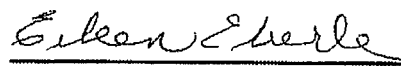
Notary Public, State of Wisconsin
Theodore J. Greenheck
My commission February 24, 2014

**Town of Bear Creek
Chapter 10
Land Use Ordinance**

The attached Chapter 10, Land Use Ordinance, was adopted by the Town of Bear Creek on the 4th day of August, 2009.

This Land Use Ordinance may be removed only upon order of the Town board of the Town of Bear Creek.

TOWN OF BEAR CREEK



Eileen Eberle, Clerk

Town of Bear Creek

Chapter 10

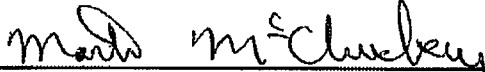
Land Use Ordinance

The Town Board of the Town of Bear Creek to ordain as follows:

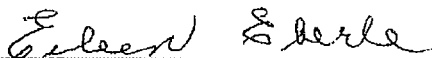
Chapter 10, Land use Ordinance, attached hereto and incorporated herein by reference, is hereby adopted.

Dated the 4th day of August, 2009

TOWN OF BEAR CREEK



Martin McCluskey, Chairman



Eileen Eberle, Clerk

Town of Bear Creek

Chapter 10, Land Use Ordinance

Section 1 Purpose

The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the Town of Bear Creek (the "Town"). The regulations are designed to lessen congestion on the highways; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of the land; to protect the agriculture base of the Town; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objective of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, protecting farming and open spaces, and providing for the most appropriate use of land in the Town.

Section 2 Interpretation

Abrogation and More Restrictive Requirements. It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall apply. To the extent not inconsistent with the provisions of this Chapter, section 236.34 of the Wisconsin Statutes is hereby adopted and incorporated herein by reference.

Repeal of Conflicting Ordinances. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. All other ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Section 3 Definitions

In this Chapter, the following definitions shall apply:

Land Division. Any division of a parcel of land where the act of division creates a new lot of 40 contiguous acres or less but not less than 2 acres including one quarter (1/4) of one quarter (1/4) section parcels as defined by the original Public Land Survey System.

Parcel. A contiguous quantity of land. Contiguity is not broken by a public highway, easement, or body of water.

Certified Survey Map. A survey and map of a land division prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with other applicable provisions of this Chapter and which if approved will be filed with the Sauk County Register of Deeds.

Lot. A parcel of land of 40 acres or less but not less than 2 acres designed to provide the space necessary for one main structure and its accessory structures or uses and that abuts a public highway or by an approved/legal recorded access easement. A lot shall be created by certified survey map as herein provided and shall comply with all requirements of the Sauk County zoning ordinance, this Chapter and the comprehensive plan of the Town whichever is more restrictive. Lot size shall be calculated exclusive of public highway right-of-way or to land subject to an easement belonging to a third party or parties.

Restrictive Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to section 236.293 of the Wisconsin Statutes which constitute a restriction on the use of property for the benefit of the public or property owners.

Section 4 General Provisions

No person shall divide any parcel located within the Town without complying with this Chapter and the following:

- 1) The provisions of chapter 236 and section 82.18 of the Wisconsin Statutes.
- 2) All Town ordinances.
- 3) Applicable provisions of the Sauk County Code of Ordinances.
- 4) All other applicable statutes and administrative rules of the State of Wisconsin.

The provisions of this Chapter shall not apply to the following:

- 1) Transfers of interests in a parcel by will, succession or court order.
- 2) Leases, mortgages and easements.
- 3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created or if the effect of the sale or exchange on existing lots does not reduce their size to less than two acres.

Section 5 Application Procedure

Preliminary Consultation. Prior to filing an application for approval of a certified survey and/or a driveway permit, the applicant shall contact the chairman of the Town Plan Commission to request a meeting for a preliminary consultation with the Town Plan Commission in order to discuss the proposed application. This consultation is intended to inform the applicant of the purpose and objectives of this Chapter, the comprehensive plan components and to otherwise assist the applicant in planning the proposed development.

Submission. Following the preliminary consultation, the applicant shall file 5 copies of the proposed certified survey map and/or proposed driveway permit application with the Town. The certified survey map and/or driveway permit application shall be reviewed and approved, approved with conditions or disapproved by the Town Plan Commission and Town Board pursuant to the following procedures.

Review. The Town Clerk shall promptly schedule a review and public hearing before the Town Plan Commission for the certified survey map and/or driveway permit application. Notice of the review and public hearing shall be listed as an agenda item on the Commission's posted meeting notice. The notice shall include the name of the applicant, the address of the property and the requested action. Following the review and public hearing for the certified survey map and/or driveway permit application, the Plan Commission shall make its recommendation to the Town Board. The recommendation shall be to approve, approve with conditions or reject the proposed certified survey map and/or driveway permit application. The Plan Commission shall state, in writing, any conditions of approval or reasons for rejection.

Upon receipt of the recommendations of the Town Plan Commission, the Town Clerk shall schedule a meeting for review of the proposed certified survey map and/or driveway permit application and recommendation of the Town Plan Commission and

shall give notice of such review by listing it as an agenda item on the Town Board's posted meeting notice. The notice shall include the name of the applicant, the address of the property and the requested action. The Town Board shall approve, approve conditionally or reject the certified survey map and/or driveway permit application and shall state, in writing, any conditions of approval or reasons for rejection.

Failure of the Town Board to act on the proposed certified survey map and/or driveway permit application within 90 days of receiving the recommendation from the Town Plan Commission, or any extension of that period, constitutes an approval of the certified survey map and/or driveway permit application.

Special Meetings. All costs and expenses incidental to any special meeting of the Town Plan Commission under this chapter shall be paid by the applicant. Payment in full shall be made prior to the issuance of any permit.

Section 6 Land Divisions and Density

No parcel in the Town shall be divided except by a certified survey map prepared and approved in accordance with section 236.34 of the Wisconsin Statutes and this Chapter. No parcel shall be divided into more than 3 Lots within a 10 year period.

Section 7 Driveway Specifications

Grade. No land with a grade of 20% or more shall be disturbed in order to construct, establish, improve, modify or re-work a driveway.

Maximum Finished Grade. The maximum finished driveway grade shall not be greater than 12%.

Radius of Curves. Driveway curves shall have an inside radius of no less than 36 feet.

Juncture with Public Highway. The angle between the centerline of the driveway and the centerline of the public highway shall be no less than 70 degrees. The first 12 feet of the driveway shall have a maximum grade of 5 percent. A dip in the driveway sufficient to prevent debris from washing onto the public highway shall be placed just prior to the culvert at the entrance to the public highway.

Visibility from Public Highway. Driveways shall be located so as not to create a safety hazard for vehicles travelling on the public highway or existing or entering the driveway.

Culverts. Each driveway shall have a culvert installed at the ditch line where the driveway meets the public highway unless the Town Driveway Inspector determines that a culvert is not necessary. Culverts shall be installed prior to any construction work being commenced on the lot served by the driveway. All culverts shall be constructed of material acceptable to the Town Driveway Inspector and shall be of sufficient gauge and strength to provide adequate bearing capacity for vehicles expected to use the driveway.

1) ***Minimum Size.*** Culverts shall be a minimum of 30 feet in length and shall be no smaller than 15 inches in diameter in order to meet a minimum 25-year, 24-hour storm standard. Larger culverts may be required by the Town Driveway Inspector where needed to accommodate the water drainage of the area.

2) ***Placement.*** Culverts shall be placed in the ditch line at elevations as set by the Town Driveway Inspector so as to adequately convey water and assure proper drainage.

3) ***Endwalls.*** All culverts shall have flared endwall sections so backfill and cover material will not erode the bottom of the ditch and reduce the capacity of the ditch and culvert.

Driveway Length. All driveways shall be located so as to limit disturbance of prime agricultural soils, woodlands and steep slopes.

Driveway Width. The minimum driveway width for a single residence is 12 feet or for a shared driveway it is 18 feet.

Clear Space and Pull-Off. A clear space 14 feet high and 16 feet wide over and adjoining a driveway shall be maintained at all times for emergency vehicle access. A driveway shall have a 6 foot by 25 foot pull-off lane for every 400 feet of driveway length constructed in the same manner as the driveway proper.

Turnaround. Turnarounds shall be required if recommended by the fire department serving the parcel.

Emergency Service Access Signage. Signage in accordance with all applicable regulations for the use and benefit of emergency service personnel shall be placed at the entrance of a driveway that provides access to a residence or residences.

Driveway Survey. The application for a driveway permit shall include, if required, 5 copies of a survey of any driveway providing access to a Lot or Lots from a public highway or by an approved/legal recorded easement and which survey shall include all of the driveway specifications set forth herein. A survey of a driveway shall not be required if the Town Driveway Inspector finds that a survey is not necessary to insure compliance with the purposes and provisions of this Chapter.

Waiver of Specifications. The Town Board may waive or modify any of the foregoing specifications if a waiver or modification is recommended by the Town Plan Commission. A waiver or modification may be allowed only if both the Town Plan Commission and the Town Board find that a particular driveway specification or specifications are not necessary for the health, safety and general welfare of the principal users of the driveway. Any such waiver or modification shall be in writing signed by the Town Plan Commission and the Town Board. The request for a waiver or modification may be included in the application for a driveway permit.

Section 8 Fees

Certified Survey Map. The initial filing fee for an application for approval of a certified survey map shall be \$50.00. In addition, the applicant shall pay the Town all costs and expenses for any legal, administrative and engineering fees and costs incurred by the Town with respect to the application for approval of the certified survey. A Certified Survey Map will not be deemed approved until all such fees and costs have been paid.

Driveway. The initial filing fee for an application for approval of a driveway shall be \$50.00. In addition, the applicant shall pay the Town all costs and expenses for any legal, administrative and engineering fees and costs incurred by the Town with respect to the application for approval of the certified survey. A driveway permit shall not be deemed issued until all such fees and costs have been paid.

TOWN OF BEAR CREEK
Application for
Certified Survey Map Approval and/or Driveway Permit

CERTIFIED SURVEY MAP APPLICATION

Initial Filing Fee Payable to the Town of Bear Creek: \$_____.

APPLICANT: _____

ADDRESS: _____

LANDOWNER: _____

ADDRESS: _____

APPLICANT PHONE: () _____ LANDOWNER PHONE: () _____

Acreage of Proposed Lot(s) _____

Location: Section _____, Town _____ N, Range _____ E, _____ 1/4 of the _____ 1/4.

Present Use of Land _____

Statement of Intended Use _____

APPLICANT

**TOWN OF BEAR CREEK
DRIVEWAY PERMIT APPLICATION**

Initial Filing fee payable to the Town of Bear Creek: \$ _____

Driveway will provide access to ____ State Highway, ____ County Highway, ____ Town
Highway

Name of Highway _____

Proposed Use of Driveway _____

Length of Driveway _____

Does the Proposed Driveway Utilize an Easement _____

How Many Landowners will use the Driveway _____

If there are multiple users, is there a maintenance agreement between the users. If so,
attach a copy. _____

Will the driveway cross any prime soils _____

Explain what measures will be taken to control erosion _____

How far are the nearest adjacent driveways in each direction _____

Dated this ____ day of _____, _____.

APPLICANT

TOWN OF BEAR CREEK
Driveway Survey

The undersigned Town of Bear Creek Town Driveway Inspector finds that a survey of a proposed driveway, a copy of the application for which is attached hereto, is ____ is not ____ required in order to insure compliance with the purposes and provisions of the Town of Bear Creek Land Division Ordinance.

Dated this ____ day of _____, _____.

TOWN OF BEAR CREEK

Town Driveway Inspector